



PRELIMINARY STATEMENT

Competitive elections, despite inequity in campaigning

Lilongwe, 18 September 2025

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

Summary

During the election campaign, which was peaceful and pluralist, fundamental rights of political participation were respected. Opposition distrust of the Malawi Electoral Commission (MEC) was manifest in court actions, but election preparations were well conducted and polling day proceeded generally smoothly. Campaigning was constrained by limited access to resources, while the absence of campaign finance regulation enabled wealthier candidates to campaign without restriction in that regard. State media provided disproportionate and undue coverage to the Malawi Congress Party (MCP) presidential candidate, incumbent President Dr. Lazarus Chakwera, while public resources were observed to be used by the President and members of Government in their campaigning activities.

Voters elect the president and vice president on a single ticket, in addition to filling vacancies for an increased number of 229 Members of Parliament (MPs) and 509 ward councillors. Women were significantly under-represented among candidates, compared to men. The electoral race between the incumbent president from MCP and former President Professor Peter Mutharika from the Democratic Progressive Party (DPP) was conducted in a competitive environment, amid intense regional loyalties, and political parties with weak internal structures and intra-party democracy.

Voting on election day was peaceful, orderly and transparent. Voters were able to freely express their will, procedures were largely followed, and party representatives were present in all but one polling station observed. The overall conduct of the voting was assessed positively in 99 per cent of the 359 polling stations visited by the EU EOM observers. Counting was less well organised and less transparent, but party representatives received signed copies of the result forms.

Electoral law provides an adequate basis for democratic elections. Reforms in recent years have enhanced the independence of MEC, and improved the conduct of elections. While the appointment mechanism ensures proportional representation of the main political parties in MEC, this was fully effected only a week prior to polling day, with the appointment of the third DPP representative. There was distrust of the MEC chairperson and chief elections officer from the opposition which called for their resignation due to perceived political bias. At regional and district

levels, MEC appeared as largely impartial and competent, and the institution operated transparently, with the exception of information sharing on election technology. Electoral preparations were completed in a timely manner. A notable exception, however, was the detailed tally centre procedures for constituency, district and national levels, which were not published.

Campaign financing is inadequately regulated. Although the Political Parties Act became fully operational with the recent appointment of the Registrar of Political Parties, there are significant lacunae in the law, with no limits in place on either fundraising or expenditure. The Registrar of Political Parties issued a formal warning to the President and the MCP early in the campaign period to refrain from giving cash handouts to teachers, youths, traditional leaders and vendors at State Residences.

New election technology was a major point of public and political contention in 2024 and 2025. Late introduction of biometric voter verification equipment, opaque procurement and unclear purpose of devices and insufficient communication on the overall use of technology by MEC undermined trust and confidence. While MEC asserted that management systems and technical safeguards were in place, little evidence was available of systematic technology management. Two opposition political parties challenged the adoption of new technology, and the MEC refusal of an independent technology audit; the High Court ruled a week before election day that the Commission was within its rights to decide how technology is used in elections, but that the paper process prevails for official results.

The disaggregated final voter registration data published do not appear to indicate systematic suppression of registration in any part of the country. Despite controversies, legal challenges, voter apathy and the opposition's lack of willingness to mobilise for the voter registration process, 7.2 million voters were registered, representing 65.7 per cent of the projected voting-age population. There was an inclusive and well managed candidate nomination process, with a high number of candidates.

Fundamental freedoms were respected during the sixty-day campaign period, largely without political violence. Campaigning was mostly modest, and low in visibility, due to economic constraints. Installation and elevation of traditional leaders, nearly tripling the budget for their annual honoraria, as well as a series of high-profile inaugurations and launches of major public works by incumbent members of Government, blurred the line between official duties and campaign activity.

Journalists generally felt free to operate, but economic reliance on politically affiliated advertisers and payment of allowances by candidates undermined this freedom. The state-owned Malawi Broadcasting Corporation (MBC) did not fulfil its legal obligations of neutrality and balanced coverage, unduly favouring the incumbent President. On the other hand, most private broadcasters and print media strived to balance their coverage, generally enabling voters to make an informed choice. The Malawi Communications Regulatory Authority (MACRA) did not fully enforce the law and uphold Malawians' right to receive information.

Digital campaigning in Malawi was modest, with only 18.4 per cent of the population online and 8.2 per cent active on social media. It was peaceful, with the exception of some individual attacks

against female candidates and proxy outlets engaged in misleading narratives, with most online content focused on general appeals for votes. The MCP was more present in the online narrative, amplified by state-owned and government social media, while opposition parties had less visibility.

Women's right to political participation is legally guaranteed, but their effective participation in elections was a fraction of that of men, unreflective of their percentage in the total population, and far below the goal of gender equality espoused by many. Only one woman contested the presidency and eight the vice presidency, while women's representation among parliamentary and local council candidates has remained static, for local councils, or declined, in the case of parliamentary candidates, compared to the last elections. Socio-cultural barriers and lack of financial resources continue to restrict women's political engagement, despite positive measures such as reduced candidacy fees.

The European Union Election Observation Mission (EU EOM) has been present in Malawi since 2 August 2025 following an invitation from the Malawi Electoral Commission. The Mission is led by Chief Observer Lucia Annunziata, Member of the European Parliament (Italy). In total, the EU EOM deployed 110 observers, from all 27 EU Member States, Canada, Norway and Switzerland, across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Malawi. A delegation of the European Parliament, headed by Mr. Reinhold Lopatka, Member of the European Parliament (Austria), also joined the mission and fully endorses this statement. On election day, observers visited over 350 polling stations in all of the 28 districts of Malawi to observe voting and counting.

This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals. The EU EOM remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, between one and three months of the conclusion of the electoral process. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005.

Preliminary Findings

Background

General elections were held on 16 September 2025, comprising presidential, parliamentary and local government contests, with a possible second round presidential election no later than 23 November. Voters cast their ballots for the president and the vice president on a single ticket, 229 MPs, and 509 ward councillors. The electoral race between incumbent President Lazarus Chakwera of the ruling MCP and his predecessor, former President Peter Mutharika, of the opposition DPP took place against the backdrop of severe economic hardship and acute food insecurity. Significant public discontent over economic management and public sector corruption were reported as key concerns by EOM interlocutors. The political landscape featured a record number of presidential and parliamentary candidates. There was also a record number of independent candidates, many of whom were unsuccessful in political party primaries, a possible indication of poor intra-party democracy. Regional and ethnic loyalties maintained an influence

on voting patterns, with personality-driven party dynamics and minimal ideological differentiation between candidates.

While 17 presidential candidates were successfully nominated, and six political parties were represented in the out-going parliament, the contest was dominated by three political forces: the ruling MCP with primary support in the Central Region, the opposition DPP in coalition with the Alliance for Democracy (AFORD) in the Southern Region, and, at a certain distance from the two first parties, the United Transformation Movement (UTM). Many other candidates were seen to leverage their nominations as a platform to pursue strategic political alliances.

Legal Framework and Electoral System

Electoral law provides an adequate basis for democratic elections

The legal instruments regulating general elections include the Constitution, the Presidential, Parliamentary and Local Government Elections Act, 2023 (PPLGEA), the Political Parties Act, 2018 (PPA), and the Electoral Commission Act, 2023 (ECA). In line with the regional and international treaties applicable to Malawi, they create a comprehensive legal framework, which provides an adequate basis for the conduct of democratic elections. The Constitution guarantees political rights, including the right to vote and to stand for election, freedom of expression, freedom of assembly, freedom of association and a right to campaign for a political party. Malawi has adopted most relevant international and regional legal instruments relating to human rights and democratic governance.

The harmonisation of the electoral laws via the PPLGEA, reflected a recommendation of the EU EOM 2019. Electoral amendments have also enhanced the independence and the powers of MEC, including making the Code of Conduct for Electoral Campaign legally enforceable. Parliament was reconvened on 5 August 2025, in an emergency session, to amend section 74 of the PPLGEA to allow polling staff, candidate and party representatives, and security personnel on duty during polling to vote where stationed, vindicating their right to vote.

Malawi's political system is a multi-party democracy with presidential, parliamentary, and local government elections held every five years. The President, who serves as both Head of State and of Government, is directly elected. Constitutional change since the last election has introduced a two-round system in presidential elections: to be elected in the first round, a candidate must secure more than 50 per cent of valid votes. If no candidate reaches this threshold, a runoff is held between the two leading contenders. National Assembly members (229 seats) are elected in single-member constituencies under the first-past-the-post (FPTP) system. Councillors are, similarly, directly elected through FPTP contests at ward level.

Electoral Administration

Timely preparations but without published tally centre procedures

MEC is composed of a chairperson, a High Court judge, and six commissioners. The commissioners are appointed by the President based on the nominations from the political parties

that secured more than 10 per cent of the national vote in last parliamentary elections. This mechanism ensures proportional representation of the main political parties in the Commission. There are six commissioners, with three commissioners representing each of MCP and DPP.

The pre-election period was marked by deep distrust of the MEC chairperson and chief elections officer (CEO) among opposition political parties and there were repeated calls for their resignation, alleging bias towards the ruling party. A legal challenge to the appointment of the CEO was dismissed on procedural grounds. Nevertheless, there appeared to be a high level of trust towards MEC amongst the general public, and, to date, MEC has not taken any decision that could be perceived as clearly partisan. The MEC at regional and district level was largely impartial and competent, while the institution operated transparently, with the exception of information sharing on the introduction and use of election technology.

Electoral preparations were completed in a timely manner and largely according to the published operational plan. A notable exception, however, was the publication of the detailed polling station procedures, which was rather late, only 29 days before elections. Detailed tally centre procedures, for constituency, district and national levels, were not published at all. This left stakeholders uninformed of the details of this critical part of the process.

Election Technology

MEC introduced election technology, but with little transparency

On election day, biometric voter verification devices (BVVDs) were used to confirm the identity of voters, with alternative methods of identification available if fingerprints could not be captured. They also transmitted a photograph of the results sheet from the polling station to the tallying centre after counting. Election management devices (EMDs), earlier used for voter registration and candidate nomination, transmitted consolidated results electronically from tally centres, in parallel to a paper-based process. MEC procured EMDs and the Election Management System through a restricted international tender in 2024. Consideration of the procurement of the BVVDs appears to have begun only in May and June 2025, with little public information available on decisions and timelines.

MEC owns and operates the technology, including backend infrastructure, and the vendor had very limited engagement with election day operations. There was confusion over the use of EMDs and BVVDs in advance of polling, and limited outreach was undertaken to clarify their role. Electoral stakeholders did not have access to adequate information on procurement, terms of reference, or wider technology management frameworks and policies. MEC refused a request from political parties for an independent technology audit, citing an absence of legal obligation or of proven irregularities. Two opposition parties filed a High Court action against MEC in July, challenging the refusal of the audit and also seeking a legal restraint on the use of technology in the election. The High Court ruled a week before election day that the Commission is within its rights to decide how technology is used in elections, but that the paper process prevails for official results.

Voter Registration

Controversial process with lower-than-expected turnout, but without evidence of systematic suppression

The voter eligibility criteria are overall in line with the principle of universal suffrage. Voter registration has been a controversial part of the election process. Despite legal challenges, voter apathy and the opposition's initial lack of willingness to mobilise for the registration process, MEC registered 7.2 million voters, representing 65.7 per cent of the projected voting-age population, much less than 80.5 per cent rate achieved in 2019. The disaggregated final voter registration data published do not, however, indicate any apparent systematic suppression of registration in any part of the country. There are only small differences in the regional registration rates, and the share of registered voters corresponds to the share of projected eligible population in all three regions.

Registration of Candidates

Inclusive and well managed candidate nomination, but late in the process

The right to stand for election is sufficiently upheld, without unreasonable restrictions. The candidate nomination process was inclusive and well managed by MEC, which approved and published lists of 17 presidential, 1,480 parliamentary and over 3,000 local government candidates. Elections were competitive in nearly all constituencies. The timing of the nomination did not follow a logical sequence within the election process, as the candidates were only approved to contest several weeks after the start of the official campaign. Such uncertainty could deter campaign expenditure in advance of confirmation of candidature. Also, rejected candidates had no time to seek effective legal remedies before ballot papers were printed without their names.

Campaign Environment

Pluralist and largely peaceful campaign, with advantage of incumbency eroding equity

The election campaign was pluralist, but resource-constrained, with limited intensity and visibility due to the economic crisis. Candidates, particularly the opposition, often resorted to mutual personal attacks, moving away from policy-based campaigning and diverting attention from pressing voter concerns such as food security, rising cost of living and road infrastructure. Where campaigns observed by the EU EOM were issue-based, messages prioritised youth and women's empowerment and improved public service delivery.

Candidates campaigned freely in a largely peaceful environment, in contrast to some incidents of political violence reported during the pre-campaign period. Freedoms of assembly, expression and movement were guaranteed, apart from isolated incidents of obstruction of campaigning and of intimidation in the Central and Southern regions. There was good campaign access to the different rival party strongholds, helped by the coordination of rally calendars to reconcile campaign schedules by some District Election Officers and traditional leaders. Traditional Authorities were also reported to be influential community mobilisers and constructive peace mediators. The neutrality of some chiefs was, however, questioned as, in contravention of their legal obligations

of impartiality, they endorsed specific candidates in Kasungu, Mulanje, Mzimba and Machinga. Multiparty Liaison Committees, and some District Peace and Unity Committees were active and contributed to the generally peaceful campaign climate. Security forces did not overstep their functions at the campaign events observed by the EU EOM, nor were there instances of hate speech, inflammatory rhetoric or incitement to violence observed.

Despite the PPLGEA's explicit prohibition of the use of public resources for campaigning, the EU EOM observed the misuse of public resources in 19.5 per cent of observed events (particularly state vehicles and security services), undermining conditions for a level playing field. EU EOM observers reported misuse of state security and transport facilities for campaign purposes by MCP, Odyā Zake Alibe Mlandu, and People's Party leaders. Other contestants were required to privately fund police or private security officers and vehicles for their campaign events.

Mass installation and elevation of traditional leaders during the campaign nearly tripled their annual budget. The timing suggests the use of official functions in reinforcing patronage networks. Inauguration and launching of major public facilities by the incumbent and his running mate weeks ahead of the elections could indicate the advantage of incumbency, serving to obtain unfair benefit during the campaign.

Campaign financing is largely unregulated, with no limits on expenditure or on fundraising, at odds with the transparency obligations under the UN Convention against Corruption, ratified by Malawi. There is an obligation, under the PPA, that donations from an individual of one million MWK (489 EUR), and of two million MWK (979 EUR) from an organisation, must be declared to the Registrar of Political Parties (ORPP). There is no public entitlement of access to such information, while no declarations have been made to the ORPP to date.

Equity in the electoral contest is thus undermined, shifting voter focus from candidates' attributes to their financial inducements, disproportionately benefitting wealthy candidates. Prohibitions on cash and in-kind handouts exist, with enforcement being recently pursued by the ORPP, although prosecutions are difficult as the practice is culturally accepted. Such handouts were reported nationwide and observed by the EU EOM at seven of the 87 campaign events observed.¹ The Registrar of Political Parties issued a formal warning to the President and the MCP early in the campaign period to refrain from giving cash handouts to teachers, youths, traditional leaders and vendors at State Residences.

Media

State broadcaster biased in favour of the incumbent

Journalists generally felt free to operate, but economic reliance on politically affiliated advertisers, with up to 80 per cent of advertising bought by government, and payment of allowances by candidates undermined this freedom. Two isolated incidents saw MCP and DPP supporters physically intimidate and harass media workers. Excluded from the benefit of PPLGEA section 74 amendment, journalists were effectively disenfranchised on election day if reporting distant from

¹ In the districts of Balaka (MCP), Kasungu (PP and MCP), Nkhata Bay (DPP and PP), Zomba (MCP) and Karonga (UTM).

their place of registration. Radio is the primary source of information, although only 42 per cent of households is estimated to own a functional radio.

The state broadcaster Malawi Broadcasting Corporation (MBC) did not fulfil its legal obligations of neutrality and balanced coverage. The President, MCP, and the Government received an undue advantage, with extensive coverage through regular advertisement during news cast, unfair reporting and comments praising the incumbent, while tarnishing opponents. This violated national laws, breached Malawi's international commitments to equal treatment of candidates, and amounted to an abuse of state resources.

Most private national broadcasters and print media strived to balance their coverage, generally enabling the audience to make an informed choice.² The five parties with financial capacities to pay for airtime received most of the coverage: DPP, MCP, PP, UDF, and UTM. There are no legal provisions on labelling paid advertisements, which led to inconsistent practice and blurred the line between editorial and paid content. The EU EOM identified instances of derogatory speech and incitement to violence by politicians and commentators on MBC and ZBS, violating the PPLGEA..

The Malawi Communications Regulatory Authority (MACRA), despite some positive steps, failed to fully enforce the law. Its monitoring revealed violations by several broadcasters, including MBC, yet it neither engaged with them nor imposed sanctions. Instead, accountability was left to the non-binding Election Broadcasts Monitoring Complaints Committee.

Social Media

Online campaigning was modest, while state social media accounts amplified MCP content

Internet access in Malawi is limited, with only 18.4 per cent of the population online and 8.2 per cent active on social media, primarily via Facebook and WhatsApp. Online activity is regulated under the Electronic Transactions and Cyber Security Act, 2016, and the Communications Act, 2016, which grant broad oversight powers MACRA.

The MCP received most amplification of its content from its supporters, while opposition parties and candidates maintained only a modest presence. EU EOM monitoring of social media accounts of media outlets revealed that MBC Digital, the online platform of the state broadcaster, accounted for 42 per cent of outlet posts, nearly 91 per cent of which favoured MCP, while Malawi Government Facebook pages promoted the MCP presidential candidate in 92 per cent of their content. In these cases, distinctions between campaigning, party activities, and the performance of public functions appeared blurred

Despite these trends, digital campaigning was secondary to traditional outreach, with most political actors demonstrating little investment in social media. A majority of campaign content from both political parties and presidential candidates focused on general appeals, such as calls to vote or on broad campaign themes like infrastructure, economic growth, and agriculture, rather than on divisive issues. Disinformation was present but limited, mostly to fabricated materials such as

² In addition to MBC Radio1 and TV1, the EU EOM monitored ZBS Radio and TV, Times Radio and TV, Capital FM and Mibawa TV, from 12 August until 14 September 2025, as well as The Nation and The Daily Times.

forged documents, while online gender-based violence appeared only in isolated hostile comments rather than direct attacks from parties or candidates. Although official pages generally avoided falsehoods, proxy outlets like Malawi Focus Newspaper (pro-MCP) and Malawi Cables Online (pro-DPP) conveyed distorted narratives that risked eroding public trust in the electoral process.

Participation of Women

Women's right to participate is legally guaranteed but limited by financial and socio-cultural barriers

Compared to the 2019 elections, the percentage of women contesting parliamentary seats remains unchanged at 22 per cent of the total. The proportion of female councillor candidates, however, decreased sharply from 24 per cent to 14 per cent. Women's political participation continues to be constrained by financial limitations and socio-cultural barriers. The EU EOM observed very limited participation of women in the campaign events of smaller parties, with a more significant presence of women in the campaign activities of the larger parties, observed at 53 per cent for DPP and 51 per cent for MCP. There was significant political messaging broadly directed towards women.

The Constitution affirms women's right to participate in all areas of society on the basis of equal opportunity and non-discrimination. Only one woman ran for president, and eight for vice president. Despite the requirements of the Gender Equality Act,³³³³ for 60/40 gender representation in public appointments, no electoral quota measures have been introduced to promote greater representation of women in parliament or in local councils. The halving of candidacy fees by MEC had little effect in this regard.

Participation of Persons with Disabilities (PWD)

Despite a favourable legal framework, PWD face significant obstacles to political participation

According to the 2018 census, 11.6 per cent of the population are persons with disabilities (PWD). Despite a favourable legal framework, which places obligations on MEC to provide appropriate voting procedures, materials and facilities, PWD face significant obstacles to accessibility as voters, candidates and supporters. MEC took some practical steps to facilitate participation. As for women, nomination fees for PWD have been halved, with a reported increased participation of PWD in these elections, with 18 parliamentary and 60 local government candidates contesting compared to the total of some 30 in 2019.

Citizen and International Observation

Large number of civil society observers enhanced the transparency of the electoral process

Civil society organisations deployed a large number of election day observers to provide public scrutiny of the polling and counting and thus enhance the transparency of the process. Two domestic observer groups – NICE and Chisankho Watch – together contributing more than 7,000 observers, conducted both long and short-term election observation. The timeline for accreditation

and issue mandatory observer ID cards did not consider the needs of long-term domestic observers who wanted to observe the entire campaign period.

In addition to this EU EOM, the Southern African Development Community (SADC) and the African Union (AU)/Common Market for Eastern and Southern Africa (COMESA) deployed international election observation missions.

Polling and Counting

Orderly and transparent voting, but counting procedures not always followed

After delays in opening, when only seven of the 40 polling stations observed opened on time at 6 am, voting proceeded in a peaceful, orderly and transparent manner, despite frequently lengthy queues. Voters were able to freely express their will, voting procedures were largely followed, and party and candidate representatives were present in all but one polling station observed. The overall conduct of the voting was assessed positively in 99 per cent of the 359 polling stations visited by the EU EOM observers. The main irregularities observed included not checking for traces of ink in 23 per cent, incorrect assisted voting in 20 per cent, and problems with the BVVD hindering voting operations in 11 per cent of polling stations observed. Counting at 38 polling stations observed was less well organised and less transparent, counting procedures were not always followed, but party and candidate representatives received signed copies of the result forms.

Electoral Dispute Resolution

Efforts underway to introduce expedition and expertise to adjudication of electoral disputes

Electoral dispute resolution begins in the High Court, with appeals to the Supreme Court. A constitutional amendment initiated earlier this year proposed to restrict presidential election petitions to the Supreme Court, but was not introduced before this election. While there are procedural rules in place to facilitate expeditious adjudication of election petitions, they have not been respected during previous electoral cycles. While there is widespread respect for the independence of the Judiciary, the legal system is characterised by lengthy delays. The Judiciary Committee on Elections (JCE) has been established to promote expedition and expertise in the handling of electoral disputes. The JCE has expressed the intention to dispose of any post-election petitions speedily, with superior court judges having been recently trained in electoral law and in the legal issues arising from the use of technology in elections.

An electronic version of this Preliminary Statement is available on the mission website (https://www.eeas.europa.eu/eom-malawi-2025_en). For further information, please contact: Emilia Hinkkanen, EU EOM Press Officer, tel.: +265 999 578 619 / +265 890 009 004, emilia.hinkkanen@eueom-malawi2025.eu.