

**ANTI-CORRUPTION AGENCY
STRENGTHENING INITIATIVE
ASSESSMENT OF THE MALDIVES
ANTI-CORRUPTION COMMISSION 2016**



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ABBREVIATIONS

ACA	Anti-Corruption Agencies
ACB	Anti-Corruption Board
ACC	Anti-Corruption Commission of the Maldives
ADB	Asian Development Bank
CPI	Corruption Perception Index
CSO	Civil Society Organisations
DRP	Dhivehi Raiyithunge Party
EC	Elections Commission
GCB	Global Corruption Barometer
GDP	Gross Domestic Product
HIES	Household Income and Expenditure Survey
HRCM	Human Rights Commission of the Maldives
IMF	International Monetary Fund
JSC	Judicial Services Commission
MDP	Maldives Democratic Party
MMPRC	Maldives Marketing and Public Relations Corporation
MOFT	Ministry of Finance and Treasury
MP	Member of Parliament
MVR	Maldivian Rufiyaa
NIC	National Integrity Commission
PGO	Prosecutor General's Office
PPCA	Prohibition and Prevention of Corruption Act
PPM	Progressive Party of the Maldives
SAARC	South Asian Association of Regional Cooperation
TI	Transparency International
TM	Transparency Maldives
UNCAC	United Nations Convention on Corruption
USD	United States Dollars
WB	World Bank



EXECUTIVE SUMMARY

Anti-Corruption Agencies (ACA) can be powerful tools in combatting corruption. When they are independent of the Government and empowered to investigate corruption allegations, they have the potential to hold even the most powerful to account. As such, The United Nations Convention Against Corruption enjoins participant countries to establish independent bodies tasked exclusively with enforcing national anti-corruption efforts.

Though the 2012 Jakarta Principles broadly delineate the principles by which ACAs must abide, there is currently no comprehensive standard tool that can be internationally applied to measure their efficiency. To exploit this area of opportunity Transparency International (TI) has recently launched the **ACA Strengthening (ACA) Initiative**.

The ACA SI assessment tool enquires into seven dimensions: 1) ACA's Legal Independence and Status 2) ACA's Financial and Human Resources 3) ACA's Detection and Investigation Function 4) ACA's Prevention, Education and Outreach Functions 5) ACA's Cooperation with other Organizations 6) ACA's Accountability and Oversight 7) Public Perceptions of the ACA's performance.

Each dimension is composed of relevant and measurable indicators scored high medium or low which are assigned the numerical values of 2, 1 and 0 respectively used to score that dimension. There are 50 indicators in total. Cumulatively they are used to score the overall performance of the ACA.

KEY FINDINGS

The overall score of the Maldives' ACA the Anti-Corruption Commission (ACC) was 58%¹, which falls in the moderate range. Among the indicators: 13 feature in the high (green) category; 26 in the moderate (yellow) category; and 6 in low (red) category. The dimension on public perceptions was not scored as there were an inadequate number of respondents.

The highest scoring dimension was Legal Independence and Status at 79%, followed by Prevention, Education and Outreach at 67%. The ACC scored lowest with regard to cooperation with other organizations partly due to the poor working relationship between the Prosecutor General's Office (PGO) and the ACC. The ACC also scored low on Financial and Human resources due to the instability of government providing funding and the extremely high staff turnover rate. Narrated below are summaries of the findings for each dimension.

LEGAL INDEPENDENCE AND MANDATE

The ACC performed well on this dimension due to a strong legislative framework clearly delineating its mandate and providing it with a wide investigative berth. Furthermore Commissioners are appointed to fixed terms and can only be divested of office by a parliamentary vote on the basis of breaching conduct clearly specified in the ACC Act.

¹ While the actual number of indicators for the assessment is 50, one indicator was omitted for Maldives, due to unavailable or insufficient data.



Nonetheless the mandate of the Commission can be broadened. The overarching anti-corruption legislation, the 'Prevention and Prohibition of Corruption Act 2/2000', neglects to criminalize illicit enrichment, significantly narrowing the scope of corruption related issues that the ACC can investigate.

Questions can be raised regarding the Commission's practical autonomy due to the fact that the President of the ACC was one among several select state officials that were offered luxury apartments by the state below market rate, which he accepted. Several interviewees were of the view that these flats were offered to select state officials holding posts tasked with ensuring the accountability of the state in an effort to compromise their impartiality.

FINANCIAL AND HUMAN RESOURCES

Enquiring into the ACC's financial and human resources yielded important areas of opportunity for improvement. First and foremost the stability of Government provided funding is uncertain – with budget reductions occurring in 2015 and 2016.

The ACC must ensure that the skills of their investigative staff are strengthened particularly with regard to conducting investigating complex financial crimes, and furthermore there is a need to move away from excessive reliance on witness testimony.

It is further important to highlight that the staff retention rate of the ACC is extremely low and the ACC must mitigate this occurrence, either by increasing staff remuneration or by conducting internal surveys of staff to determine how the ACC's work environment can be more appealing.

DETECTION AND INVESTIGATION

Similarly the ACC should take steps to improve its relatively low score on the dimension pertaining to Detection and Investigation.

Improved co-ordination between the ACC and the Prosecutor General Office (PGO) is crucial to ameliorating both the extremely low conviction rate for corruption related cases and, similarly, the number of corruption cases forwarded by the ACC to the PGO which are rejected by the latter. It is furthermore essential that the efficiency of the ACC's investigations be improved. Investigations into high-profile corruption cases, specifically, the MMPRC corruption scandal is widely seen to have become prolonged, which has called into question the efficiency of its investigations.

PREVENTION, EDUCATION AND OUTREACH

The ACC performed relatively well with regard to this dimension on the grounds that it affords a sizeable portion of its budget to prevention and awareness raising activities and is proactive in its efforts to disseminate awareness raising materials. A novel effort by the ACC is the production of a TV drama series illuminating the occurrence of corruption in every-day life. Such efforts can be further strengthened by ensuring that their social media presence reaches a wider audience, in particular the youth.

This dimension could be further improved if the ACC increased undertaking reviews of organizational procedures of other institutions. As the ACC's research function was only recently introduced the ACC has thus far only performed 3 organizational reviews. Finally, expending effort to consult a wider range of stakeholders, in particular with the Private Sector, would profitably benefit the ACC's research efforts.



profitably benefit the ACC's research efforts.

CO-OPERATION AND COORDINATION WITH OTHER AGENCIES

With regard to its co-ordination with other agencies and institutions the ACC scored fairly low. It is urgent that collaboration between the PGO and the ACC be strengthened. This is essential as the ACC cannot execute prosecutions of its own accord and must rely on the PGO for this crucial task. The ACC is also encouraged to strengthen its relationship with the Private Sector. Further the ACC could explore avenues for enhancing their presence in international networks, for instance by participating in the ADB-OECD initiative on Asia Pacific.

ACCOUNTABILITY AND OVERSIGHT OF THE ACC

The ACC scored well on this dimension, chiefly on the strength of the ACC's efforts to keep the public apprised of its activities and outputs through the regular publication of its informative and comprehensive annual reports.

Though the ACC scored adequately with regard to external oversight there is a highly important caveat to note. An oversight body tasked with monitoring independent institutions – the Parliamentary Committee on Independent Institutions - does nominally exist; nonetheless this committee has thus far neglected its responsibility in total. The Commission did not summon the ACC for any type of enquiry or clarification request during the review period and practical oversight of the ACC by an external body is non-existent.

▼ **Table:** Assessment by Summary : Indicators by dimension

INDICATORS	
1. ACC'S LEGAL INDEPENDENCE AND STATUS	<p>Legal independence</p> <p>Mandate</p> <p>Legal powers</p> <p>Appointment of Commissioners</p> <p>Commissioners term of office and removal</p> <p>Operational autonomy and impartiality</p> <p>Government's reliance on ACC to use corruption as a weapon against political opponents</p>
2. ACC'S FINANCIAL AND HUMAN RESOURCES	<p>Average proportion of ACC's budget to total government budget for the past 3 years</p> <p>Sufficiency of ACC's budget for performing its functions</p> <p>Security and stability of ACC's budget during past 3 years</p> <p>ACC personnel's salary and benefits</p> <p>ACC's selection criteria for personnel</p> <p>Expertise of ACC's personnel in corruption prevention and education</p> <p>Training of personnel</p> <p>Stability of personnel</p>
3. ACC'S DETECTION AND INVESTIGATION FUNCTION	<p>Accessibility to corruption complainants/ informants, including public and whistleblowers during the past 3 years</p> <p>Responsiveness to corruption complaints during the past 3 years</p> <p>Willingness to initiate corruption investigations during the past 3 years</p> <p>Average number of cases investigated per year during the past 3 years</p> <p>Efficiency and professionalism of corruption investigations during the past 3 years</p> <p>Average conviction rate of corruption cases investigated over the past 3 years</p> <p>Willingness to investigate influential persons for corruption without fear or favour during the past 3 years</p> <p>Role in restitution, asset recovery, freezing and confiscation during the past 3 years</p> <p>Does the ACA identify gender in compiling corruption complaints and monitoring corruption trends?</p>
4. ACC'S PREVENTION, EDUCATION AND OUTREACH FUNCTIONS	<p>Average proportion of operating expenditure allocated to public outreach and prevention during the past 3 years</p> <p>Corruption prevention initiatives during the past 3 years</p> <p>Number of reviews of organizational procedures, systems & capabilities conducted to prevent corruption during the past 3 years</p> <p>Frequency of including corruption prevention recommendations in ACC's investigation reports during the past 3 years</p> <p>Plan for prevention, education and outreach and its implementation</p> <p>Collaboration with other stakeholders in prevention, education and outreach activities</p> <p>Research and exploration of corruption risks, context and conditions</p> <p>Dissemination of corruption prevention information and use of campaigns</p> <p>Use of its website and social media for disseminating information on corruption prevention</p>

5. ACC'S COOPERATION WITH OTHER ORGANIZATIONS	Government support (e.g. Attorney-General's Office, Director of Public Prosecutions) to ACC for prosecution of corruption cases	Cooperation between ACC and other integrity agencies	Cooperation between ACC and non-governmental organizations including CSOs and private companies	Participation in international networks	Cooperation with ACAs in other countries
6. ACC'S ACCOUNTABILITY AND OVERSIGHT	Information provided in and accessibility of ACC's annual report and website	Oversight mechanisms	Procedure for dealing with complaints against ACC personnel	Outcomes of complaints against ACC or its personnel over the past 3 years	
7. PUBLIC PERCEPTIONS OF THE ACC'S PERFORMANCE	Public confidence that government has given ACC the required powers and resources for curbing corruption	Public confidence in ACC's adherence to due process, impartiality, and fairness in using its powers	Confidence in ACC's adherence to due process, impartiality, and fairness in using its powers, among persons who had direct contact with ACC	Confidence in ACC's dignified and respectful treatment of persons under investigation	Public perception of ACC's effectiveness in corruption control
					Perception of ACC's effectiveness in dealing with complaints among female citizens who had direct contact with ACC
					Perception of ACC's effectiveness in corruption control among persons with direct contact with ACC

▶ **Scoring key:**

HIGH SCORE	Green Score = 2
MODERATE SCORE	Yellow Score = 1
LOW SCORE	Red Score = 0
SCORING NOT POSSIBLE	Grey

On the basis of our research and assessment the following recommendations are proposed to enhance the effectiveness of the ACC:

RECOMMENDATIONS

LEGAL INDEPENDENCE AND STATUS

- Continue working with the Attorney General's Office to push for legal reforms to the PPCA and ACC Act, particularly with regard to:
 - Expanding the definition of corruption to encompass illicit enrichment.
 - Granting the ACC the legal discretion to halt ongoing projects which are suspected of corruption and to issue binding recommendations.
 - Specify in legislation the educational and other qualifications required of a Commission Member.
-

FINANCIAL AND HUMAN RESOURCES

- Build capacity of all investigate staff through intensive and professional trainings. Training staff to investigate financial crimes should be accorded particularly urgent priority.
 - Undertake staff satisfaction surveys to enquire into the reasons for high turnover and to generate solutions accordingly.
 - The Government and Parliament must ensure the budgetary stability of the ACC by not suddenly withholding funding and must ensure that the ACC is adequately resourced to carry out their mandate.
-

DETECTION AND INVESTIGATION FUNCTIONS

- ACC's overall investigative function need to be strengthened by training staff to enquire into complex financial crimes and by ensuring stronger documentary evidence collection to complement witness testimonies.
 - If there are lengthy delays with regard to their inquiries into high profile corruption cases, the ACC must justify this and be proactive and regular in keeping the public informed of the progress of their investigations, so that questions are not raised about their efficiency.
 - Ensure that awareness messages on how to report corruption complaints to the ACC are targeted to all segments of the population, including skilled and less-skilled expatriates.
-

PREVENTION, EDUCATION AND OUTREACH FUNCTIONS

- The ACC should increase the number of reviews regarding organizational procedures.
- Present their social media initiatives in a manner more appealing to youth. This could potentially increase the reach of their awareness messaging in consideration of the Maldives' relatively young population.
- Consult a wider range of stakeholders in research efforts, including the general public, the private sector, associations and external bodies



COOPERATION WITH ORGANISATIONS

- Increased collaboration and correspondence with the PGO is urgently needed. This further entails arranging regular opportunities for the ACC investigative staff to attend court hearings and trials.

ACCOUNTABILITY AND OVERSIGHT

- Active involvement of the Parliamentary Committee on Independent Institutions is needed with regards to evaluating the ACC's performance and in assisting with challenges faced by the ACC.



INTRODUCTION

Independent institutions specialized in detecting, investigating and preventing corruption, that are granted sufficient resources at their disposal to effectively perform these tasks are essential in combatting corruption. In accord with this, the first international legal framework for anti-corruption - the UN Convention against Corruption (UNCAC) - prescribes the existence of independent bodies established through national legal systems to enforce, implement and promote anti-corruption policies and principles. Furthermore the 2012 Jakarta Principles, developed in consultation with ACA heads, practitioners and experts from around the world, represent a widely respected set of guiding principles according to which ACAs should conduct themselves.

Despite this, a comprehensive and standardized tool for evaluating ACAs and thus illuminating areas in which they can be improved has been wanting. In response to this in 2015 Transparency International (TI) developed an initiative aimed at strengthening the ACAs and commenced its use with selected countries in the Asia Pacific Region.

The *'Anti-Corruption Agencies Strengthening Initiative'* proposes a biennial assessment of ACAs, using an analytical tool, to be followed by sustained engagement, dialogue and advocacy at both national and regional levels. The assessment tool was developed between 2013 and 2015 through a collaborative dialogue between TI, interested staff from ACAs in the Asia Pacific region and a group of experts convened by TI. TI initially applied this tool in 2015 to conduct an assessment of the Anti-Corruption Commission of Bhutan. Since then four countries have completed assessments.

Between August and December 2016, Transparency Maldives (TM) carried out the assessment of the Anti-Corruption Commission of the Maldives (ACC), using the same tool. This assessment was conducted with the support of the ACC and with the objective of providing the ACC and the Government of Maldives (GOM) up-to-date and practical information regarding the performance of the ACC and particular areas in need of improvement.

The review period for this assessment is 2014 to 2016 (two years). It is hoped that this report can serve as a useful guide for both the ACC and other relevant stakeholders to strengthen and expand their efforts for anti-corruption in the Maldives.

ABOUT THE ASSESSMENT

TM carried out the assessment of the ACC between August 2016 and November 2016. The research was led by independent consultant, Aminath Haifa Naeem and comprised of a desk review of relevant laws, regulations, reports and media briefings, followed by 35 interviews and 3 Focus Group Discussions with key stakeholders, primarily within government and also with non-State actors. The fieldwork took place between August and September 2016. A draft report outlining key findings and recommendations was presented for review to the ACC in October 2016 for accuracy and completeness. Furthermore the draft report was presented to External Stakeholders for feedback in November 2016.

The assessment tool is designed to capture the internal and external factors that affect the ACC in addition to gauging the ACC's reputation amongst the general public. With this in mind, a comprehensive indicator framework - made up of a total of 50 indicators (see Table 1) - has been developed in consultation with experts (see Annex 1 for more information on the development of the tool by TI).

These indicators were formulated to develop a broad platform to assess the capacity and effectiveness of the ACC and to identify gaps and areas of opportunity. The indicators fall under seven broad dimensions of analysis, which are listed in the table below.

▼ **Table 1:** Dimensions of Assessment

DIMENSIONS OF ASSESSMENT	NUMBER OF INDICATORS
1. ACA's Legal Independence and Status	7
2. ACA's Financial and Human Resources	9
3. ACA's Detection and Investigation Function	9
4. ACA's Prevention, Education and Outreach Functions	9
5. ACA's Cooperation with other Organizations	5
6. ACA's Accountability and Oversight	4
7. Public Perceptions of the ACA's Performance	7
Total	50

Each indicator has three possible scores – high, moderate and low – and three defined levels of value for each indicator, depending on the condition assessed. To score each indicator, the research team identified the specific source of information, where necessary, from the ACC's legal basis of support and reports, and further substantiated each score with in-depth interviews with the ACC's staff and management, as well as through interviews with other government agencies, branches of government, media and civil society organizations.

This report is divided into four sections. Section 1 outlines the context with regards to the economic, social and political characteristics of the Maldives, as well as its perceived level of corruption. Section 2 explores the legal and institutional conditions in which the ACC operates. Section 3 presents key findings and a detailed assessment of each indicator, with comments on key issues and specific gaps that have been identified. Section 4 presents the conclusions of the assessment and Transparency Maldives' recommendations for strengthening the ACC based on the findings.

Due to the fact that only 24 respondents contributed to the Public Perceptions dimension the research team opted not to score this dimension.



1. MALDIVES POLICY CONTEXT AND PERCEPTIONS OF CORRUPTION

ECONOMY

The Maldives is an upper middle- income economy with the real Gross Domestic Product (GDP) per capita standing at United States Dollars (USD) 4,427.9 in 2015. Despite its high GDP per capita, Maldives is noted to be economically very vulnerable,² given its very open economy and natural physical vulnerabilities. For instance, in 2015, poor economic conditions in major tourism source countries, such as China and Russia, directly impacted the tourism sector of the Maldives. Political tensions in the country in recent years have also seen an impact on tourism arrivals.³ Furthermore, declining prices and low demand in the international tuna market impacted the fishing industry, which was already seeing a fall in fish catch since 2013. As a result, real GDP growth slowed in 2015 to 1.5%, after a growth of 6.5% in 2014 and 4.7% in 2013.⁴ This fall in imports has also contributed to the widening of the current account deficit to 9% of GDP in 2015 and is expected to grow further in 2016.⁵

The most recent census conducted in 2014 reported that the national population of the Maldives is just over 344,000 ⁶, while the total population including expatriates was estimated at 466,472 for mid-2015.⁷ The Maldives consists of 1190 coral islands, formed as part of 26 natural atolls. Of this 199 islands are inhabited. These islands are spread over an area of 90,000 square km ⁸, making transportation costly. This is exacerbated by the small-sized communities in outer islands, posing challenges to expanding the private sector outside of the capital and achieving economies of scale in service provision. All recent government have attempted to address this by either relocating entire communities, developing transport systems to increase connectivity and reduce isolation, or by encouraging families to move and consolidate on larger islands.

Maldives is ranked 128th on the Doing Business Ranking by the World Bank in 2016, falling by three places from 125 in 2015. Amongst the 10 indicators in this ranking, 'Dealing with construction permits' scored the worst, as did 'Getting Credit'. While the Doing Business ranking may be impacted if more countries are added to the list, the Distance to Frontier (DtF) ranking can be used to compare countries across time. The

2 Monitoring of Graduated Countries from the Category of the Least Developed Countries, Maldives 2012, paper for UN Committee for Development Policy. Available at: http://www.un.org/en/development/desa/policy/cdp/lcd_documents/maldives_monitoring_report_2012.pdf (Accessed 28 August 2016)

3 Such as cancellation of bookings following the declaration of state of emergency by government on 4 November 2015. Source: Annual Report 2015, Maldives Monetary Authority, page 18.

4 Annual Report 2015, Maldives Monetary Authority, Page 186

5 Annual Report 2015, Maldives Monetary Authority, page 84

6 Statistical Release I: Population and Households. Available at: <http://statisticsmaldives.gov.mv/population-and-households/> (Accessed 28 August 2016)

7 Including both expatriates and locals. Source: Annual Report 2015, Maldives Monetary Authority, page 186

8 Systemic Diagnostic Country Report for Maldives, World Bank, 2015, page 21

DtF ranking also shows a decline for Maldives in the past five years from 66.52 in 2012 to 55.04 in 2016.^{9,10} The Index of Economic Freedom, developed by the Heritage Foundation and the Wall Street Journal, ranked Maldives as number 132 out of 186 countries with an overall score of 53.9. It found the status of economic freedom of the country to be 'mostly unfree', although improving since 2013.¹¹

An Asian Development Bank assessment of the Maldives in 2015, noted that 'change in government and perception of irregularities, including mismanagement of resources and corruption, have led to policy uncertainty which reduced investor confidence in the country.'¹²

▼ **Table 2:** Policy Context of Maldives

DIMENSION	DATA	SOURCE OF DATA, YEAR
Area of country	298 sq.km.	
Land Area	90,000 sq.km.	Census 2014
Population (local)	344,023	Census 2014, DOIE 2014
Expatriate Population	60,000 – 120,000	
Type of Government	Presidential Republic	Worldwide Governance Indicators 2014, World Bank, www.data-bank.worldbank.org
Control of corruption	-0.11 (55th percentile)	
Voice and Accountability	-0.33 (37th percentile)	(indicators are scored from -2.5 to +2.5, where the higher number indicate better governance, percentile indicates the percent of countries below Maldives, for example 55% of countries scored worse than Maldives in the control of corruption indicator)
Political Stability	0.90 (79th percentile)	
Government effectiveness	-0.37 (42nd percentile)	
Rule of Law	-0.49 (36th percentile)	
Regulatory Quality	-0.36 (40th percentile)	

POLITICS

Following the Maldives official conversion to Islam in the 12th century the country's typical form of Government remained a Sultanate. The 20th century witnessed two brief and unsuccessful experiments in Republicanism prior to the Sultanate's final abolishment in 1968. Under first Ibrahim Nasir, and then Maumoon Abdul Qayoom, an autocratic executive characterized the country's political regime.

A reform movement centred around advocating for democratic reform gathered strength in the early 21st century and culminated in the inauguration of the 2008 Constitution, which defines the Maldives as a Presidential Democracy and established separation of powers between the executive, legislative and

9 This measure shows the distance of each economy to the "frontier," which represents the best performance observed on each of the indicators across all economies in the Doing Business sample since 2005. An economy's distance to frontier is reflected on a scale from 0 to 100, where 0 represents the lowest performance and 100 represents the frontier. Source: <http://www.doingbusiness.org/Custom-Query/maldives>, World Bank. (Accessed 29 August 2016)

10 Maldives is not included in the Global Competitiveness Index.

11 2016 Index of Economic Freedom, Maldives. Available at: <http://www.heritage.org/index/country/maldives> This index looks at 10 factors, which are grouped into rule of law, limited government, regulatory efficiency, and open markets.

12 Maldives: Overcoming the Challenges of a Small Island State: Country Diagnostic Study. Asian Development Bank, 2015, page 50



judicial branches of government. In the same year Maldives held its first multi-party democratic elections, ushering in a new President, Mohamed Nasheed, ending almost 30 years of rule by President Maumoon Abdul Qayoom.

The Maldives has experienced much of the tumult and uncertainty that often accompanies nascent democracies and the political atmosphere remains deeply polarized.

Key events that have occurred since the transition to the 2008 Constitution include Nasheed's resignation from the Presidency under contentious circumstances in February 2012; repeated undue judicial interference in the country's political affairs, including in the 2013 presidential election cycle, which the current President, Yamin Abdul Qayoom, won; the arrest of key opposition figures under dubious charges under the present administration; and several abrupt changes to the Vice Presidency. Former Vice President Ahmed Adheeb is currently in prison following his conviction for several charges, including the possession of firearms and for the attempted assassination of President Yamin.

There has been also been a rapid passage of Government sponsored legislation that arguably restricts several of the freedoms enshrined in the constitution: this includes the recriminalisation of defamation and a broadly defined Terrorism Act that severely restricts freedom of speech and several limitations on freedom of assembly.

Press freedoms have also come under threat in recent years, with press freedom in the decline the past several years.¹³ Threats to journalists is on the rise too, the most salient example of this is the disappearance of journalist Ahmed Rilwan under mysterious circumstances in August 2014.

The term 'grand corruption' has also recently come to prominently feature in the country's political discourse. An audit report of the Maldives Marketing and Public Relations Co-operation (MMPRC) in 2014 indicated that several senior government figures including, allegedly, former Vice-President Adheeb were complicit in the embezzlement of funds worth several million US dollars.

A strengthened and active role by independent institutions is more crucial than ever to ensure that the values of impartiality and accountability are not lost in the political turmoil that the country is currently embroiled in.

SOCIETY

The Human Development Index (HDI) for 2014 – which measures life expectancy, years of schooling and Gross National Income (GNI) per capita – ranked the Maldives 104th out of 188 countries, with an overall score of 0.706. The country has seen a steady improvement in this index, from 0.603 in 2000.¹⁴

While the country grew from one of the poorest countries in the world to a middle-income country within 30 years and driven by the tourism industry, the linkages between resorts and local communities are limited. Sparse career opportunities in the atolls coupled with limited education opportunities have created a trend of steady migration to the capital. Mass migration to the physically restricted capital island, has made it one of the most congested cities in the world with a density of 53,700 people per square kilometre.¹⁵

¹³ <https://rsf.org/en/maldives>

¹⁴ Human Development Index, UNDP. Available at: <http://hdr.undp.org/en/countries/profiles/MDV>, (Accessed 11 September 2016)

¹⁵ Systemic Diagnostic Report for Maldives, 2015, World Bank, page 9



The country has seen a surge of expatriate workers, while local unemployment has increased. For instance, of the 28,000 jobs created in 2014 in the tourism sector, only 40% were filled by Maldivians.¹⁶ Precise statistics of the exact number of expatriates are not available. The National Census of 2014 enumerated 59,813 foreigners employed in the country, compared to 145,757 employed Maldivians.¹⁷ However according to the Department of Immigration and Emigration, the total number of expatriates had reached 120,000 in 2014 with estimate of undocumented workers standing at around 30,000.¹⁸ Two years later the Department placed the estimate at 40,000.¹⁹

A number of these undocumented workers are victims of fraudulent recruitment agents who lure new workers to the Maldives with the promises of non-existent jobs.²⁰ The US State department ranked Maldives on Tier 2 Watch-list of its Trafficking in Persons report.²¹ It also noted the alleged involvement of government officials in fraudulent recruiting practices which can lead to human trafficking.²²

According to World Bank figures for Maldives, unemployment in the 15-24 age group was 25 percent, more than double the unemployment rate of the total workforce (11.8%).²³ While a portion of these are still school-aged children or those pursuing higher secondary or tertiary education, unemployment of the youth is often associated with social ills such as drug abuse and gang-related violence.²⁴

A 2011 International Monetary Fund (IMF) report on Anti-Money Laundering in the Maldives found anecdotal evidence that corruption and trafficking in illegal drugs produce significant amounts of illegal funds. The report also found that the current legal framework does not address these issues sufficiently.²⁵

LEVELS OF CORRUPTION

The 2012 Annual Report of the ACC noted that a nationwide public survey on levels or perception of corruption has not been conducted by the ACC to date, due to lack of adequate financial resources. However, it noted that audit reports and other indicators can be used to gauge the level of corruption in the country, and that the indicative level is of concern to the Commission.²⁶

16 Systemic Diagnostic Report for Maldives, 2015, World Bank, page 100

17 Employment Leaflet. Available at: <http://statisticsmaldives.gov.mv/nbs/wp-content/uploads/2016/02/Employment-Leaflet.pdf> (Accessed 12 September 2016)

18 'Nearly 8,000 expats repatriated, says Defence Minsiter' November 16, 2014, Sun Online. Available at: <http://english.sun.mv/26090> (Accessed 12 September 2016)

19 'Illegal expatriate workers cost RF130million annual loss to Maldives' news article by Department of Immigration and Emigration, Maldives, June 27 2016. Available at: http://www.immigration.gov.mv/index.php?option=com_content&view=article&id=240:illegal-expatriate-workers-cost-rf130-million-annual-loss-to-maldives&catid=56:news-in-english (Accessed 12 September 2016)

20 'Corruption and the plight of migrant workers' Transparency Maldives, 1 May 2014, Available at: <http://transparency.mv/2014/05/corruption-and-the-plight-of-migrant-workers/> (Accessed 12 September 2016)

21 Tier Placements, Available at: <http://www.state.gov/j/tip/rls/tiprpt/2016/258696.htm> (Accessed 12 September 2016)

22 See for example "2014 Trafficking in Persons Report" US State Department. Available at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226771.htm> (Accessed 12 September 2016), 'Migrant workers' voice: illegal and silenced in the Maldives' 1 April 2015. Available at: <http://apmigration.ilo.org/news/migrant-workers2019-voice-illegal-and-silenced-in-the-maldives> (Accessed 12 September 2016)

23 See Systemic Diagnostic Report for Maldives 2015, World Bank, page 50 and also youth unemployment data for 2016 for all countries using ILO definition. Available at: <http://data.worldbank.org/indicator/SL.UEM.1524.ZS> (Accessed 12 September 2016)

24 See for example Systemic Diagnostic Report for Maldives, 2015, World Bank, page 52

25 'Maldives; Detailed Assessment Report on Anti-money laundering and Combating the Finance of Terrorism', IMF, January 2012, Page 10

26 Annual Report of the Anti-Corruption Commission 2012 page 22

Maldives acceded to the United Nations Convention against Corruption (UNCAC) on 22 March 2007.

The most recent CPI that Maldives was included was in 2016, in which Maldives scored 36 (on a scale of 1-100, with 100 being very clean and 0 designated as fully corrupt corrupt), with a ranking of 95 out of 176 (where the best scoring country is ranked first).²⁷ The table below shows the Maldives ranking in comparison with other SAARC countries.

▼ **Table 3:** CPI indexes for SAARC countries

COUNTRY	2012	2013	2014	2015	2016
Afghanistan	8	8	12	11	15
Bangladesh	26	27	25	25	26
Bhutan	63	63	65	65	65
India	36	36	38	38	40
Maldives	n/a	n/a	n/a	n/a	36
Nepal	27	31	29	27	29
Pakistan	27	28	29	30	32
Sri Lanka	40	37	38	37	36

Source: *Transparency International CPI 2016*

The GCB survey of 2013, conducted by TI, shows a continuation of this bleak outlook for the Maldives. Of the people surveyed, 83% felt that corruption had increased over the previous two years and 97% felt that corruption is a serious issue in the public sector.²⁸ The Worldwide Governance Indicators, produced by World Bank, reports that for the Control of Corruption indicator, Maldives has improved in ranking against other countries in the index since 2008 (from 18.9 in 2008 to 54.8 in 2014, where higher numbers show a better ranking), although the overall score for the country is still low at -0.11 in 2014.²⁹ Maldives was not included in the 2015-2016 Global Competitiveness Index.

According to research done by TI in 2011, fewer Maldivians reported that they had to pay a bribe in the previous 12 months, and more respondents were willing to report corruption to authorities, compared with countries in South Asia.³⁰ While only 13% reported to be asked to pay a bribe in the previous 12 months during the GCB survey, 65% of the respondents from Maldives believed that personal contacts were

27 Corruption Perceptions Index 2016, Transparency International, Available at: http://www.transparency.org/news/feature/corruption_perceptions_index_2016 (Accessed February 1st 2016)

28 Maldives Corruption Barometer Survey 2013 Infographic, Available at: <http://transparency.mv/files/download/07f5bee10f7192d32d85eac83af8cd68.pdf> (Accessed 11 September 2016)

29 Scores are given within a range of -2.5 to +2.5 where higher numbers indicate a better governance. Worldwide Governance Indicators, World Bank. Available at: <http://databank.worldbank.org/data/reports.aspx?source=Worldwide-Governance-Indicators#> (Accessed 11 September 2016)

30 Daily Lives and Corruption; Public Opinion in South Asia', Transparency International, 2011, page 10 and page 18



important to get things done,³¹ which is close to the global percentage of 64%.³² However, 89% claimed that they would report an incident of corruption while two thirds of those who said that they would not report, said it was because they did not think it would make a difference.

Three different public surveys were conducted in 2011,³³ 2013,³⁴ and 2014,³⁵ to gauge various institutions in their level of perceived corruptness. In all three of these surveys, respondents reported that they placed the least trust in the Parliament, followed by political parties.

A study by the International Foundation for Electoral Systems (IFES) conducted during the March 2014 Parliamentary Elections, concluded that vote-buying was a serious problem in the Maldives, at alarming proportions. The study found that one in three Maldivians were offered bribes or personally witnessed someone else being offered bribes. 82% of those who were offered a bribe, said they were offered cash with 53% being offered a value between USD 262 and USD 1,309.³⁶ A pre-Presidential election assessment conducted by TM in 2013 also found that vote buying was a serious issue and that there were groups of people who were particularly vulnerable, such as victims of drug abuse and those who are financially struggling.³⁷

31 Maldives Corruption Barometer Survey 2013 Infographic. Available at: <http://transparency.mv/files/download/07f5bee10f7192d32d85eac83af8cd68.pdf> (Accessed 11 September 2016)

32 Global Corruption Barometer Report 2013, Transparency Maldives, page 14. Available at: <https://www.transparency.org/gcb2013/report/> (Accessed 11 September 2016)

33 Corruption Perceptions Index 2011, Transparency International

34 'Daily Lives and Corruption; Public Opinion in South Asia' 2011, Transparency International, page 8. Available at: https://www.transparency.org/whatwedo/publication/daily_lives_and_corruption_public_opinion_in_south_asia (Accessed 11 September 2016)

35 Democracy Survey 2014, Transparency Maldives, 2014

36 'Money and Elections in the Maldives: Perceptions and Reality' IFES, November 2014, page 2

37 "Pre-Election assessment" 2013 Presidential Elections In the Maldives, Transparency Maldives, 28 March 2013. Available at: http://transparency.mv/wp-content/uploads/2013/03/tm_pre_election_assessment.pdf (Accessed 13 September 2016)



2. INSTITUTIONAL BACKGROUND AND PROFILE OF ACC

The Anti-Corruption Commission (ACC) is an independent legal entity, established on 16 October 2008 by Constitutional decree. Though replacing a previous iteration – the Anti-Corruption Board (ACB), which had been established under Presidential decree in April 1991 - the Commission commenced with the on-going investigations and pending complaints received by the ACB.

The ACC is independent of the government and is made accountable through the Parliament. The Parliamentary Committee on Independent Institutions is mandated to oversee the work of the ACC and other independent institutions. The ACC is therefore not subject to executive bodies but the courts do have a right to determine the constitutionality or legality of any actions of ACC under question. The ACC Act states the Code of Conduct for the Commission Members but not the staff of the Commission. A detailed Code of Conduct for its staff was developed separately by the ACC.

LEGAL FRAMEWORK

The overarching Anti-Corruption Legislation in the Maldives is the Prevention and Prohibition of Corruption Act (PPCA), which was passed in 2000. The Constitution lays out the key features and responsibilities of the ACC, which is given more expansive detail in the Anti-Corruption Commission Act 13/2008, ratified in September 2008.

Various amendments to both the ACC Act and the PPCA have been forwarded by both ACC and external bodies which have not yet been accepted by the Parliament.³⁸ One such issue area of reform for consideration put forward by the ACC is a wider definition of corruption in the legal framework. The PPCA currently encompasses bribery, government employees taking undue advantage, accepting gifts from a party who has requested government services, business dealings of certain position holders with foreigners who request something from the government and assigning work or procuring or using government property for personal gain. However Illicit enrichment is also not criminalised and the Parliament rejected the amendment put forward by ACC for its inclusion.³⁹

JURISDICTION AND RESPONSIBILITIES

The main functions of the ACC are laid out in Article 21 of the ACC Act and include investigation and prevention of corruption. The Law specifically states that the ACC should inquire into all allegations of corruption. It also gives the ACC the responsibility to recommend further inquiries or investigation and to recommend prosecution of alleged offenses where warranted. In addition, the ACC is required to carry out research on prevention and submit recommendations for improvements to relevant authorities. The Act

38 Proposed amendments to Anti-Corruption Commission Act forwarded to Attorney General's Office. Available at: <http://acc.gov.mv/en/2016/07/proposed-amendments-to-anti-corruption-commission-act-forwarded-to-attorney-generals-office/> (Accessed 11 September 2016) and also information provided by ACC for research purposes

39 Country Review Report of Maldives for the Review Cycle 2010-2015 of Implementations of Articles 15-42 of Chapter 3 and Articles 44-50 of Chapter 4 of United National Convention Against Corruption, page 4-5



also tasks the ACC with promoting integrity and honesty in State affairs and promote public awareness about corruption.

The jurisdiction of the ACC extends to all institutions and employees of the state, including the executive, legislative and judicial branches, government companies, public companies with government shares, associations and political parties funded by the state. Non-profit organisations and associations operating without the objective of a commercial benefit are also included; irrespective of whether they receive State funding. Foreigners who are involved in an on-going investigation of the commission are also included. It does not however, investigate the private sector unless there is an involvement of a State institution or official.

The ACC does not have prosecutorial powers under any circumstance and they must forward investigations to the Prosecutor General's Office (PGO) for initiating and conducting all court proceedings. Therefore, the ACC forwards cases for prosecution to the PGO, if it believes that there is ground for conviction. The PGO has absolute discretion to determine if and when to prosecute⁴⁰ and is accountable to the Parliament. The Attorney General is mandated to provide general policy directives to the Prosecutor General in carrying out his functions and duties.

FINANCIAL RESOURCES

The Law does not prescribe a specific amount or proportion of the budget to be allocated to the ACC. However, the ACC Act states that the government must provide funds from its annual budget, to be determined in consultation with ACC. The law allows ACC to accept funds from foreign persons, foreign organisations and other governments for the sole purpose of achieving the mandate and objectives of ACC, and in-kind assistance has been received such as sponsorship for short-term trainings abroad.

The average annual allocation to the ACC from the State budget (after any deductions throughout the year) was roughly MVR 28.56 million (USD 1.85 million). The ACC operated primarily on State funding during the period under review, although some donations were received in each of the review years. For instance, in 2015, the ACC raised MVR 427,368 (USD 27,715) as income⁴¹ and also received MVR 416,685 (USD 27,022) in donations. During the period under review in this report, the ACC was granted an average of 82% of the budget it requested from the State.

These funds are allocated without interference to investigation activities, awareness, capacity building and prevention in accordance with ACC's activities identified through its own planning process. MOFT or Parliament would only set the ceiling amount for the institution.⁴²

Annual Reports for 2013, 2014 and 2015 all note that budgetary constraints are a challenge for the ACC. The 2013 Annual Report noted that the Commission was not able to fill its additional staff requirement due to budgetary constraints. Planned capacity building activities were also hindered. In, 2013, out of the 29 trips that were initially planned for investigation purposes, funds were allocated for only for 11 trips and no funds were allocated for travels for prevention and awareness purposes.

40 Article 7:223 of the Constitution (2008)

41 This is more a savings on expenses rather than an income generated

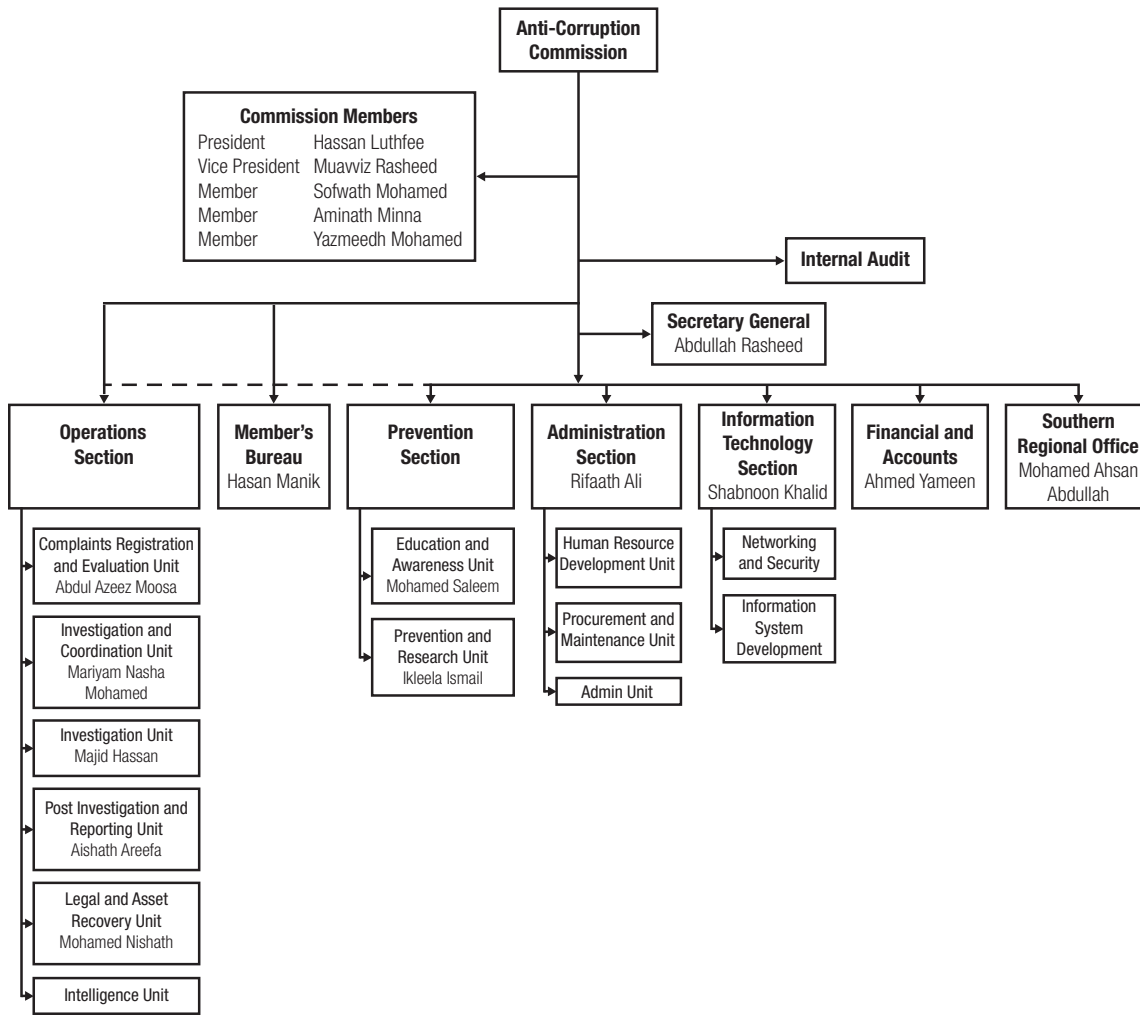
42 Interviews with Secretary General of ACC and ACC Commission Members

HUMAN RESOURCES

The number of staff at ACC grew from 61 at the beginning of the review period in 2013 to 102 staff by the end of 2015. Of this, four staff were based in the Southern office of ACC, which was the first office of ACC outside of the capital, which was established in December 2015.⁴³ A Secretary General is appointed by the Commission to oversee the day-to-day functions of the ACC. Hiring and dismissal of employees are carried out by the institution directly but the number of staff overall is subject to the budget it receives (both for reasons of salary and physical space requirement for staff). The turnover rate of the ACC is high at 25% in 2014, 14% in 2015 and 14% in the first six months of 2016. Turnover is reported to be the highest in the investigation department.

STRUCTURE

The structure of ACC was modified and came into effect on 1 June 2015. Previously divided into four sections, the new structure divided the organisation into seven sections, as per the chart in figure below.



43 Audit Office, ACC's south-regional offices opened" 1st December 2015, VNEWS. Available at: <http://vnews.mv/54861> (Accessed 13 September 2016)



One of the most significant changes brought to the structure in 2015 was the renaming of the Education and Research Section as Prevention Section, which was further divided into two units: Education and Awareness Unit and Prevention and Research Unit. It was envisioned that this would enable more research to be carried out by a dedicated research unit, whereas previously, the bulk of this section's work was taken up by awareness activities.

The second major change was the addition of 3 new units to the Operations Section: the Complaints Registration and Evaluation Unit, the Investigation Coordination Unit and the Post Investigations and Reporting Unit. This allowed the investigative officers to focus more on the investigations, while having support units to process complaints and post investigation communications. This also made more efficient use of the Commission Members' time as all complaints are now evaluated and additional information collected to a degree before being presented to members for a decision. The Legal Unit is a vital addition to the Commission, as it provides legal counsel to the Commission and where needed, identify and draft legislation required for the ACC to function efficiently. Currently, the Unit is also reviewing the backlog of cases sent back by the PGO without prosecution. The Legal Unit also provides legal counsel to the Prevention Section through review of legislature to recommend preventative measures.

The ACC has offices in the capital and in one other location: the Southern Regional Office in Addu City, which was opened on 1st December 2015 and is currently staffed with five personnel, three of which are investigation officers.

Intra-section work or work that is required to be done by a panel of staff, is often done by forming temporary or permanent committees. One such temporary committee was formed to work on the National Integrity Plan. There are however five permanent committees of the ACC, which are the Human Resource Development Committee, a Performance Appraisal Committee, a Sexual Harassment Committee, Agency Tender Committee and a Review Committee regarding the Right to Information Acts's Clause 42 which mandates State organizations to submit annual reports to the Information Commissioner's Office.⁴⁴ The latter three committees are formed under legal obligations in respective laws and regulations. The first committee was formed under Sexual Abuse and Harassment Act 16/2014 and the second formed as required under the Amendment to the Public Finance Regulations. The final committee was formed under the Right to Information Act 1/2014 to review any complaints or queries for information by the general public.

COMPLAINTS AND INVESTIGATIONS

The ACC receives complaints or allegations of corruption via phone, letter, email, corruption complaints form, an on-line form or in person. All complaints are now scrutinized by the Complaints Registration and Evaluation Unit and additional information is sought if necessary. After this process, the complaints are submitted to the members, where one of four actions are taken: disregard; sent for more clarification; submitted to another more relevant agency; or commencement of investigation.⁴⁵

Cases may be disregarded for reasons such as the crime not being clearly reported or known to the complainant, anonymous calls with not enough information to proceed with, or the complaint not falling within the ACC's mandate.⁴⁶ During 2014- July 2016, 17% of the complaints received were disregarded for these reasons.

⁴⁴ Annual report of the Anti Corruption Commission (2015), Page 8

⁴⁵ Information from ACC website, www.acc.gov.mv (Accessed 22 September 2016)

⁴⁶ Meeting with Secretary General of the ACC, 22 September 2016

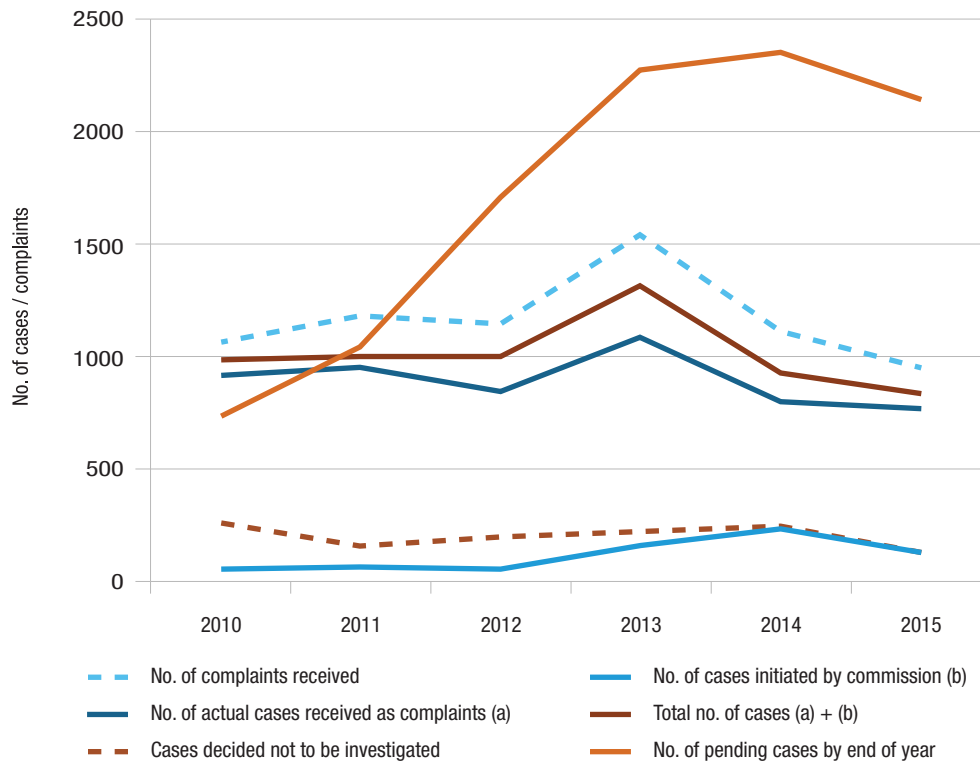


During the review period, the ACC received 2503 complaints⁴⁷, on average 1001 per year. Of this, the ACC decided that 1964 qualified for investigation. In addition, the commission initiated 242 cases, with a total of 2206 cases being investigated during this period.

During the period of January 2014 to July 2016, the ACC concluded the investigation of 2070 cases, of which 96 cases were concluded for further investigation. The remaining 1974 cases were closed due to insufficient evidence of corruption. During this period, 66 cases were actually forwarded to the PGO.

Looking at the data for the past five years, there is a declining trend in both the number of complaints received from the public as well as a decrease in the number of cases initiated by the Commission. However, this is following an unusual peak in 2013, which may have been due to the fact that it was a Presidential Election year, with complaints coming in related to the increased political activities and campaigning. This however, remains to be verified. A progressive decline in the number of complaints to ACC is a trend that the ACC should address as a priority.

▼ **Figure 1:** Complaints and Investigations of ACC



Source: Annual reports, various years

47 According to the Annual Reports, the ACC receives more than this in actual number of complaints. However, 2652 is the total number of different cases that it has received complaints or reports about. (1085 in 2013, 801 in 2014 and 944 in 2015). Source: relevant Annual Reports of ACC



As per ACC regulation (number 2010/R-18) the decision on whether a particular complaint falls within the mandate of ACC or not, and furthermore, whether ACC will proceed with investigation, is taken at a meeting of Commission Members. These decisions are taken by a vote of the members present at the meeting, where the quorum is 3 Members.

Data on convictions during 2014 and 2016 was not available for the this research. There is however, data available for the previous years. During the period of 2010 to 2014, ACC had submitted 175 cases to PGO.⁴⁸ According to a position paper by TM on illicit enrichment, between 2010-2014, 37 cases were prosecuted for the offence of undue advantage by government employees but as of July 2015, only a single case of undue influence had gone through the complete process of appeal. Three cases of bribery have been prosecuted, out of which 1, involving former MP Ismail Hameed of Kaashidhoo Constituency - ended in conviction.⁴⁹

In 2014/2015, ACC implemented a new case management software which allows it to register and manage all cases and complaints. This has led to improvements such as: quicker search of related previous cases; better maintenance of statistics; quicker responses to callers who inquire about progress of cases they have submitted; reduced possibility of duplication of investigation efforts over identical cases; and provides updated information on the progress of all cases within the institution.

As previously discussed, three different public surveys found that the public perceived the Parliament and political parties to be the most corrupt institutions. However, analysis of complaints received from the public to the ACC show that few complaints are made about these institutions. For example, the statistics for 2015 show that there were no complaints against the Parliament submitted to the ACC that year.⁵⁰ It would be prudent for the ACC to be proactive in investigating institutions that are prevalently suspected of corruption despite the lack of formal complaints lodged.

PREVENTION, EDUCATION AND OUTREACH

In addition to its investigations, the ACC has a Constitutional responsibility to carry out research on prevention of corruption, to recommend areas for improvements to relevant authorities, to promote public awareness and to promote honesty and integrity in State institutions.

According to the 2014 and 2015 Annual Reports, the ACC carried out a number of awareness activities in Male' and other inhabited islands. ernment offices in inhabited islands. 'Family evenings' – which are public events organized with games and information kiosks – and information sessions for school children were initiated in 2015. These activities are carried out throughout the year and are led by the Education and Awareness Unit.

Additional activities are carried out on International Corruption Day on 9 December every year, which mobilizes more resources within the ACC. Furthermore, since 2015, 21 April has been designated as National Anti-Corruption Day, which is marked by the ACC with a weeklong programme consisting of a significant range of activities.

48 Information provided by ACC, 02 November 2016

49 Paper on illicit enrichment, Transparency Maldives, 15 July 2015. Available at: <http://transparency.mv/files/media/619a1d6b41cf58562104e5ef97c21f5d.pdf> (Accessed 22 September 2016); Torner MP Ismail Abdul Hameed of Kaashidhoo Constituency was sentenced to banishment for 1 year and as a result, lost his seat at the Parliament

50 Statistical Yearbook for ACC, 2015, page 12



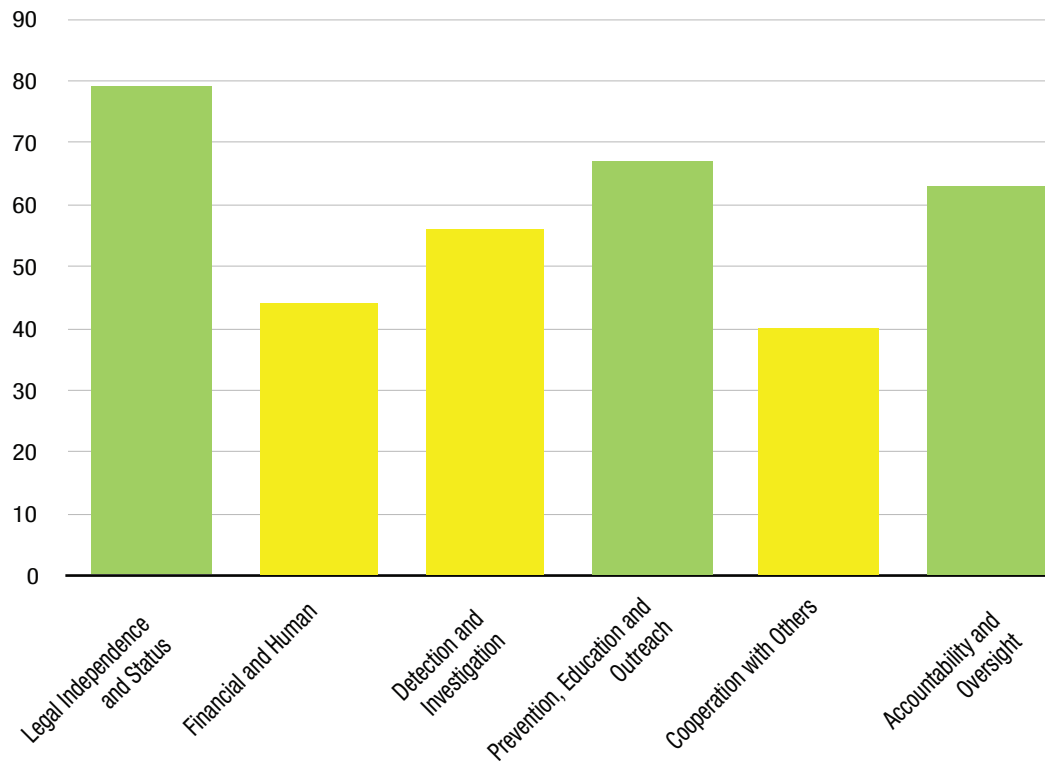
As stated in its new Strategic Plan, the ACC is also in the process of developing a five-year National Integrity Plan outlining the strategies and activities that will be implemented in partnership with other institutions to prevent and investigate corruption. Currently, there is no State-sponsored national development plan either, which would have included the government's anti-corruption strategies and general policy directives taken from the ruling party's manifesto. Therefore, the National Integrity Plan can play a vital role in guiding all institutions to implement prudent measures.

3. KEY FINDINGS

The findings and scoring of this research are derived from 50 indicators which are grouped into 7 dimensions measuring distinct aspects of the ACC's performance. These indicators were designed to assess the internal and external factors impacting the ACC's ability to fulfil its functions. Each indicator has one of three possible scores: high (2), moderate (1) and low (0).

The research yielded that the ACC scored high on 3 dimensions: Legal Independence and Status; Prevention, Education and Outreach Functions; Accountability and Oversight. It scored moderate on 3 dimensions: Financial and Human Resources; Detection and Investigation Functions; and Co-operation with other organizations. The dimension on Public Perceptions was not scored due to the paucity of the number of respondents to this dimension. See figure 2 below for detailed scores.

▼ **Figure 2:** Scores by dimension



The scores for individual indicators under each of the dimensions are given below in Table 6.

Table 6: Assessment Summary Indicators by Dimension

DIMENSION	INDICATORS							
1. ACC'S LEGAL INDEPENDENCE AND STATUS	Legal independence	Mandate	Legal powers	Appointment of Commissioners	Commissioners' term of office and removal	Operational autonomy and impartiality	Government's reliance on ACC to use corruption as a weapon against political opponents	
	Average proportion of ACC's budget to total government budget for the past 3 years	Sufficiency of ACC's budget for performing its functions	Security and stability of ACC's budget during the past 3 years	ACC personnel's salary and benefits	ACC's selection criteria for personnel	Expertise of ACC's personnel in corruption prevention and education	Expertise of ACC's personnel in corruption prevention and education	Stability of personnel
3. ACC'S DETECTION AND INVESTIGATION FUNCTION	Accessibility to corruption complainants/ informants, including public and whistleblowers during the past 3 years	Responsiveness to corruption complaints during the past 3 years	Willingness to initiate corruption investigations during the past 3 years	Average number of cases investigated per year during the past 3 years	Efficiency and professionalism of corruption investigations during the past 3 years	Average conviction rate of corruption cases investigated over the past 3 years	Willingness to investigate influential persons for corruption without fear or favour during the past 3 years	Role in restitution, asset recovery, freezing and confiscation during the past 3 years
	Average proportion of operating expenditure allocated to public outreach and prevention during the past 3 years	Corruption prevention initiatives during past 3 years	Number of reviews of organizational procedures, systems & capabilities conducted to prevent corruption during the past 3 years	Frequency of including corruption prevention recommendations in ACC's investigation reports during the past 3 years	Plan for prevention, education and outreach and its implementation	Collaboration with other stakeholders in prevention, education and outreach activities	Research and exploration of corruption risks, context and conditions	Dissemination of corruption prevention information and use of campaigns
4. ACC'S PREVENTION, EDUCATION AND OUTREACH FUNCTIONS								Does the ACA identify gender in compiling corruption complaints and monitoring trends?
								Use of its website and social media for disseminating information on corruption prevention



5. ACC'S COOPERATION WITH OTHER ORGANIZATIONS	Government support (e.g. Attorney-General's Office, Director of Public Prosecutions) to ACC for prosecution of corruption cases	Cooperation between ACC and other integrity agencies	Cooperation between ACC and non-government organizations including CSOs and private companies	Participation in international networks	Cooperation with ACA's in other countries
6. ACC'S ACCOUNTABILITY AND OVERSIGHT	Information provided in and accessibility of ACC's annual report and website	Oversight mechanisms	Procedure for dealing with complaints against ACC personnel	Outcomes of complaints against ACC or its personnel in past 3 years	
7. PUBLIC PERCEPTIONS OF THE ACC'S PERFORMANCE	Public confidence that government has given ACC the required powers and resources for curbing corruption	Public confidence in ACC's adherence to due process, impartiality, and fairness in using its powers	Confidence in ACC's adherence to due process, impartiality, and fairness in using its powers, among persons who had direct contact with ACC	Confidence in ACC's dignified and respectful treatment of persons under investigation	Public perception of ACC's effectiveness in corruption control
					Perception of ACC's effectiveness in dealing with complaints among female citizens who had direct contact with ACC

▼ Scoring key:

HIGH SCORE	Green Score = 2
MODERATE SCORE	Yellow Score = 1
LOW SCORE	Red Score = 0
SCORING NOT POSSIBLE	Grey



The section below highlights the key findings of each of the seven indicators.

LEGAL INDEPENDENCE AND STATUS

Scoring 79%, the ACC performed best on Legal Independence and Status. Strengthening their overall score are the definitive constitutional legislation granting the ACC its independence and defining its fairly comprehensive mandate; the definitive standard tenures afforded to Commissioners; and the lack of provable evidence of the ACC being used as a tool to intimidate a political opponent. The ACC also performed adequately with regard to their legal powers, appointment of Commissioners, operational autonomy and impartiality – though issues arise relevant to each of these indicators, which if addressed could further improve their score.

The ACC is constitutionally mandated to exist as an independent legal entity⁵¹ and its mandate encompasses investigating corruption as well as educating and raising the public's awareness on its detrimental effects. The ACC Act defines the jurisdiction of the commission to extend to state institutions, the executive, parliament, judiciary, state companies, non-profit organizations and any community funds.⁵² The ACC cannot execute prosecutions of its own accord but can forward cases directly to the PGO for prosecution.

The ACC possesses wide powers with relevance to conducting investigations.⁵³ They can summon witnesses or persons related to investigations and can procure statements. They may also enter premises within their jurisdiction to examine documents and confiscate them for further investigation. They can also instruct a person under investigation not to leave the country without the ACC's permission. Additionally they also possess the discretion to enquire into and freeze bank accounts.

One key hindrance to the ACC's effectiveness is that the overarching legislation policing corruption has significant gaps, limiting the scope of corruption related issues that the ACC can investigate. Crucially, the Prevention and Prohibition of Corruption Act 2/200 does not include illicit enrichment and ACC efforts to incorporate it have thus far been unsuccessful.⁵⁴ Furthermore embezzlement is only partially criminalized under the penal code.⁵⁵

The ACC's legal powers in terms of prevention are weak. During the initial years following its establishment, the ACC practiced giving cessation orders to on-going processes and projects should they have received a complaint or if there was an on-going investigation regarding the matter.⁵⁶ While this power is not explicitly granted them in law, it was practiced by the ACC in good faith with the objective of preventing corruption. However, a Supreme Court judgement in 2012 halted this practice on the basis that existing laws did not grant them such powers and that they can only issue recommendations, which lack legally binding force.⁵⁷

With regard to the appointment of commissioners the standard procedure is that a selection of names are forwarded by the President to the Parliament; these names are shortlisted from interested candidates

51 Constitution (2008), 7:199

52 ACC Act 13/2008, Section 24

53 Interviews with Rozaina Adam, Member of Parliament, Former Director of Legal Affairs at PGO, UNODC Crime Prevention and Criminal Justice Officer,

54 Interviews with ACC Commission Members

55 Maldives Penal Code (2014) Section 215a

56 Interviews with ACC Members and Head of Legal Unit,

57 See for example "ACC: Steps would be taken if people's budget is tapped for Eid celebrations" Sun Online, August 29 2016. Available at <http://english.sun.mv/39390> (Accessed 15 September 2016)



responding to a public announcement, and names suggested by the President himself. These persons are then evaluated by the Parliamentary Committee on Independent Institutions for their education, experience, leadership attributes, integrity and marks for performance at the interview.⁵⁸ Once commissioners are elected, the President and Vice-President of the ACC are selected by the Commission Members themselves.⁵⁹

One gap in need of addressing is that though the Constitution stipulates that Commissioners should possess the requisite education and experience necessary to perform their functions it does not adequately clarify what would constitute such. The Commission has suggested an amendment to the ACC Act to include and specify the educational qualifications and experience required for an ACC member, which have yet to be discussed by the legislature.

ACC members are granted standard tenures of five-year terms, which may be renewed once for a total of two terms. The Constitution states that the removal of a member can occur by a vote of no confidence by Parliament and only on grounds of misconduct, incapacity or incompetence; the exact grounds for what would constitute such are clearly delineated in the ACC Act, where eleven conditions are described which must be respected and followed by members at all times. Any breach of these are grounds for dismissal.⁶⁰

Within the review period of this report, there were two notable instances that cast doubt on the full impartiality of the ACC. The first is that the ACC's president was among several state officials who had accepted a luxury apartment granted by the state at prices below competitive market value; several interlocutors were of the view that these apartments were granted to select individual in positions tasked with holding the state accountable to win their favour.

A further instance relates to an amendment to the Tourism Act which gave the government the discretion to lease islands without a competitive bidding process. The ACC's neglect to remark on the issue is noteworthy because the ACC had previously taken the government to task for its procurement procedures, which involved the selection of parties for government projects without an open bidding process.⁶¹

The amended Tourism Act specifies that the ACC must be informed in instances where the government exercises this discretion. However, such decisions only need the approval of the President to come into effect. That islands can be leased to third parties without a competitive bidding process is a possible avenue for corruption and the ACC's neglect to publicly remark on the issue is concerning.

FINANCIAL AND HUMAN RESOURCES

The ACC scored only 44% in the Financial and Human Resources Dimension. The primary reason it scored so poorly in this dimension are because of the low scores it received on the indicators pertaining to the security and stability of its budget and the stability of its personnel; furthermore there is room for improvement with regard to the expertise of ACC staff. It should also be noted that though the ACC on average receives over 80% of its requested budget, this does not capture the ACC's tendency to submit

58 Independent Institutions Committee report, Number MMk/2014/R-7 (20 August 2014)

59 ACC Act 13/2008

60 ACC Act 13/2008 Articles 6,14,17, Constitution (2008) 7:207

61 8th Amendment to Tourism Act 13/2008 clause 5(D)3, 11th Amendment to Public Finance Regulations, 'Anti Corruption Commission has expressed its concerns over the 11th amendment to the Public Financial Regulation', ACC, 09 July 2016. Available at: <http://acc.gov.mv/en/2016/07/anti-corruption-commission-has-expressed-its-concerns-over-the-11th-amendment-to-the-public-financial-regulation/> (Accessed 22 September 2016)



budget requests in anticipation of funds that the Government is actually likely to provide - and the stability of Government provided funding is uncertain. Furthermore, as will be expounded upon below, the turnover rate of ACC staff is alarming.

With regard to personnel salary and benefits, though the ACC offers similar levels of remuneration compared to other independent institutions and state companies as well as a slightly higher salary than what is typically offered to civil service employees, the ACC does not offer an exceptionally attractive package. For example, for a typical recruit possessing an undergraduate law degree an initial starting salary of MVR 19,000 (USD 1232.966) is offered by the ACC, which is similar to what she could be earning elsewhere either in government or in the Private Sector.⁶²

The recruitment process for staff is largely transparent and meritocratic. Job advertisements are posted on the ACC website and in the government gazette and all applicants are evaluated against weighted criteria. The detailed results of each candidate are posted on the website in an anonymous manner, where each applicant is provided a reference number to monitor their own results. A selected number of the top scoring applicants will be called for interview. Procedures for recruitment are laid out in the Staff Regulations, which is available on the ACC website.

With regard to the expertise of the ACC's staff in conducting investigations, the research indicated a pressing need for trainings in specialist investigative methods, especially with regard to conducting financial investigations; furthermore it was reiterated several times that the ACC's investigations evince an overreliance on witness-testimony.⁶³

Corruption prevention and education is carried out by four units of the ACC. The Investigation Unit produces preventive recommendations after each report and sends them to relevant institutions. The Legal Unit reviews laws and regulations and conducts assessments on the procedures of other institutions. Furthermore there are two units dedicated entirely to prevention work, the Education and Awareness Unit and the Prevention and Research Unit. Prior to May 2015, the latter two units functioned as a single section with a focus on education and awareness. It was only after this that the ACC put a special focus on its research function with the requisite levels of directive and resources.

Thus far, the ACC has produced a Civil Servants Perception study and an assessment of two selected aspects of the public health sector. Risk profiles of Customs and Immigration sectors are underway. These studies have thus far had limited consultation with the private sector. Increasing focus group discussions with the private sector and other relevant stakeholders may yield important insight and novel perspective.⁶⁴

An average of USD 50,000 was allocated for training from the annual budget during 2014-2016.⁶⁵ This includes contributions to those pursuing long-term studies abroad, as well as trainings conducted in the country. Training opportunities for the staff are limited⁶⁶ and in-depth specialist training opportunities are very rare.

Training and induction of all new staff, including investigative staff are conducted internally under the guidance of senior investigators and the Legal Unit. In addition to the induction period, the ACC has recently

62 Salary scales are taken from a sample of job advertisements published during September 2016.

63 Interview with Anti-Corruption Experts.

64 Additional stakeholders that could be consulted include Transparency Maldives or International Organisation of Migration in the case of Immigration Assessment.

65 Information from ACC, 08 September 2016, ACC Annual Reports 2014 and 2015

66 Also noted by IFES, 2014

introduced internal arrangements to share experiences of exemplary investigations and also to give feedback to investigators through sessions organized with the commission members and all investigators.⁶⁷

Some bilateral training assistance is available to the ACC, notably from the Malaysian Anti-Corruption Academy. However, few slots are provided to the ACC for this training each year.

The **turnover rate of the ACC** is very high at 25% in 2014, 14% in 2015 and 14% in the first six months of 2016⁶⁸. The turnover was noted to be the highest in the investigation department, which consists mainly of lawyers and finance degree holders. It was reported that the majority of the legal staff leave for better career opportunities, as they typically envision working in a State institution like the ACC as an opportunity to build a solid grounding of experience prior to finding more lucrative employment in the private sector.⁶⁹

▼ **Table 8:** Staff turnover at ACC 2014-2016

YEAR	STAFF AT BEGINNING OF YEAR	RECRUITMENT	RESIGNATION /TERMINATION	INVESTIGATIVE STAFF WHO LEFT DURING THE YEAR
2014	69	35	19	11
2015	86	32	14	8
2016	104	27	24	12

Source: ACC August 23rd 2016, Annual reports of ACC for 2015 and 2014

DETECTION AND INVESTIGATION

Scoring only 56% there is significant room for improving the dimension on Detection and Investigation. The most salient issues were that the conviction rate for corruption cases remains very low with only one conviction in the past 3 years pertinent to a corruption related case; furthermore there is a pressing need to improve co-ordination between the ACC and the Prosecutor General's Office to ensure a higher rate of successful prosecution for corruption offences.

The ACC generally appears accessible to the Maldivian population for corruption complaints. During the review period the ACC reported receiving a total of 2,503 complaints. Complaints were received from each and every atoll of the country, indicating that there are no geographical barriers to reporting. Furthermore the ACC has also developed an internal whistleblower regulation in 2016 to encourage whistle-blowers to report corruption issues.⁷⁰ The ACC could further enhance their practical accessibility for lodging complaints by encouraging the large community of expatriates residing in the country to report any incidents of

67 Interviews with Secretary General of ACC, ACC members, Head of Legal Unit

68 ACC Annual Reports 2014 and 2015 , information provided by ACC on 23 August 2016

69 It is noteworthy that the Attorney General's office also experienced a high turnover rate amongst its legal staff, while the Prosecutor General's Office did not report high turnover. The salary at AGO is approximately the same as at ACC while the PGO offers a higher salary and the opportunity to actively partake in criminal proceedings. Information provided by former Deputy Prosecutor General Hussain Shameem and Senior State Attorney at Attorney General's Office.

70 Interview with Secretary General of the ACC

corruption they might witness through targeted messaging.⁷¹

The ACC reports a high rate of complaint review and investigation. Of the 2,503 cases received during the review period (Jan 2014 - Jun 2016), 1,964 (78%) cases were found to qualify for investigation. Of these, investigations were completed for 2,112 cases (which includes cases from previous years).⁷²

The ACC scored adequately with regard to the number of cases initiated of their own accord. During the review period the ACC initiated 242 cases (on average 96 cases per year)⁷³ and were typically prompted following a review of media reports and audit reports produced by the Auditor General's Office.

Though this is not a low number there are potential avenues the ACC could explore in order to improve their score on this indicator. For instance individuals working in the private sector generally refrain from reporting the small and petty bribes and favours expected of them by Government officials in order to obtain efficient service – and the ACC could be more proactive in documenting these occurrences and initiating appropriate action.⁷⁴

▼ **Table 9:** Details of the number of cases handled by the ACC from 2014 to June 2016

NUMBER OF CASES	2014	2015	2016 (JAN TO JUN)	TOTAL (JAN 2014-JUNE 2016)
Initiated by the Commission	125	66	51	242
Qualified for investigation	722	611	416	1749
Dropped due to: 1. outside ACC mandate 2. insufficient information, 3. unable to clarify anonymous of complainant.	243	137	61	441
Forwarded to other relevant government office	6	47	30	83
Evaluation and investigation completed (including from previous year):	783	855	432	2070
Concluded for prosecution	38	26	32	96
Closed with no corruption offence found	745	829	400	1974
Forwarded to PGO	35	21	10	66
Returned from PGO	38	46	53	137
Pending by end of year	2353	2139	2148	2148

Source: Annual reports, information provided by ACC

A particular cause for concern is the extremely low conviction rate for corruption related offences. According to information obtained from the PGO, of the 74 cases that the ACC sent to the Prosecutor Office during the review period, only one resulted in a successful prosecution.

71 Interview with Head of Complaints Registration and Evaluation Unit

72 Information from ACC on 01 September 2016, ACC Annual Reports 2014 and 2015.

73 ACC Annual Reports 2014 and 2015, Information from ACC on 01 September 2016

74 Focus Group Discussion 2



With regard to the efficiency and professionalism of investigations there is much room for improvement. Several interlocutors have noted that the ACC's investigations are often over-reliant on witness testimony and furthermore the ACC's investigations into prominent corruption matters have on occasion taken an inordinate amount of time to complete. For instance the ACC's investigation into a financial scandal involving the Maldives Media and Public Relations Corporation (MMPRC) – a government owned Tourism Promotion company – which was being used to siphon several millions of dollars worth of funds into the private accounts of senior government figures has still not been completed despite the issue having surfaced to the public in late 2014 following an audit report by the Auditor General's Office.

According to the ACC, they had been investigating the matter even prior to the audit report in response to an individual's complaint. However, and despite the ACC reporting to the media in February 2016 that their investigation into the matter was in its final stages, key findings have still not been made available to the public.⁷⁵

Furthermore, the PGO rejected several cases sent by the ACC (see Table 9). The reasons provided for this are discrepant. According to the PGO it is incumbent on the ACC to increase the skills of their investigative staff, as the PGO often received cases that have not been investigated thoroughly enough to warrant prosecution. The ACC conversely notes that this is not the reason that the PGO provides; further noting that cases are either returned for further clarification or the PGO simply opts not to prosecute. The ACC encourages the PGO to provide the exact standards and pre-requisites for a case to warrant further prosecution, and further encourages the PGO to leave such decisions at the discretion of the courts.

The ACC and the PGO have, on the ACC's initiative, recently signed a memorandum of understanding aimed in part towards ameliorating the communication lapses between the two institutions. The ACC's investigative findings are now presented to duty prosecutors as a preliminary step to ascertain how cases can be strengthened if necessary, prior to formally sending cases for the PGO to be processed.

One significant challenge to the ACC's investigations is the geographical dispersion of the islands in the Maldives. A case might pend for one or two years contingent on the amount of time taken to receive the statement of a single individual. Another obstacle may be the difficulty in retrieving documents from offices, especially documents related to cases from previous years as such documents may be stored in a separate location or island.⁷⁶

It is positively noted that the ACC has evinced a willingness to investigate prominent persons, including members of parliament, ministers, political party leaders, former presidents, board members of government corporations, and members of independent commissions⁷⁷

With regard to Asset Recovery and Restitution, the ACC does not have a legal mandate to recover assets and does not do so directly⁷⁸, and there is nothing in any law that deals with recovery of assets in a non-drug-trafficking case.⁷⁹ However, it does instruct other law enforcement agencies to recover and confiscate

75 Sun Online 'ACC: Issues noted with MMPRC, investigation at last stage' available at: <http://english.sun.mv/36167>

76 Interviews with former staff of ACC, Secretary General of ACC

77 Interviews with journalists, former employees of ACC, Lawyer, Member of Parliament, Information from ACC on 07 and 18 September 2016

78 Interviews with ACC Members, Senior State Attorney at the Attorney General's Office, Head of Legal Unit at ACC and former employee of ACC.

79 The Auditor General's Office is however testing the process, on grounds that there are no restrictions for seeking assets lost. For asset recovery, a conviction is needed first and since this is rare, testing of the current protocols on asset recovery has also been limited. However, the Attorney General's Office has submitted a case to recover an asset following one conviction and this case is still pending with the courts. Source: Interview with Senior State Attorney



assets when appropriate. A recently common practice adopted by the ACC is to inform the Prosecutor General's Office of the amounts lost by the State, with a request to recover them. The ACC's annual reports highlighted that during 2014-2015, a total of \$113,727 was lost to the State.⁸⁰ The ACC has frozen bank accounts in the past and has also confiscated computers in an office, during an investigation in 2012. Data on asset recovery during the review period was not available.

PREVENTION, EDUCATION AND OUTREACH

Scoring 67% on Prevention, Education and Outreach, the ACC did comparatively well on this dimension. The strongest indication that the ACC affords a high priority to its Prevention, Education and Outreach initiatives is that it allocated an average of USD 60,000 on operating expenses for public outreach and prevention activities during the review period. Furthermore, the ACC has been proactive in conducting various awareness programs each year – including the conception and production of the television series 'Bithufangi, which seeks to shine a light on corruption issues faced by ordinary citizens in their daily lives. The ACC prepares an annual activity plan for prevention, education and outreach, and though budget constraints have been noted to be a challenge, it is largely successful in implementation.

The ACC performed worst on the indicator regarding the number of reviews conducted on organizational procedures. As the ACC's research function was only introduced recently (in 2015) the ACC has thus far only produced 3 organizational reviews.⁸¹

More positively, the ACC's investigation team always identifies prevention recommendations and includes them in the investigation reports, which are then forwarded to all concerned offices – though systematically following up on the implementation and adherence to these recommendations should be afforded higher importance.⁸²

Although conducting research is a Constitutional mandate and responsibility of the ACC, there was minimal attention afforded to research and exploration of corruption risks and conditions in the country.⁸³ Until late 2014, the ACC considered country-wide educational awareness as its main priority, with research being relegated in importance.⁸⁴ As positive stride is that, as mentioned previously, a dedicated research unit was established in 2015, which has since produced two studies: one on selected aspects of the health sector and the other, the aforementioned civil service perception study. Two further studies are currently being conducted by the ACC: one for Maldives Customs Service; and the other for Maldives Immigration.

The range of stakeholders consulted in the ACC's current research is limited. Although other stakeholders are occasionally consulted, the main focus of research is on the institution under analysis. A wider range of consultations can illuminate novel perspectives on challenges faced by the institution.

The ACC utilizes several mediums to disseminate awareness materials on corruption and information on the institution. The Commission has conducted a campaign entitled 'Integrity First' which was promoted by memorabilia such as key tags and special logos and, as previously mentioned, has begun a television

80 ACC Annual report 2015

81 Information provided by ACC on 07 September 2016 and 01 November 2016

82 Interviews with ACC Members, Secretary General of ACC, Head of Investigative Unit, Post Investigation and Reporting Unit Head

83 Sources: former employees of?, ACC Members, CSO leaders
, Analysis of previous annual reports and publications of ACC also reveal this.

84 Interview with Head of Prevention and Research Unit



drama series focused on issues of corruption in the current society. This is a commendable effort by the ACC and the combination of TV, radio and social media will reach a significant portion of the local population. However, the TV and radio programs are only in the local language and these efforts can be strengthened in their effectiveness if a variety of languages were used.

The ACC operates an active twitter and Facebook page, with over 8000 followers on Facebook and over 1000 followers on twitter. The Commission also uploads quarterly statistics to its website.⁸⁵ Short awareness messages posted on social media in catchy or thought-provoking ways could potentially increase the ACC's reach, especially if the messages were portrayed in a manner appealing to youth.

COOPERATION WITH OTHER ORGANIZATIONS

The ACC scored 50% on this dimension. Though scoring moderately on other areas, and scoring highly with regard to its participation in International Networks, one indicator which warrants particularly urgent attention is the ACC's relationships with the most important stakeholder, the Prosecutor General's Office.

It was reiterated several times during the research stage that a poor working relationship exists between the ACC and the PGO.⁸⁶ This is highly problematic in light of the fact the ACC does not possess the legal discretion to initiate corruption proceedings of its own accord and must rely on the PGO to fulfil this task. One indicator of this poor relationship is that despite the large volume of documents relevant to each corruption case forwarded to the PGO by the ACC each year, discussions between ACC investigators and prosecutors are irregular. Furthermore the ACC is neither informed nor invited when Prosecutor General's Office attends court hearings on cases forwarded by the Commission, which is unfortunate considering that the presence of ACC investigators familiar with the relevant cases could potentially expedite corruption cases.⁸⁷ During the research period, a memorandum of understanding was signed between the ACC and the PGO intended to ameliorate these and similar issues.

The ACC is broadly cooperative with other state institutions mandated to enquire into issues of integrity. Three such institutions exist: the Judicial Service Commission, (JSC) which attends to the ethical oversight of the Judiciary; the Elections Commission (EC) which is mandated with ensuring that elections are conducted freely and fairly, and the National Integrity Commission (NIC), which is tasked with overseeing four separate law enforcement agencies.

The JSC has in the past challenged the ACC's authority to investigate matters related to the judiciary on the basis that it falls within the JSC's mandate.⁸⁸ Nonetheless according to the ACC it has continued to investigate corruption issues relating to the judiciary without interference by the JSC.⁸⁹

The National Integrity Commissions Act of 2015 states that all complaints related to the country's overarching anti-corruption legislation, the PPCA Act 2/2000, should be forwarded to the ACC, which must investigate

85 https://twitter.com/acc_maldives, <https://www.facebook.com/ACCMALDIVES/>, www.acc.gov.mv

86 Interviews with ACC Members, Secretary General of ACC, Head of Legal Unit, Senior State Attorney, former investigative staff of ACC, UNODC Officer

87 The ACC and the Prosecutor General's Office, on the ACC's initiative, recently signed a Memorandum of Understanding to address these lapses in communication, which can hopefully address these issues in future.

88 Judicial Service Commission Act 10/2008

89 'Complaints against Judges must be processed by JSC: Chief Justice', SunOnline, 22 September 2012. Available at: <http://english.sun.mv/5832> (Accessed 27 September 2016)



such matters within 30 days of receiving them and inform NIC of the result.⁹⁰ The NIC has since forwarded at least one case to the ACC. In practice, the ACC forwards all cases falling under the purview of the NIC to them along with a request to return any corruption related issues to the ACC. As part of its procedure to inform any relevant offices following the conclusion of a case, the ACC also informs the NIC of the outcome of its investigations and recommendations.⁹¹

Elections related corruption complaints may be submitted to both the EC and the ACC and each institution investigates complaints independently. Following the completion of investigations relevant to elections the ACC always informs the EC of its completion, along with preventive recommendations. However, the EC does not inform ACC of any cases of corruption that the EC investigates.⁹²

The ACC evinces a positive willingness to work with Civil Society Organizations. The ACC has in the past worked with TM in organizing its National Anti-Corruption activities and works with several other NGOs through its National Integrity Plan.

Private sector co-operation with the ACC, especially for investigation purposes has thus far proved lacking. In several instances the ACC has resorted to obtaining a court order or warrant in order to obtain requested information.⁹³ Further, as has been previously noted, individuals in the private sector often resort to petty bribery to obtain efficient services – and colleagues who are acculturated to similar behaviour would be hesitant to report these on-goings. Hence the ACC cannot rely on complaints alone to identify corruption hotspots in the system and it would be prudent for the ACC to review their methods of enquiring into and preventing the occurrence of corruption. If the ACC facilitates open discussions with the private sector with a focus on acquiring feedback about institutions in general rather than with the intention of collecting evidence, corruption hotspots may be better identified.

With regard to the ACC's participation in International Networks, the evidence indicates that it is currently sufficient. Maldives acceded to the UNCAC in 2007. It has also been a member of the Asia/Pacific Group on Money Laundering since July 2008. The ACC also participates in the International Anti-Corruption Conference and its annual general meetings. Furthermore the Commission's Strategic Action Plan for 2015-2019 has a dedicated policy aimed at increasing international collaboration with other organisations and authorities although the plan does not specify bodies. As the ACC is not currently a member of the ADB-OECD Anti-Corruption Initiative for Asia-Pacific, this is an avenue that they could potentially pursue. ⁹⁴

OVERSIGHT AND ACCOUNTABILITY

At 63% ACC performed adequately with regard to the oversight and accountability of the institution. Particularly commendable are the efforts exerted to ensure that its Annual Reports – all iterations of which from 2011-2015 are available on its website - are informative and accessible to the public. Internal oversight of staff is adequate and appropriate actions are taken in response to their ethical lapses. Though the ACC scored adequately with regard to external oversight bodies on the basis that a nominal oversight committee exists in the form of the Independent Commission on Independent Institutions – further examination would reveal that this oversight body does not make any effort whatsoever to fulfil its responsibilities and there is

90 National Integrity Commission Act, Clauses 36(a) 2 and (b)

91 Interview with ACC Member

92 Meetings with ACC Member, Elections Commission Member

93 Interview with Head of Investigation Unit

94 ACC Strategic Action Plan for 2015-2019, page 34,



no external oversight of the ACC in practice.

With regard to the ACC's Annual Report, the ACC act obligates the Commission to prepare and submit these to oversight bodies before 28th February prior to publishing, which must occur within 14 days of submission. These reports are fairly comprehensive in nature. The ACC's website is similarly informative with a summary of all cases from January 2011 onwards available to the public. Similarly, recommendations to offices, cases sent to the Prosecutor General's office and cases dropped by the ACC since 2011 are summarised and published on the website and updated in monthly intervals. The website contains detailed information on its personnel and internal regulations, as well as statistics on the awareness activities carried out by the Commission.⁹⁵ The ACC has made notable effort to further increase the accessibility and scope of information available on its website - introducing an English section in 2015 and recently enabling online complaint reporting.

As previously noted, though a Parliamentary Commission on Independent Institutions exists, its members have thus far neglected to fulfil their responsibility and the Committee and did not question the ACC during the review period.⁹⁶ Though it was reported that some members of the committee suggested summoning the ACC to inquire into its delay in investigating a well-publicized financial scandal they decided that such an effort would have been superfluous as the issue was being investigated by a body under the purview of the President.⁹⁷

With regard to disciplinary measures against staff, internal regulation specify the circumstances in which disciplinary measures can be taken against staff and also which measures to be taken in such circumstances. During the review period, three cases of questionable behaviour were noted from staff and the Commission investigated all of these cases and took action where action was warranted.⁹⁸ Such actions and issues are not made public by the ACC, nor is there legislation obligating them to do so.

95 Raajje TV, Sun Online and Mihaaru.

96 Interviews with Secretary General of ACC, ACC members and journalists

97 Interview with Rozaina Adam, Member of Parliament/Member of Independent Commissions Oversight Committee

98 Interviews with Secretary General of ACC, ACC members

▼ 1. ACC's Legal Independence and Status (7 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
1. ACC's legal independence	Independent Agency	Separate agency outside ministry	Within police or ministry	Both the Constitution and additional legislation in the form of the ACC Act grant the ACC fully independent legal status. Source: Constitution 2008 (7:199), ACC Act 13/2008 article 2, Meetings with Commission
2. ACC's mandate	Focus on investigation, education and prevention (and prosecution if applicable)	Primary focus on investigation	Education and prevention without investigation	The mandate of the ACC encompasses inquiring into all allegations of public sector corruption and '[promoting] honesty and integrity...at [the] institutional and public level' through prevention and educational efforts. Though scoring highly on this indicator two caveats are worth noting. First, the ACC does not possess the legal discretion to conduct prosecutions, which is the prerogative of the Prosecutor General's Office. Secondly, domestic anti-corruption legislation neglects to include illicit enrichment, bribery of foreign parties and Embezzlement. Source: Constitution 2008 (7:202), ACC Act (13/2008) 22, UNODC Country Review Report of Chapter 3 and 4
3. ACC's legal powers	Extensive powers (e.g., arrest and search of arrested persons; examining suspect's bank accounts, safe-deposit boxes, income tax records and property; search and entry of premises, etc.)	Some powers	Few or none	The Commission may summon persons, enquire into and freeze bank accounts, confiscate assets, verify documentation and also initiate legal action against individuals who disobey the ACC's orders. However, the ACC lacks the power to halt on-going contracts on suspicion of corruption. Though they had previously issued halt orders to projects, a Supreme Court judgement in 2012 stated that the ACC can only issue non-binding recommendations to terminate projects, tender processes and State contracts. Source: ACC Act 13/2008 clauses 22,24, PPCA 2/2000 Articles 17, 20,21,22, IFES 2014 page 13, Supreme Court Decision 2012/SC-A/21 2nd September 2016, Meetings with Commission members, Head of Legal Unit, Member of Parliament, Previous Director of Legal Affairs at PGO, UNODC officer, Strategic plan of ACC 2015-2019
4. Appointment of ACC Commissioner(s)	Independent committee using objective criteria and procedure is transparent	Ministerial committee using objective criteria but procedure is not transparent	Prime Minister/ President/ Head of State makes the decision and the procedure is not transparent	Commissioners of the ACC are appointed via a majority vote of Parliament from a selection of names forwarded by the President. The President's nominees are selected from a combination of candidates who respond to a public announcement for the post, in addition to names suggest directly by the President himself. The Executive does not publicize the résumés of the initial candidates, but the process of scoring and voting in Parliament is transparent and follows weighted criteria encompassing education, integrity and experience.

	<p>One issue is that though the Constitution specifies that ACC Commissioners must possess the requisite educational and other qualifications to fulfil their obligations it neglects to specify what would constitute such.</p> <p>Source: ACC Act 13/2008 Article 5,11, Proposed amendments to ACC Act submitted by ACC to the Attorney General's office on 15 June 2016, Interview with MPs, ACC members, Journalist.</p>
<p>5. ACC Commissioner(s) term of office and removal</p>	<p>Fixed term with tenure (difficult to remove Commissioners without cause, e.g. incompetence or proven misconduct)</p> <p>Fixed term without tenure but not difficult to remove Commissioners</p> <p>No fixed term and Commissioners can be replaced easily</p> <p>The tenure of an ACC Member is a five-year term which can be renewed for another five years. Terms of dismissal are stated in the Constitution and ACC Act.</p> <p>Source: ACC Act 13/2008, Articles 6, 14 and 17, Constitution 2008 7:207, Interviews with Commission Members, Journalists and Member of Parliament.</p>
<p>6. ACC's operational autonomy and impartiality</p>	<p>High (no political interference)</p> <p>Limited (some political interference)</p> <p>Low (high level of political interference)</p> <p>The ACC has a great deal of autonomy in developing its own regulations and procedures as well as with pertinence to recruiting and dismissing staff, subject only to budget considerations.</p> <p>Though generally operating autonomously, there are certain indications casting doubt on the full impartiality of the ACC.</p> <p>Several interlocutors expressed concern that the President of the ACC was one among several state officials that had been sold luxury apartments by the state well below market rate. The prevalent view was that these apartments were sold at significant discount by the state to win the favour of select individuals tasked with ensuring its accountability.</p> <p>Another example is the lack of vocal opposition by the ACC following an amendment to the Tourism Act which grants the government the discretion to allow islands to be contracted to third parties for tourism development without an open bidding process.</p> <p>Source: Meetings with Secretary General, Commission Members, CSO leaders, Member of Parliament. for details, Amendment to Tourism Act 13/2008 clause 5(D)3, 11th Amendment to Public Finance Regulations, 'Anti Corruption Commission has expressed its concerns over the 11th amendment to the Public Financial Regulation', July 9 2016. http://acc.gov.mv/en/2016/07/anti-corruption-commission-has-expressed-its-concerns-over-the-11th-amendment-to-the-public-financial-regulation/, various news articles.</p>
<p>7. Government's reliance on ACC to use corruption as a weapon against political opponents</p>	<p>Government has not used ACC as a weapon against political opponents</p> <p>Evidence of limited use of ACC by government as a weapon against political opponents</p> <p>Evidence of widespread use of ACC by government as a weapon against political opponents</p> <p>There is no evidence of the ACC being used as a tool to intimidate a political rival.</p> <p>Sources: Interviews with MPs (an opposition party MP / member of Independent Institutions and a MP from ruling party), Journalists, CSO leaders, Various news articles.</p>

▼ 2. ACC's Financial and Human Resources (9 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
8. Average proportion of ACC's budget to total government budget for past 3 years	Above 0.20%	Between 0.10% to 0.20%	Below 0.10%	<p>For the period of 2014-2016 the budget allocated to the ACC on average (including any additions or cutbacks made during the year) is 0.16% of the State budget. The budget for ACC for 2016 is just over MVR 33 million (about USD 2.15mn).</p> <p>Sources: Maldives Monetary Authority July 2016 statistics, information provided by ACC</p>
9. Sufficiency of ACC's budget for performing its functions	More than adequate (80% to 100% of budget request is approved)	Adequate (66% to 79% of budget request is approved)	Inadequate (less than 66% of budget request is approved) and relies on funding by CSOs and donor agencies	<p>The ACC received an average of 82% of the amount it requested from the government during the period 2014-2016. The ACC received MVR 29 million in 2014, MVR 35.9 million in 2015 and MVR 33.1 million in 2016 (as of July 2016). For these three years the ACC has submitted a budget request for an average of MVR 40 million.</p> <p>However, it should be noted that the amount of budget that the ACC requests are based on their expectations of what the Government would actually be willing to provide, rather than on the sole basis of what they assess to be a sufficient amount to effectively fulfil their tasks.</p> <p>Annual reports for 2013, 2014 and 2015 note budgetary constraints as challenges. These constraints translate to challenges such as being unable to expand physical space of office and limitations on travels due to lack of funds. Senior management of the ACC iterated the same complaints during the interview process.</p> <p>Sources: Information from ACC, Annual Reports of ACC, Meetings with Secretary General and ACC Members.</p>
10. Security and stability of ACC's budget during past 3 years	ACC budget is guaranteed based on previous year's allocation and has not been reduced	ACC budget has not been reduced during past 3 years	ACC budget has been reduced during past three years	<p>The stability of the ACC's budget is uncertain and subject to fluctuation. For instance in 2014 the ACC's budget increased by 40% in comparison to the previous year. In 2015, there was another increase in total allocation. However for 2016, the allocation was reduced by nearly MVR 3 million compared to 2015, while the total government budget increased by 22% (MVR 5 billion) from 2015-2016.</p> <p>From 2015 up to July of 2016, the government granted the ACC additional funds of approximately MVR 3 million (approximately USD 200,000) each year. In September 2014, the ACC was ordered abruptly to cease all cost-incurring activities for the rest of the year, effectively reducing the ACC's budget allocation for 2014 by 15%. A similar instruction to halt activities was given in December 2015.</p> <p>Sources: Meetings with Secretary General of ACC and Commission members.</p>

11. ACC personnel's salary and benefits	Competitive salary and benefits	Adequate salary and benefits	Low salary and limited benefits	<p>The salary (including all benefits) of the ACC staff is comparable with other independent institutions and State companies. It is slightly higher than the civil service, but on average the ACC does not offer an exceptionally attractive salary compared to what can eventually be earned in the private sector.</p> <p>Sources: Meetings with ACC Commission members, government gazette (www.gazette.mv), avas.lulaan.mv, legal professionals, previous ACC staff.</p>
12. ACC's selection criteria for personnel	Meritocratic and transparent procedures	Limited meritocratic or transparent procedures	Patronage and non-transparent procedures	<p>Job advertisements are posted on the ACC website and in the Government gazette. All applicants are evaluated against weighted criteria, and the detailed results of each candidate are posted on the website in an anonymous manner, where each applicant is provided a reference number to monitor their own results. A selected number of the top scoring applicants will be called for interview.</p> <p>Sources: interviews with Secretary General, Commission Members, ACC website, ACC general regulations Chapter 6, ACC Recruitment Policy, IFES report 2014</p>
13. Expertise of ACC's personnel in corruption investigation	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	<p>The ACC's investigations chiefly rely on the testimony of witnesses and victims. Furthermore, the ACC is in need of trained staff with a wider variety of corruption investigative skills. They are in particular need of staff trained to investigate complex financial crimes.</p> <p>Sources: ACC 2015 Annual report, Interviews with ACC members, Head of Investigation Unit., previous Director of Legal Affairs at PGO, Crime Prevention and Criminal Justice Officer, UNODC.2015 and Statistical Yearbook of ACC, Information sent from ACC on 28th September, ACC website.</p>
14. Expertise of ACC's personnel in corruption prevention and education	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	<p>The scope and range of stakeholders consulted for the ACC's research is limited. There is minimal engagement with the private sector for research purposes.</p> <p>Source: ACC Annual reports 2014 and 2015, interview with previous employee, ACC commissioners.</p>
15. Training of ACC's personnel	Well-trained personnel with many training opportunities	Some trained personnel with limited training opportunities	Training is important and neglected	<p>All new staff undergo an induction and are familiarized with the laws and regulations governing the ACC under the guidance of senior staff.</p> <p>All investigative staff attend a one-week training delivered by the Police, which primarily focuses on interview skills.</p> <p>Furthermore some bilateral training exist, notably from the Malaysian Anti-Corruption Academy, though the frequency of these trainings are very low. Members also contribute to capacity development by attending monthly sessions with all investigators where they share experiences of exemplary investigations and also give feedback to the investigation teams.</p> <p>Training opportunities beyond the induction period for the staff are limited and specialist training opportunities, notably in investigating complex financial crimes are insufficient. An average of USD 50,000 was allocated from the annual budget for 2014-2016 for trainings.</p> <p>Source: Information from ACC September 8th, Meetings with ACC members, Secretary General, Previous Employees, UNODC officer, Head of Legal unit, IFES report, page 16</p>

16. Stability of ACC's personnel

Low turnover and resignation rate (0% to 5% per year)

Moderate turnover and resignation rate (more than 5% to 10% per year)

High turnover and resignation rate (more than 10% per year)

According to the information provided by the ACC, the commission experienced a personnel turnover of: 25% in 2014, 14% in 2015 and 14% in the first six months of 2016. This high turnover was noted in each and every interview conducted with ACC personnel. The most common reason for the high turnover was relayed as the departure of legal officers in the Investigative Unit for better career opportunities.

Source: Interviews with Secretary General of ACC, ACC members and staff, previous Director of Legal Staff, previous ACC staff. IFES report 2014

3. ACC's Detection and Investigation Function (9 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
17. ACC's accessibility to corruption complainants/informants, including public and whistle-blowers during past 3 years	ACC is highly accessible as reflected in the high proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	ACC is accessible as reflected in the moderate proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	ACC is inaccessible as reflected in low proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	During January 2014 to July 2016, the ACC reported receiving a total of 2,503 complaints. In 2014 and 2015, complaints were lodged from each and every atoll in the country. Very few, if any complaints are lodged by the large community of expatriate labourers that reside in the country and the ACC is encouraged to make effort to make itself approachable to this portion of the population. Source: Interviews with Head of Complaints Evaluation and Registration Unit, Head of Post Investigation and Reporting Unit, CSO leaders, Secretary General, ACC members, Focus Group Discussion 2.
18. ACC's responsiveness to corruption complaints during past 3 years	ACC is highly responsive as reflected in the high proportion of corruption complaints investigated and investigation cases completed during past 3 years	ACC is responsive as reflected in the moderate proportion of corruption complaints investigated and investigation cases completed during past 3 years	ACC is not responsive as reflected in the low proportion of corruption complaints investigated and investigation cases completed during past 3 years	The ACC reports a high rate of complaint review and investigation. Of the 2,503 cases received during the review period (Jan 2014- Jun 2016), 1,964 cases or 78% of the complaints were found to qualify for investigation. Investigations were completed for 2,112 cases during the review period (which includes cases from previous years). Source: ACC Act 13/2008 21 (a), ACC Regulations, Information from ACC on September 1st, 2014 and 2015 Annual Reports of ACC. Meetings with ACC members, SG and Head of Complaints Registration and Evaluation Unit

<p>19. ACC's willingness to initiate corruption investigations during past 3 years</p>	<p>High number of corruption investigations initiated by ACC</p> <p>Moderate number of corruption investigations initiated by ACC</p> <p>Low number of corruption investigations initiated by ACC</p>	<p>From January 2014-June 2016, ACC initiated 242 cases (on average 96 per year). The ACC primarily begins investigations on its own initiative based on cases identified through media reports and Audit Reports produced by the Auditor General's Office. The ACC also considers cases it identifies through social media. The Commission is not proactive in investigating individuals who have conspicuously amassed significant amounts of wealth incongruent with their expected earnings, partly because illicit enrichment has not been criminalised in the Maldives.</p> <p>Sources: Annual reports 2014 and 2015, Information from ACC on September 1st 2016, Interviews with ACC Commissioners, Interview with head of Investigation Unit, Previous ACC employees</p>
<p>20. Average number of cases investigated by the ACC per year during past 3 years</p>	<p>More than 1,000 corruption cases investigated by the ACC per year during the past three years</p> <p>Between 300 to 999 corruption cases investigated by the ACC per year during the past three years</p> <p>Less than 300 corruption cases investigated by the ACC per year during the past three years</p>	<p>From January 2014 to June 2016, the ACC concluded investigations into 2,070 cases (this includes cases pending from previous years). This is an average 828 cases per year. During this time, 40 investigative officers worked on an average of 25-30 cases at any given time.</p> <p>Sources: Annual Report 2014 and 2015, information from ACC on September 1 2016, Previous employees of ACC</p>
<p>21. Efficiency and professionalism of corruption investigations by ACC during past 3 years</p>	<p>Highly efficient and professional investigation of corruption cases</p> <p>Efficient and professional investigation of corruption cases</p> <p>Inefficient and unprofessional investigation of corruption cases</p>	<p>The ACC's investigations into prominent corruption scandals have on occasion become prolonged; for instance the ACC's investigatory report into the MMPRC financial scandal, which was brought into public light on October 2014 is yet to be published as of the review period.</p> <p>Furthermore several anti-corruption experts highlights that the ACC's investigative staff lack the expertise to enquire into complex financial crimes and there is an over-reliance on witness testimony.</p> <p>Investigations are often delayed due to the challenges posed by the unique geography of the Maldives, which consists of scattered islands clustered around separate atolls groups. This is further exacerbated by the high cost of travel to the islands.</p> <p>There has been only one conviction for a corruption related offence during the entire review period.</p> <p>Sources: MP (member of ruling party). Meeting with Head of Investigations, Secretary General, Head of Complaints Registration and Evaluation, UNODC Officer, previous employees of ACC, interviews with persons who submitted issues to ACC or were under investigation, 2015 Statistical Yearbook of ACC, information sent from ACC on 28th September; interview with Prosecutor General Aishath Bisham on November 13th.</p>
<p>22. Average conviction rate of corruption cases investigated by ACC in past 3 years</p>	<p>Above 75%</p> <p>Between 50% to 75%</p> <p>Below 50%</p>	<p>The Conviction Rate is below 50%</p> <p>Source: Paper on illicit enrichment, Transparency Maldives, 15 July 2015. Available at: http://transparency.mv/files/media/619a1d6b41cf58562104e5ef97c21f5d.pdf</p>



<p>23. ACC's willingness to investigate influential persons for corruption without fear or favour during past 3 years</p>	<p>Considerable evidence of investigation of influential persons for corruption</p>	<p>Some evidence of investigation of influential persons for corruption</p>	<p>No evidence of investigation of influential persons for corruption</p>	<p>There is evidence that the ACC has initiated investigations of influential people such as members of parliament, government ministers, former presidents, elected councillors and seniors officials of public companies. The vigour and sincerity of such investigations, especially of cases that were concluded without sufficient evidence, has not been verified. Sources: Various news reports, previous ACC staff, information from ACC on 7th and 16th September</p>
<p>24. ACC's role in restitution, asset recovery, freezing and confiscation during past 3 years</p>	<p>Very active role by ACC</p>	<p>Moderately active role by ACC</p>	<p>Inactive role by ACC</p>	<p>The ACC is not legally mandated to engage in asset recovery. In fact, there is no law on recovery of assets except in drug trafficking cases. A common practice by the ACC is to inform the PGO of the amounts lost by the State, along with a request to recover them. This is done when cases are forwarded for prosecution. Furthermore, the ACC has frozen bank accounts in the past and has also confiscated computers from an office under investigation in 2012. Source: ACC Annual report 2015, Interviews with ACC members, Senior State Attorney at the Attorney General's Office, Head of Legal Unit at ACC and Previous employee of ACC.</p>
<p>25. Does the ACC identify gender in compiling corruption complaints and monitoring corruption trends?</p>	<p>The ACC has gender sensitive demographic information that allows it to monitor how corruption and its services affect women differently</p>	<p>The ACC has gender sensitive demographic information that could allow it to monitor how corruption and its services affect women differently, but it does not actively monitor these differences.</p>	<p>The ACC does not collect gender sensitive demographic information.</p>	<p>The ACC did not have this information compiled prior to the initiation of the ACA SI in the Maldives. However, upon request during the research phase of the study, the ACC was able to provide data on gender specific complaints from July to October. Source: Information provided by ACC, 1st November 2016</p>

▼ 4. ACC's Prevention, Education and Outreach Functions (9 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
26. Average proportion of ACC's operating expenditure allocated to public outreach and prevention during past 3 years	Above 1% of ACC's operating expenditure	Between 0.5% and 1% of ACC's operating expenditure	Below 0.5% of ACC's operating expenditure	On average the ACC allocated 1.17% of its operating expenditure to public outreach and prevention activities. Source: Information from ACC on September 1st 2016.
27. ACC's corruption prevention initiatives during past 3 years	Many corruption prevention initiatives (average of 3 or more per year)	Some corruption prevention initiatives (average of 1-2 per year)	Few or no reviews were conducted (relative to no. of organisations in jurisdiction)	During the review period, the ACC reviewed only 3 organizational reviews. In addition, the ACC made recommendations on specific organisational procedures to four institutions. Two of these changes were general procurement recommendations and the other changes were recommended for specific issues (for example, leasing of land for businesses in Male' and taxi service proposal evaluation procedures). Most of these procedures were studied on requests made by the institutions, although the civil servants' perception survey of 2014 and health research of 2015 were initiated by the ACC. Given the number of organizations that are under the jurisdiction of the ACC there is much scope for improvement. Source: Annual report 2015 and 2014, Information from ACC September 7th, ACC Act 13/2008 Clause 24.
28. Number of reviews of organizational procedures, systems & capabilities conducted by ACC to prevent corruption during past 3 years	Many reviews were conducted (relative to no. of organisations in jurisdiction)	A substantial number of reviews were conducted (relative to no. of organisations in jurisdiction)	Few or no reviews were conducted (relative to no. of organisations in jurisdiction)	During the review period, the ACC reviewed only 3 organizational reviews. In addition, the ACC made recommendations on specific organisational procedures to four institutions. Two of these changes were general procurement recommendations and the other changes were recommended for specific issues (for example, leasing of land for businesses in Male' and taxi service proposal evaluation procedures). Most of these procedures were studied on requests made by the institutions, although the civil servants' perception survey of 2014 and health research of 2015 were initiated by the ACC. Given the number of organizations that are under the jurisdiction of the ACC there is much scope for improvement. Source: Annual report 2015 and 2014, Information from ACC September 7th, ACC Act 13/2008 Clause 24

<p>29. Frequency of including corruption prevention recommendations in ACC's investigation reports during past 3 years</p>	<p>Frequently</p>	<p>Sometimes</p>	<p>Not at all</p>	<p>Prevention recommendations were always identified by the investigation teams and included in investigation reports. These recommendations were forwarded to all concerned offices. These recommendations have also been uploaded to the ACC website every month since 2011.</p> <p>Source: Interviews with ACC commissioners, Secretary General, Head of Investigative Unit, Post Investigation and Reporting Unit Head, Journalists, ACC website.</p>
<p>30. ACC's plan for prevention, education and outreach and its implementation</p>	<p>Comprehensive and clear plan which is implemented and accessible</p>	<p>The plan for prevention, education and outreach exists but not implemented fully</p>	<p>There is no or a weak plan for prevention, education and outreach activities</p>	<p>The ACC prepares an annual activity plan for prevention, education and outreach activities but this is not accessible to the public. Though budget constraints have proven to be an obstacle the plan is implemented to a large extent.</p> <p>Interview with Head of Prevention and Research Unit, Education and Awareness Unit,</p>
<p>31. ACC's collaboration with other stakeholders in prevention, education and outreach activities</p>	<p>High degree of collaboration with three or more joint projects</p>	<p>Some degree of collaboration with one or two joint projects</p>	<p>Little or no collaboration with other stakeholders</p>	<p>The ACC is proactive in collaborating with a variety of stakeholders in Anti-Corruption Activities. The ACC works with local institutions and NGOs in communities. In 2015 the ACC collaborated with Transparency Maldives to mark the National Anti-corruption Day. The ACC has a strong relationship with the Civil Service Training Institute in organising training sessions for government offices in Male'. The Commission recently worked with the Civil Service Commission to conduct a perception survey of civil servants.</p> <p>Sources: Meetings with CSO leaders, President of the Civil Service Commission, ACC Members, Heads of Education and Awareness Unit. Meeting with Elections Commission member.</p>
<p>32. ACC's research and exploration of corruption risks, context and conditions</p>	<p>Extensive use of research, to develop risk assessments and sectoral corruption profiles</p>	<p>Some degree of research to develop risk assessments and sectoral corruption profiles</p>	<p>Little or no discernible independent research carried out by the ACC</p>	<p>Although the ACC has a Constitutional mandate to conduct research, this had been relegated in importance until a dedicated research unit was established in 2015. Since then the unit has produced two studies, one on selected aspects of the health sector and a civil service perception study: the ACC reports that they are currently undertaking two further studies. The ACC has also taken advantage of their connections in local communities to conduct 2 island level perception surveys - though these opportunities were primarily intended as pilot studies for testing of methodologies and gaining experience.</p> <p>There is scope for improvement with regard to the ACC's initiative to consult the private sector and the general public; both were consulted only to a limited extent with pertinence to its research of the health sector, immigration and customs.</p> <p>Sources: Interviews with head of Prevention and Research Unit, previous employees, ACC members, CSO leaders</p>



<p>33. ACC's dissemination of corruption prevention information and use of campaigns</p>	<p>Extensive dissemination of corruption prevention and reliance on campaigns</p>	<p>Limited dissemination of corruption prevention information and reliance on campaigns</p>	<p>Does not disseminate corruption prevention information or rely on campaigns</p>	<p>The ACC has used several mediums to disseminate information and awareness on the institution's work and about issues of corruption. The Commission conducted a campaign titled 'Integrity First', which was promoted through the distribution of memorabilia (such as key tags) and the use of a special logo on all communications. The Commission needs to ensure that its awareness messages are attractive to all age groups, particularly youth. Limiting the messages to English and Dhivehi marginalises the large expatriate population in the country.</p> <p>Sources: Interview with CSO leaders, UNODC Officer.</p>
<p>34. ACC's use of its website and social media for disseminating information on corruption prevention</p>	<p>Extensive use of its website and social media to spread corruption prevention information</p>	<p>Limited use of its website and social media to spread corruption prevention information</p>	<p>ACC does not have a website and does not rely on social media to spread corruption prevention information</p>	<p>The ACC operates active Twitter and Facebook pages and the Commission's website is particularly resourceful. However, there is much scope to increase their reach, particularly with regard to the younger portion of the population. An English page was introduced to the website in 2015 and the ACC also uploads quarterly statistics to its website, in addition to possible accounts of corruption as other prevention material. The ACC's drama episodes ' Bithufangi' which portrays corruption in everyday life is regularly promoted on social media. The Commission also held photo competitions in 2015 and 2016.</p> <p>To supplement their outreach efforts, the ACC can also run competitions and attractive social media campaigns to garner more followers and better appeal to youth. Currently the Commission's social media posts do not command much attention as measured by number of likes, retweets or comments.</p> <p>https://twitter.com/acc_maldives, https://www.facebook.com/ACCMALDIVES/, www.acc.gov.mv,</p>

▼ 5. ACC's Cooperation with other Organizations (5 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
35. Government support (e.g. Attorney-General's Office, Director of Public Prosecutions) to ACC for prosecution of corruption cases	High level of support as reflected in absence of interference and average prosecution rate of above 75%	Moderate level of support as reflected in some interference and average prosecution rate of 50% to 75%	Low level of support as reflected in substantial interference and average prosecution rate of below 50%	<p>According to senior management officials at the ACC, the Commission's working relationship with the PGO urgently needs improvement. The two institutions do not discuss cases when the cases are exchanged and the ACC is neither informed nor invited when the PGO attends court hearings to contest corruption cases. The need for better coordination between the PGO and ACC was emphasized by IFES in 2014. An MoU was signed recently between the ACC and the PGO, which will hopefully rectify these issues in the near future.</p> <p>Source: Interviews with ACC members, Secretary General, Head of Legal Unit, Senior State Attorney, previous investigative staff of ACC, UNODC Officer, Former Director of Legal Affairs at PGO, Current and former staff of ACC, Statistics from various annual reports of ACC, Transparency Maldives position paper on Illicit Enrichment, 8th December 2015.</p>
36. Cooperation between ACC and other integrity agencies (including other ACCs if there are multiple ACCs in country)	High degree of cooperation between ACCs or between ACC and other integrity agencies	Limited cooperation between ACCs or between ACC and other integrity agencies	Conflict and/or lack of cooperation between ACCs or between ACC and other integrity agencies	<p>There are currently three other institutions in the country which enquire into integrity issues. The Elections Commission, for all issues related to elections; the National Integrity Commission, which monitors four law enforcement agencies; and the Judicial Service Commission, which concerns itself with integrity within the Judiciary.</p> <p>In all cases, the agencies work on investigations separately, though the ACC is broadly co-operative with these institution. In all cases the ACC is proactive in informing these Commissions of the outcome of its investigations and any recommendations they issue.</p> <p>The JSC has in the past challenged the ACC's mandate to inquire into corruption cases relevant to the judiciary. According to the ACC it has continued to investigate corruption matters relevant to the judiciary without the JSC's objection.</p> <p>Source: Meeting with Elections Commissioner, ACC members, National Integrity Commission Act Clauses 36(a) 2 and (b), Judicial Service Commissions Act 10/2008, Elections Commission Act 8/2008 21(a). *Complaints against Judges must be processed by JSC: Chief Justice" http://english.sun.mv/5832, September 2012.</p>
37. Cooperation between ACC and non-government organizations including CSOs and private companies	High degree of cooperation between ACC and other organizations including CSOs and private companies	Limited cooperation between ACC and other organizations	Conflict and/or lack of cooperation between ACC and other organizations	<p>The ACC evinces adequate levels of co-operation with CSOs and its National Integrity Plan entails working with several different organizations. Though private companies and banks generally co-operate with the ACC in providing requested information, the ACC does not make enough effort to reach out to the private sector for prevention and awareness activities.</p> <p>Interview with CSO leaders. Focus Group Discussion with private sector</p>



38. ACC's participation in international networks	Very active with ACC participating in 3 or more networks	Active with ACC participating in 1 or 2 networks	ACC does not participate in any network	<p>Maldives acceded to the UNCAC in 2007. The country has also been a member of the Asia/Pacific Group on Money Laundering since July 2008. Maldives also participates in the International Anti-Corruption Conference and attends its yearly general meeting. An additional network they could potentially participate in is the ADB-OECD Anti-Corruption Initiative for Asia-Pacific.</p> <p>Source: Asia Pacific Group on Money Laundering http://www.apgml.org/, ADB/OECD Anti-Corruption Initiative, accessed on 23rd September 2016</p>
39. ACC's cooperation with ACCs in other countries	High degree of cooperation with joint projects and technical assistance with several ACCs in other countries	Limited cooperation in some areas with one or two ACCs in other countries	No cooperation between ACC and ACCs in other countries	<p>The ACC has an understanding with the Anti-Corruption Academy of Malaysia to provide training to the ACC, although the number of opportunities realized through this understanding is limited. The ACC has approached various high commissions in the country in seek of training opportunities form their governments.</p> <p>Source: Interview with Secretary General, Commission members</p>

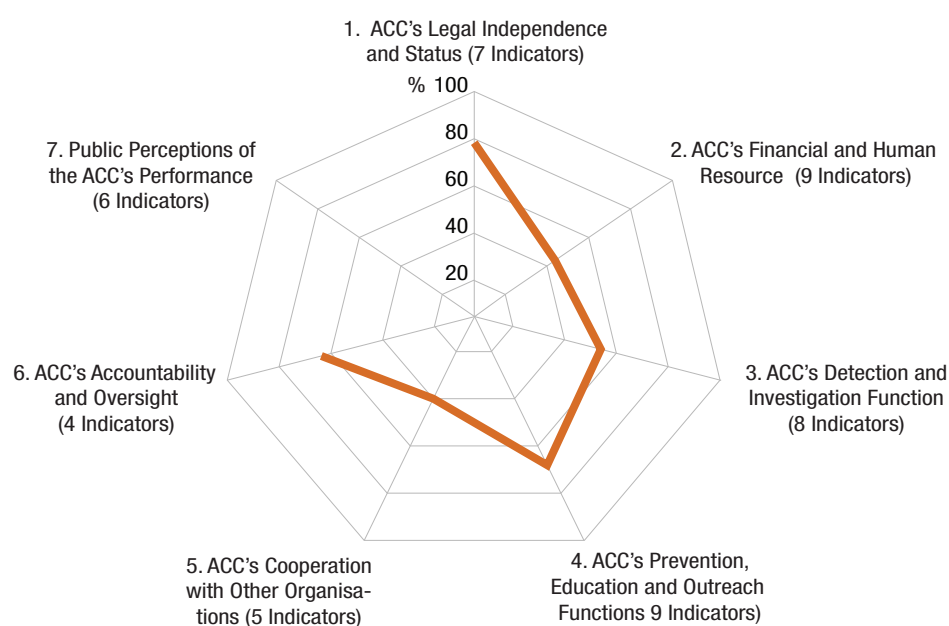
▼ 6. ACC's Accountability and Oversight (4 indicators)

INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
	HIGH (2)	MEDIUM (1)	LOW (0)	
40. Information provided in and accessibility of ACC's annual report and website	Comprehensive information on ACC is provided in annual report and website; submitted to Parliament and easily accessible to the public	Limited information on ACC is provided in annual report and website; submitted to Parliament but not easily accessible to the public	Submits annual report to government but is not available to the public	The ACC Act requires the Commission to submit its annual report to the oversight bodies and to make them public. The ACC's annual reports from 2011-2015 are available on the Commission's website. The website is useful and regularly updated with statistics, possible stories of corruption and updates on the ACC's activities and cases. Journalists have noted that ACC regularly sends information on recently concluded cases via email to media outlets. Source: ACC Act 13/2008 Clause 31, ACC website, Accessed 23rd September 2016, Interview with previous employee.
41. ACC's oversight mechanisms	Oversight committees with active participation by Members of Parliament, senior civil servants and prominent citizens	Oversight committees with Members of Parliament and/or senior civil servants as members	Accountable to Executive without any oversight committee	The ACC reports to the Parliament Committee on Independent Institutions, which consists of selected members of the Parliament. During the review period the parliament oversight committee did not exercise their responsibility and the current parliamentary committee has not summoned the Commission since it was convened in May 2014. Practical oversight of the ACC does not occur. Source: Interview with MPs (an opposition party MP / member of Independent Institutions and a MP from ruling party), CSO leaders, ACC Commission Members and Journalists
42. ACC's procedure for dealing with complaints against ACA personnel	Complaints against ACC personnel are investigated by another public agency to avoid conflict of interest and results of investigation and punishment imposed are publicized	Complaints against ACC personnel are investigated by its internal control unit but results of investigation and punishment are not publicized	Complaints against ACC personnel are ignored and/or not investigated without any explanation	Circumstances under which the Commission can take disciplinary measures against its staff are expounded upon in the Commission's regulations, further specifying the type of measure that the Commission must take in response. The Administrative Section, which is under the purview of the SG, takes disciplinary actions for staff. However, the SG is required to consult the Commission Members if he wishes to impose disciplinary measures against section heads. The Commission does not publish complaints against staff or disciplinary measures taken against them. Source: ACC Regulation, Section 44, 45, Interviews with Commission members and SG
43. Outcomes of complaints against ACC or its personnel in past 3 years	All valid complaints against ACA personnel result in punishment or other remedies, and outcome is publicized	Some valid complaints against ACC personnel result in punishment or other remedies, and outcome is publicized	Complaints involving ACC personnel are ignored and not investigated at all	Three instances of professional or ethical lapses by the staff occurred during the review period. The Commission investigated all of these three instances and took action where warranted. Such incidents and the action taken with regard to them are not published by the ACC. Source: Interviews with Secretary General, Commission members, Previous Employees of ACC.

4. CONCLUSIONS AND RECOMMENDATIONS

The ACC's overall score is 58%⁹⁹, which falls in the moderate range. This indicates that whilst the ACC can serviceably perform on the dimensions assessed there is much room for improvement. Of the total number of indicators scored, 13 scored highly, 26 scored medium and 6 scored low. Refer to the spider graph below for a quick visual of each dimension's scores. Note that the Public Perceptions Dimension was unable to be scored due to an inadequate number of respondents.

▼ **Figure 3:** Dimension scores



To recapitulate, the ACC's strengths include its well defined independent legal status and wide investigative mandate (though it must be noted, within the boundaries of the limited scope of current anti-corruption legislation); stability of commissioner tenures; meritocratic recruitment procedures; responsiveness to corruption complaints; its high expenditure on prevention efforts relative to its budget; the numerousness of its corruption prevention initiatives; participation in international networks; and the accessibility and comprehensive nature of its annual reports.

Urgent areas for reform illuminated by this research include: budget instability; the extremely high staff turnover rate; poor co-ordination with the Prosecutor General's Office; efficiency of corruption investigations; and low conviction rate for corruption related offences.

Attention must be drawn to one indicator that was buoyed by a technicality: external oversight of the ACC. This indicator was scored adequate in deference to the methodological criteria that a nominal oversight body

⁹⁹ It should be noted that the indicators relevant to the Public Perceptions Dimension were not scored due to inadequate sample size.

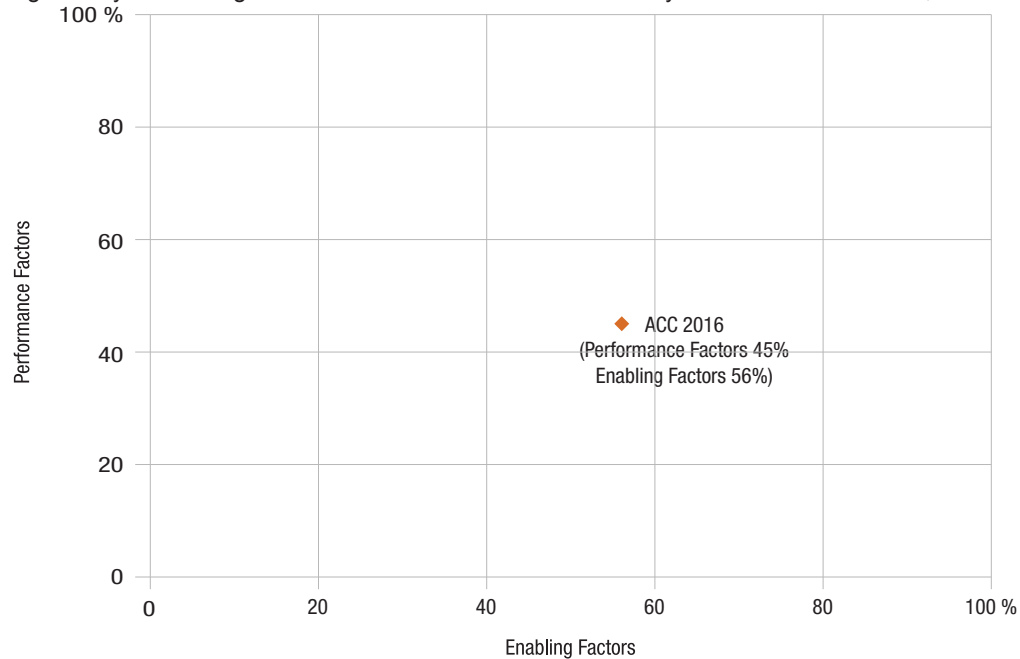


- the parliamentary committee on independent Institutions – does exist. The issue is that this body has neglected to fulfil this responsibility in total with the consequence that there is no external oversight of the ACC in practice.

It should be further noted that the indicators are divided into those relevant to the ACC's own performance (performance factors) and the ACC's operating environment (enabling factors) – which are outside the control of the ACC and can either facilitate or obstruct its work. As the graph below shows, the ACC scored lower on performance factors at 45% in comparison to enabling factors, which scored at 56%.

▼ **Figure 3:** Enabling versus Performance Factors for ACC Maldives

The ACC generally scored higher on those indicators over which they have less control over, such as the legal



framework governing the institution, guaranteeing their independence, and providing them with a wide jurisdiction to investigate corruption. Nonetheless there is room for improvement. For instance, one of the most crucial systemic issues involves the instability of the ACC's budget – and it is the government's responsibility to resolve this and ensure a consistent budgetary allocation to the ACC.

Conversely, the ACC generally scored lower on those indicators over which they have more control over, such as staff retention rate and the efficiency of its corruption investigations. Ameliorating these issues are an internal responsibility of the ACC. Overall this indicates that whilst there are systemic issues relevant to the wider operating environment demanding resolution, the ACC itself has the greater share of discretion in improving their score.

In consideration of the ACC's strengths and weaknesses the following recommendations are proposed to enhance the institution's efficiency.

RECOMMENDATIONS

LEGAL INDEPENDENCE AND STATUS

- Continue working with the Attorney General's Office to push for legal reforms to the PPCA and ACC Act, particularly with regard to:
 - Expanding the definition of corruption to encompass illicit enrichment.
 - Granting the ACC the legal discretion to halt on-going projects which are suspect and also to issue binding recommendations.
 - Specify in legislation the educational and other qualifications required of a Commission Member.



FINANCIAL AND HUMAN RESOURCES

- Build capacity of all investigate staff through intensive and professional trainings. Training staff to investigate financial crimes should be accorded particularly urgent priority.
- Undertake staff satisfaction surveys to enquire into the reasons for high turnover and to generate solutions accordingly.
- The Government and Parliament must ensure the budgetary stability of the ACC by not suddenly withholding funding and must ensure that the ACC is adequately resourced to carry out their mandate.

DETECTION AND INVESTIGATION FUNCTIONS

- ACC's overall investigative function need to be strengthened by training staff to enquire into complex financial crimes and by ensuring stronger documentary evidence collection to complement witness testimonies.
- If there are lengthy delays with regard to their inquiries into high profile corruption cases, the ACC must justify this and be proactive and regular in keeping the public informed of the progress of their investigations, so that questions are not raised about their efficiency.
- Ensure that awareness messages on how to report corruption complaints to the ACC are targeted to all segments of the population, including skilled and less-skilled expatriates.

PREVENTION, EDUCATION AND OUTREACH FUNCTIONS

- The ACC should increase number of reviews regarding organizational procedures. 16
- Present their social media initiatives in a manner more appealing to youth. This could potentially increase the reach of their awareness messaging in consideration of the Maldives' relatively young population.
- Consult a wider range of stakeholders in research efforts, including the general public, the private sector, associations and external bodies

COOPERATION WITH ORGANISATIONS

- Increased collaboration and correspondence with the PGO is urgently needed. This further entails arranging regular opportunities for the ACC investigative staff to attend court hearings and trials.

ACCOUNTABILITY AND OVERSIGHT

- Active involvement of the Parliamentary Committee on Independent Institutions is needed with regards to evaluating the ACC's performance and in assisting with challenges faced by the ACC.



ANNEX 1: BACKGROUND TO THE PROJECT

Transparency International believes that Anti-Corruption Agencies (ACAs), as public institutions tasked with combating corruption, must be transparent, accessible and accountable to citizens. They must operate with the utmost integrity, maintain a reputation of objectivity and professionalism and demonstrate effectiveness in their duties. Transparency International has identified ACAs as key partners in the fight against corruption and plans to work in constructive collaboration with governments who are ready to invest in improving their anti-corruption effectiveness by building strong oversight and enforcement mechanisms.

Transparency International's initiative aimed at strengthening anti-corruption agencies combines biennial assessments of ACAs with sustained engagement, dialogue and advocacy at both national and regional levels. A robust assessment tool was developed over a period of two years in consultation with numerous experts and practitioners around the world. In mid-2013, Transparency International convened an experts meeting in Kuala Lumpur to explore the possibility of developing an ACA assessment tool. After receiving encouraging feedback and useful input, Transparency International commissioned a background review and draft framework by anti-corruption specialist, Alan Doig. The concept received further interest and backing from ACAs in Asia Pacific during the 18th and 19th Steering Group Meetings of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific in 2013 and 2014.

In 2014, Transparency International commissioned anti-corruption expert, Dr Jon Quah to further refine the framework, producing a set of indicators incorporating elements of TI's National Integrity Systems assessment methodology and other relevant tools and principles. In April 2015, Transparency International organised a Focus Group Discussion in Bangkok, bringing together practitioners, researchers and ACAs to scrutinise the indicator framework and approach. Participants subsequently formed an Advisory Group to guide the finalisation of the tool.

The tool was piloted in Bhutan in 2015 and lessons learned around the research framework, process and approach were captured and used to finalise the methodology in consultation with the Advisory Group.

ANNEX 2: INTERVIEWEES

Persons interviewed during Assessment of ACC Maldives, August –September 2016

OFFICE / REPRESENTATION	NAME OF PERSON	POSITION / PROFESSION
Anti-Corruption Commission	Hassan Luthfee	President
	Muavviz Rasheed	Vice President
	Sofwath Mohamed	Commission Member
	Abdullah Rasheed	Secretary General
	Ikleela Ismail	Head of Prevention and Research Unit
	Majid Hassan	Head of Investigative Unit
	Mohamed Saleem	Head of Education and Awareness Unit
	Aishath Areefa	Head of Post Investigation and Reporting Unit
	Fathimath Anoola	Head of Legal and Asset Recovery Unit
	Abdulla Azeez Moosa	Head of Complaints Evaluation and Registration
Attorney Generals' Office	Shafeea Riza	Senior State Attorney
Auditor General's Office	Ibrahim Aiman	Assistant Auditor General
	Adam Naseer	Director, Technical Services
	Mohamed Naseem	Manager, Technical Services
Civil Service Commission	Aly Shameem	President
CSO leaders	Mariyam Shiuna,	Executive Director of Transparency Maldives
	Thoriq Hamid	Program Manager, Transparency Maldives
Elections Commission	Ismail Habeeb Abdul Rahman	Commissioner
Focus Group Discussion 1	Ahmed Rasheed,	Student at Maldives National University
	Naushan Abdul Muhaimin,	Executive Director of Care Society (CSO)
Focus Group Discussion 2 (Private Sector)	Mahmood Razi	Director, Lintel Management and Investments Services Ltd
	Mujuthaba Musthafa	Managing Director, Bungleton Pvt. Ltd.
	Abbas Mohamed	Director, Veligaa Hardware
Focus Group Discussion 3	Ibrahim Waheed Aswad	Sangu TV (Journalist)
	Jeehan Mahmood	Former Human Rights Commission Member 2010-2015
	Ahmed Shahid	Former Secretary General of HRCM



Persons with Direct Contact with ACC	Anonymous	Female under investigation
	Anonymous	Female under investigation
	Ahmed Aboobakuru	Submitted complaint to ACC, President of Contractor's Association
	Ahmed Naufal	Submitted a complaint to ACC
	Saudullah Ahmed	Submitted a complaint to ACC
	Ibrahim Nazeem	Former Managing Director of Maldives Road Development Corporation, was under investigation by ACC
	Anas Abdul Sattar,	Secretary General, MDP (main opposition party), was also lawyer for persons under investigation by ACC
	Mohamed Iyas	Former director of Legal affairs at PGO (2015) , Also lawyer for person under investigation by ACC (2016)
Previous ACC Staff	Anonymous	
	Anonymous	
	Mohamed Nashid	Former Investigative Officer, 2011-2015
Prosecutor General's Office	Aisthath Bisham	Prosecutor General of the Maldives.
Members of Parliament	Rozaina Adam	Member of Independent Commissions Committee, Member of MDP (main opposition Party)
	Anonymous	Member of PPM (ruling party)
Journalists	Mohamed Junayd	Station in charge, Raajje TV
	Zaheena Rasheed	Editor, Maldives Independent
	Ali Naafiz	Assistant Editor, Mihaaru News
	Hussain Hassan	Deputy Editor, Sun Online
United Nations Office on Drugs and Crime	Claudia Sayago	Crime Prevention and Criminal Justice Officer,

ANNEX 3: STAKEHOLDERS CONSULTED

External Stakeholders Consulted

OFFICE/REPRESENTATION	NAME OF PERSON	POSITION/PROFESSION
Auditor General's Office	Ibrahim Aiman	Assistant Auditor
Attorney General's Office	Hafiza Abdul Sattar	Senior State Attorney
Criminal Court	Ismail Rasheed	Assistant Legal Officer
Information Commissioner's Office	Hassan Shakir Muhammad	Director General
	Muhammad Ahmed	Director General, Innovations, Research and Foreign Relations
Maldives Police Service	Javed Mohamed	Inspector of Police
	Usamath Muhammad	Sub Inspector of Police
Ministry of Finance and Treasury	Abdul Ghafoor Abdul Latheef	Senior Policy Executive
National Integrity Commission	Ahmed Faiz	Commissioner
Privatization and Corporatization Board	Muhammad Nizam	President
Prosecutor General's Office	Mariyam Niyahath	Deputy Prosecutor General

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