

Governance update Jan 2013

Transparency Maldives

This document is produced by Transparency Maldives with the purpose of communicating and bringing to the attention of the international community issues of governance in the Maldives.

1. Transparency Maldives expresses concern about certain decisions and bills passed by the Parliament

Transparency Maldives expresses concern regarding the Parliament's decision to make votes of no confidence and impeachment secret and the endorsement of key bills that unduly restrict basic freedoms such as freedom of association, freedom of assembly and a bill that provides undue privileges to Members of Parliament.¹

1.1 Making votes of no confidence/ impeachment secret

Transparency Maldives believes that the decision to make the votes of no confidence and impeachment secret undermines the transparency of the Parliament, exposes it to corruption and obstructs elected members' from being held accountable by their constituents.

1.2 Political Parties Bill

The Political Parties Bill that was passed by the Parliament on 27 December 2012 curtails the right to establish political parties and form associations as per Article 30 of the Constitution of Maldives by stipulating an arbitrary 10,000 membership limit for formation and sustainment of a political party.

The bill however, fails to address current gaps in the legal framework with regards to promoting transparency and accountability of the party to its members and public; strengthening general governance of the party; and strengthening political party financing transparency.

The Bill has since been returned to the Parliament for reconsideration by the President Dr. Hassan Waheed.

1.3 People's Majlis Privileges and Powers Bill

¹ See link for a joint statement by Transparency Maldives and Maldivian Democracy Network

The Privileges and Powers Bill by the People's Majlis remains outside the conceptual remit of Article 90 of the Constitution of the Maldives, containing a series of unwarranted financial benefits and concessions to members.

Transparency Maldives believes that the Privileges and Powers Bill be based on the fundamental concept of parliamentary privileges provided in Article 90 of the Constitution of the Maldives, the purposes of which are to remove possible obstructions to the proper functioning of the parliament, to uphold its institutional integrity and to facilitate MPs to carry out their constitutional obligations effectively without undue influence or interference.

This bill was sent back to the Parliament for consideration by the President without ratification.

1.4 Freedom of Peaceful Assembly Act

The Freedom of Peaceful Assembly Bill was the only bill ratified of the three bills forwarded by the Majlis for presidential assent during the last sitting of the Parliament in 2012.

The Act infringes upon Article 27, freedom of expression, Article 28, freedom of media and Article 32, freedom of peaceful assembly by among other things, unduly restricting places of assembly; placing administrative hurdles for assembly; and enforcing only journalists accredited by Maldives Broadcasting Commission to cover protests.

2. Maldives plummets 30 places to 103rd in the Press Freedom Index

Maldives plummets 30 places to 103rd in Reporters Without Borders' (RSF) Press Freedom Index 2012.

The Index notes the first attempted murder on a journalist --Hilath Rasheed, who has since fled the country-- the attacks on journalists, state and private media during the political turmoil surrounding the 7 February incidents and the ensuing political struggles.

Maldives ranked 144, 129, 104, 51, 52, 73 and 103 in the Press Freedom Index in the years 2006, 2007, 2008, 2009, 2010, 2011 and 2012 respectively.

The Maldives is now at 2008 levels, prior to the first-ever multiparty presidential election, having lost the gains made in the years 2009 and 2010, according to the Press Freedom Index.

3. Freedom House report drops Maldives from list of electoral democracies

Freedom House has dropped Maldives from the list of electoral democracies. Although Maldives has been removed from the list of electoral democracies, the country is still placed in the “Partly Free” category in the report.

The political rights dropped from 3 to 5 and civil liberties remained at 4, the same as last year.²

4. Parliament’s Executive Accountability Committee begins probe of the CoNI report

The Parliament’s Executive Accountability Committee (EAC), controlled by opposition MDP begins review of the CoNI report.

Former and current Commissioners of Police, Defense ministers as well as key persons involved in the 7 February incidents have been summoned to the

Information shared with the EAC in closed door sessions have been leaked to the media

5. Government seeking to dissolve the Malé City Council

The government has sought to dissolve the Malé City Council amid the conflicts between the local government and the central government following the contentious transfer of power on 7 February.

As per Article 66 of the Decentralization Act, the Local Government Authority (LGA) may request the dissolution of a council if the council: is repeatedly unable to observe and carry out its duties and responsibilities; abuses its resources; and if the council is repeatedly unable to come to agreement or is unable to reach the required quorum for sittings leading to obstruction of and inability of the council to carry out its legal mandate.

A council can only be dissolved if the High Court sees “no other way” than to dissolve the council, as per Article 66, B.

The issue has been presented to the LGA by the central government. The 9 member LGA Board is headed by the current Minister of Home Affairs, Dr. Ahmed Jameel.

6. Usfasgan’du issue

² http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet%20-%20for%20Web_0.pdf

The Usfasgan'du, where Maldivian Democratic Party had been camped since March 2012 has been cordoned off by the Maldives Police Service on 30 Jan 2012 following a court order by the High Court.

7. Court system inaccessible to migrant workers

MinivanNews.com³ picked up Transparency Maldives' Advocacy and Legal Advice Center press release on achievements in the year 2012 and covered the migrant worker issues.

Transparency Maldives ALAC team came into contact with and provided free legal information to over 350+ migrant workers at an event in Sultan Park on x December 2012. Many expatriate workers gather in public places such as the Sultan Park on Fridays.

Migrant workers highlighted three main issues: non-payment of wages; withholding of passports; and poor living conditions.

Maldives has been placed on US State Department's tier two watch list for human trafficking for three years in a row.

8. Other developments

8.1 The Prosecutor General has appealed at the High Court the dismissal of four cases of corruption charges against the Deputy Speaker of Parliament Ahmed Nazim on 8 January 2012.

Nazim was cleared of all four counts of corruption/fraud 23 February, 16 days after the transfer of power on 7 February.

8.2 Mohamed Jinah, Head of the Drug Enforcement Department of the Maldives Police Service was dismissed on 10 January.

8.3 Brigadier General Ahmed Nilam, former Head of Military Intelligence was relieved of his duties due to a complaint submitted against him on 18 January.

Please call Transparency Maldives' Advocacy and Communication Manager for questions and clarifications.

³<http://minivannews.com/politics/maldives-legal-system-inaccessible-to-migrant-workers-transparency-maldives-50942>