



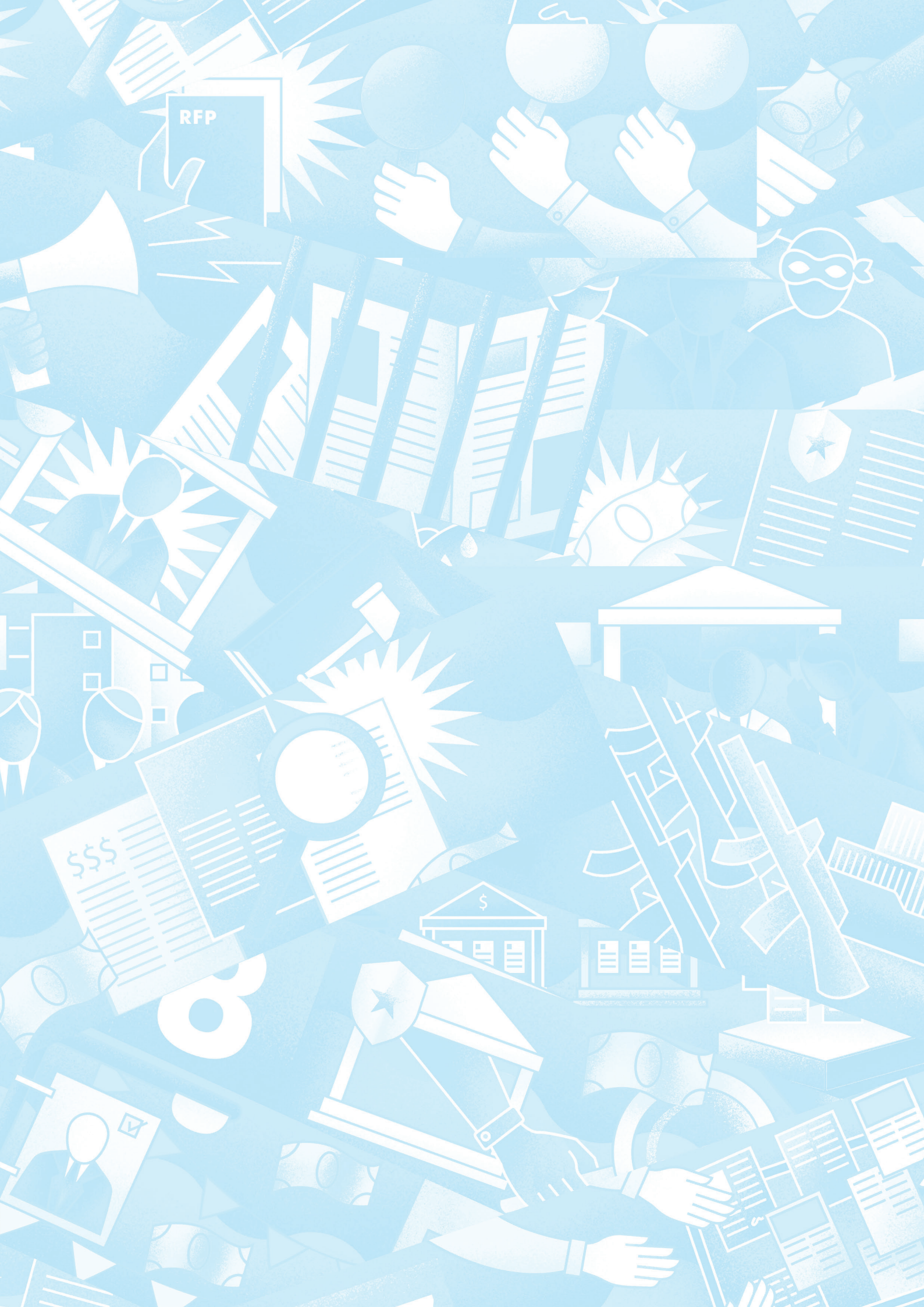
# SDG 16

## PEACE, JUSTICE AND STRONG INSTITUTIONS

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### POLICY AND GAP ANALYSIS for SDG 16 MALDIVES 2021

SDG TARGETS 16.4, 16.5, 16.6 and 16.10



Transparency Maldives, National Chapter of Transparency International (TI), is a non-partisan organization that promotes collaboration, awareness and other initiatives to improve governance and eliminate corruption from the daily lives of people. Transparency views corruption as a systematic issue and advocates for institutional change that will punish and prevent corruption.

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Shadow report done by Aminath Haifa Naeem

Layout Design and Illustrations by Lazzath Shareef

Phone: +960 330 4017, Email: [office@transparency.mv](mailto:office@transparency.mv)

[www.transparency.mv](http://www.transparency.mv)

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# INTRODUCTION

Sustainable Development Goals were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. Corruption can hinder attainment of these targets by diverting resources away from social development and increasing inequality. Recognizing this crucial link, specific targets for tackling corruption, strengthening institutions

and good governance are included in the SDGs, under SDG16 (Promote Just, Peaceful, and Inclusive Societies). To assess whether governance targets are on track, Transparency International launched a SDG16 Spotlight Reporting Initiative in 2017, for civil society to analyze the framework in place to achieving the SDG 16 targets and to report on current situation.

**This report is the policy and legislative gap analysis study for Maldives for SDG16. It mainly considers the previous two years' events; however, a longer time frame is considered where it is believed to be crucial to the context.**

## The SDG 16 Spotlight Reporting Initiative focuses on the following four SDG targets:



### TARGET 16.4:

Significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime



### TARGET 16.5:

Substantially reduce corruption and bribery in all its forms



### TARGET 16.6:

16.6: Develop effective, accountable, and transparent institutions at all levels



### TARGET 16.10:

Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

## ABBREVIATIONS

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**ACA**

Anti-Corruption Agency

**ACC**

Anti-Corruption Commission of Maldives

**ADB**

Asian Development Bank

**AG**

Attorney General

**AGO**

Attorney General's Office

**AML**

Anti-Money Laundering

**APG**

Asia / Pacific Group On Money Laundering

**ATT**

Arms Trade Treaty

**AuGO**

Attorney General's Office

**CPI**

Consumer Price Index

**CSOs**

Civil Society Organizations

**DNFBPs**

Designated Non-Financial Business and Professions

**EC**

Elections Commission

**FATF**

Financial Action Task Force

**FIU**

Financial Intelligence Unit

**GCB**

Global Corruption Barometer

**HRCM**

Human Rights Commission of the Maldives

**INTERPOL**

International Police

**JSC**

Judicial Services Commission

**MACC**

Malaysian Anti-Corruption Commission

**MED**

Ministry of Economic Development

**MMA**

Maldives Monetary Authority

**MMPRC**

The Maldives Marketing and Public Relations Corporation

**MOF**

Ministry of Finance



## ABBREVIATIONS

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**MOU**

Memorandum of Understanding

**MVR**

Maldivian Rufiyaa

**OECD**The Organisation for Economic  
Co-operation and Development**PEP**

Politically Exposed Person

**PG**

Prosecutor General

**PGO**

Prosecutor General's Office

**PPC Act**Prevention And Prohibition Of  
Corruption Act 2000 (Act. No. 2/2000)**RFP**

Request for proposal

**RTI**

Right to Information

**SAP**

Strategic Action Plan

**SDG**

Sustainable Development Goals

**SOEs**

State-Owned Enterprises

**STRs**

Suspicious Transaction or Activity Report

**TI**

Transparency International

**TIN**

Tax Identity Number

**TM**

Transparency Maldives

**UNCAC**United Nations Convention  
Against Corruption**UNDP**

United Nations Development Programme

**UNODC**United Nations Office on Drugs and  
Crime**USA**

United States of America

**USD**

United States Dollar

**WBPU**

Whistleblower Protection Unit

# METHODOLOGY

A detailed questionnaire was developed by Transparency International as the research tool for the initiative. Each of the four SDG targets were expanded to include various relevant policy areas, which are essential to developing a robust framework for sustained improvement in governance.

Specific questions were developed under each of the policy areas. In addition to the questions on targets, a Background section is included which looks at how the national SDG framework is incorporated into national planning in general, level of reporting on SDG 16 targets and recent trends in anti-corruption efforts in the country. The final questionnaire has a total of 19 policy areas and 159 questions (see [Figure 1 for the targets and policy areas of the questionnaire](#)).

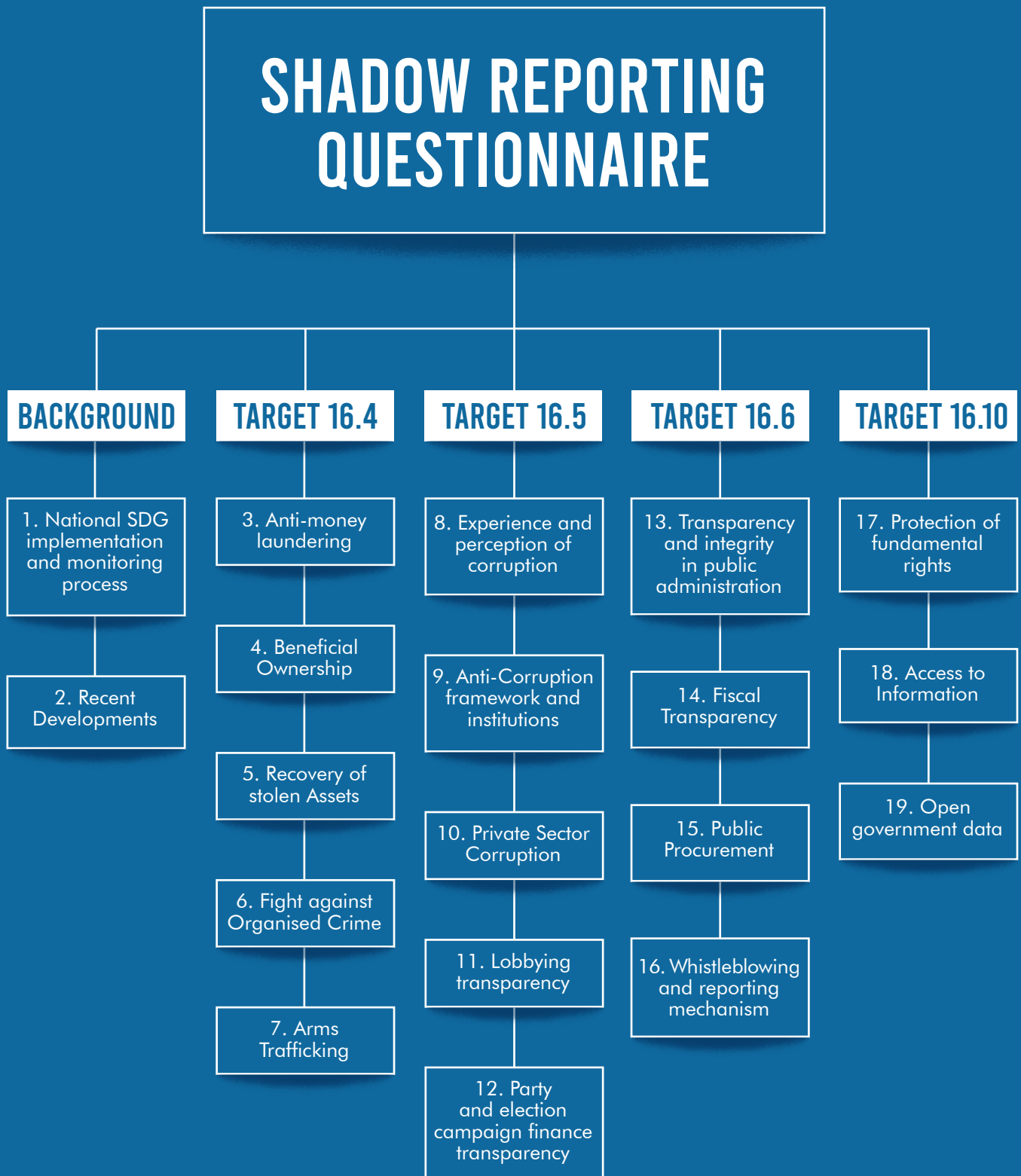
The questions focus on comprehensiveness of the legal framework, adherence to law, and ranking for the country in third

party surveys and assessments where available.

Several questions pertaining to the legal framework is assigned a score (scoring questions). These questions have a specific description for each score option. The closest response for the Maldivian context has been selected with explanations. The next section shows the average score by policy area.

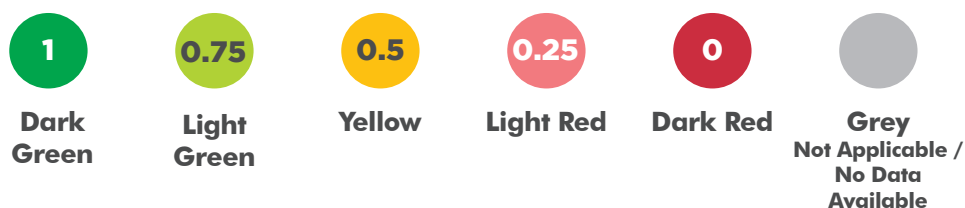
References and sources of information for each response are given with the response, in [Annex 1 \(Responses to Questionnaire\)](#). Primary information was collected between July and September 2021 from official reports, newspaper articles, state institutions, journalists, and independent researchers, via interviews and email correspondence. A stakeholder consultation workshop was held in September 2021 to deliberate on findings. A draft of the report was circulated for further comments and fact-checking (See [Annex 3 for details of stakeholder consultations](#)).

Figure 1

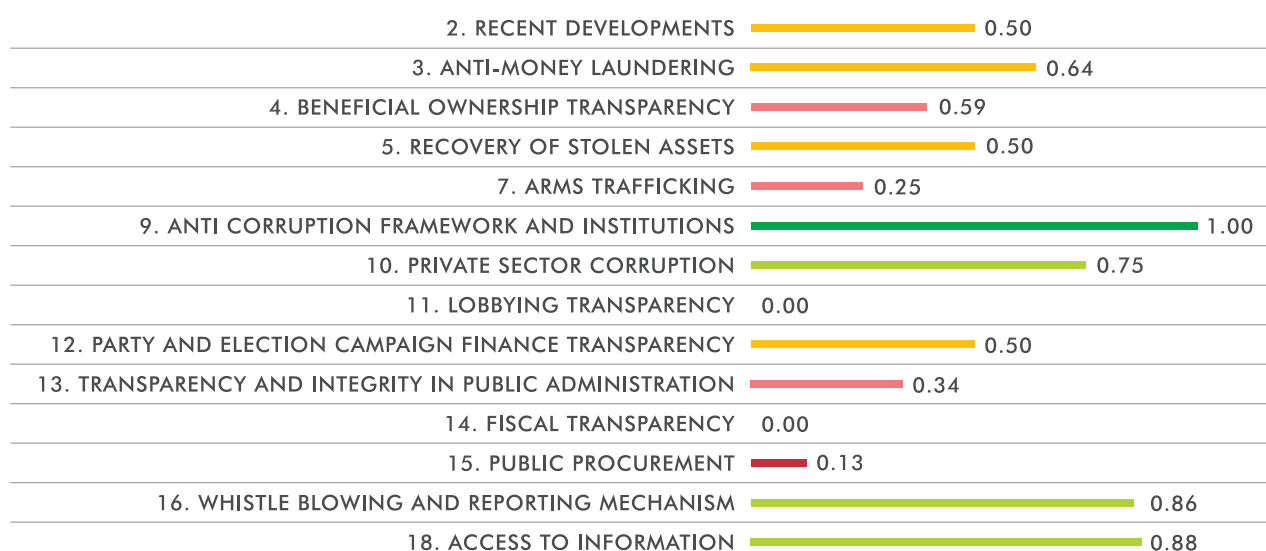


# COUNTRY LEGAL SCORECARD

Out of the total nineteen policy areas, fourteen have scoring questions. These questions assess the legal framework and policies in place. The scores follow the categories below, where 1 is the best score.



## COUNTRY LEGAL SCORECARD MALDIVES 2021



### AVERAGE SCORE

### AREAS INCLUDED IN TARGET

Target 16.4

0.45

Money laundering, asset recovery, organized crime

Target 16.5

0.56

Corruption and bribery

Target 16.6

0.33

Fiscal transparency, whistleblowing, procurement

Target 16.10

0.87

Access to information, fundamental freedoms

# KEY MESSAGES FROM SCORECARD:

**1. THE LEGAL FRAMEWORK FOR WHISTLEBLOWING, ACCESS TO INFORMATION AND ANTI-CORRUPTION ARE COMPREHENSIVE AND IN LINE WITH INTERNATIONAL RECOMMENDATIONS.**

**2. LEGAL REQUIREMENTS FOR PUBLIC DISCLOSURE OF FISCAL INFORMATION ARE WEAK, ALTHOUGH THE MINISTRY PUBLISHES REGULAR AND DETAILED INFORMATION. MALDIVES ALSO SCORED LOW ON THE SPECIFIC ASPECTS OF THE PUBLIC PROCUREMENT LEGAL FRAMEWORK ANALYZED IN THIS REVIEW.**

**3. THERE IS NO FRAMEWORK OR POLICY IN PLACE FOR LOBBYING OR REVOLVING DOOR POLICIES.**

**4. THE SDGS INTERPRET PRIVATE SECTOR CORRUPTION LARGELY AS BRIBERY ONLY. MALDIVES SCORED HIGH IN THIS SECTION, GIVEN THE POSITIVE RESPONSE TO THE TWO ISSUES INCLUDED IN QUESTIONNAIRE (BANNING OF FOREIGN SECTOR BRIBERY AND BANNING COLLUSION).**

**5. BENEFICIAL OWNERSHIP, POLITICAL FINANCING AND ASSET DISCLOSURES ARE AREAS WHERE LEGAL FRAMEWORKS COMPLY PARTIALLY WITH RECOMMENDED STANDARDS.**



# ANALYSIS & RECOMMENDATIONS



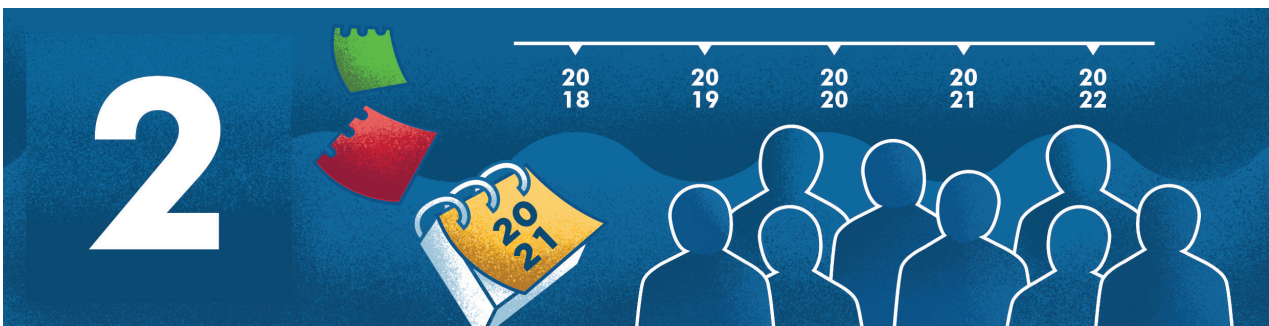
## BACKGROUND ON IMPLEMENTING AND REPORTING ON SDG16

- Data collection for SDG16 is generally weak. Of the four targets included in this review, there are no national indicators for 16.5, 16.6 and 16.10. One indicator is collected under 16.4 (number of unlawful possession of weapons).

### RECOMMENDATIONS

*R1- There is an urgent need for identifying relevant national indicators for these SDG16 targets and determine data collection sources*

*R2- Discussions regarding selection of indicators should include civil society actors.*



## RECENT DEVELOPMENTS

- Strong political will to fighting corruption has been demonstrated by the government in recent years, by improvements to the legislative framework and proactive initiatives. This commitment needs to be sustained to fully implement the anti-corruption policy currently being developed. Public involvement in eliminating corruption needs to be encouraged. Space for civil society and media to report on governance issues has improved in comparison to the previous government, but challenges for unbiased reporting remain.

### RECOMMENDATIONS

*R3- Incorporate civic and political rights in the education system*

*R4- Invest in capacity building of CSOs and media, particularly in their capacity to monitor and report on corruption issues*

## TARGET 16.4

Significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime



### ANTI-MONEY LAUNDERING

- The legal framework to criminalize money laundering is compliant with international standards. In practice challenges to effective investigation remain, such as high volume of cash transactions in the economy and significant portion of funds being held overseas. The planned risk assessment to be carried out by MMA, in collaboration with World Bank, will identify current risks and any gaps in detail.



### BENEFICIAL OWNERSHIP TRANSPARENCY

- Important steps taken to introduce beneficial ownership in the legal framework however additional strengthening measures are needed. Details on beneficial owners are currently collected only by financial institutions and this is not included in the business registry yet. There is no centralized database and banks are not privy to each other's database.
- An online portal for business registry information was launched, but limited information is given and entries can only be searched by name of entity.

#### RECOMMENDATIONS

*R5- Create and maintain a centralized database of beneficial owners*

*R6- Include beneficial ownership information in the online business registry portal*

*R7- Enable more search parameters in the business registry such as by name of shareholder, address of business.*





## RECOVERY OF STOLEN ASSETS

• Commitment to asset recovery is demonstrated by the establishment of a specialized Asset Recovery Commission, strengthened by the legal framework for such commissions. The commission has been endowed with wide investigative powers and accountability protocols, although there are no clauses for public disclosure of progress or annual updates. A comprehensive legal framework for asset recovery is needed including clarification of which government institution is responsible for asset recovery. This role

would include creating a legal framework, conducting awareness and investing in capacity building.

### RECOMMENDATIONS

*R8- Introduce transparency and public disclosure measures for Asset Recovery Commission*

*R9- Introduce Asset Recovery Act and determine the responsibility of relevant state institution in asset recovery*



## FIGHT AGAINST ORGANIZED CRIME

• The Global Corruption Barometer Survey for Maldives 2020 reported that half of the respondents do not have trust and confidence in the police and other state institutions. Cases of human trafficking and drug trafficking persist in the country and there are allegations of bribery and corruption in these networks. The ACC reported a lack of adequate resources to investigate cases efficiently.

### RECOMMENDATIONS

*R10- Strengthen capacity and technical resources for investigative bodies responsible for tackling organized crimes.*



## TARGET 16.5

### Substantially reduce corruption and bribery in all their forms



## EXPERIENCE AND PERCEPTION OF CORRUPTION

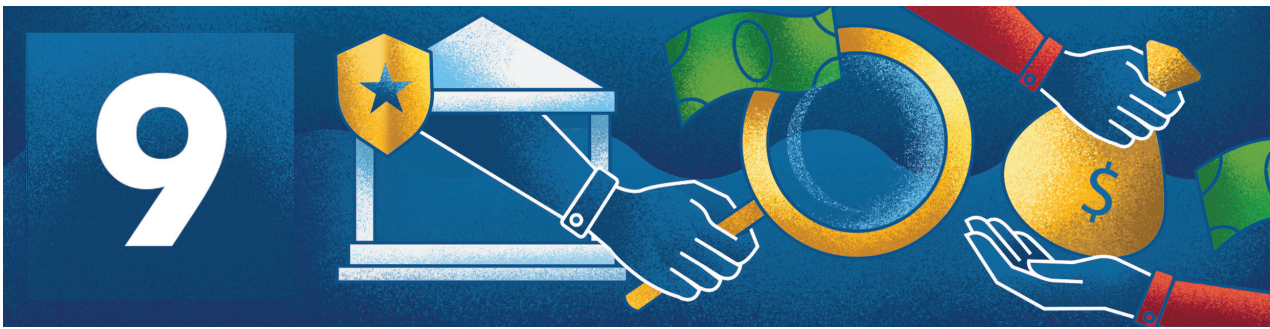
- Of the respondents for the Global Corruption Barometer 2020, 2% reported that they had paid a bribe for services in the previous 12 months, while 7 – 11% reported that they had used personal connections to get services. The most corrupt sector was perceived as the parliament followed by the judiciary. 18% reported that they were offered a bribe in exchange for votes in the past five years. Over half reported that the government and ACC were unable to tackle corruption. A comparison with previous GCB data shows a pattern of skepticism, as fewer respondents said ‘ordinary people can make a difference’ and fewer said they would report incidents of corruption. Majority reported that corruption is a big problem and has increased in the previous 12 months.

### RECOMMENDATIONS

*R11- Encourage more reporting of all forms of corruption, more awareness of avenues for reporting and more awareness of cases resolved.*

*R12- Implement policies and practices targeted to increase public trust in state:*

- 1. Set up effective grievance mechanisms for public to report inefficiencies in seeking any public service*
- 2. Enable more opportunities for public to engage meaningfully with decision makers*
- 3. Ensure efficient procedures to deliver public services*
- 4. Monitor performance of state institutions in service delivery and public engagement*



## ANTI-CORRUPTION FRAMEWORK AND INSTITUTIONS

• The legal framework strongly aligns with UNCAC. Recent amendments to legal framework have strengthened integrity measures of ACC and law enforcement, however some limitations exist. ACC is financially dependent. Prosecution rate for corruption cases is low. Both AGO and ACC have limited power to enforce

recommendations to improve governance in other offices.

### RECOMMENDATIONS

*R13- Preventive recommendations by ACC and AGO to be implemented and enforced.*



## PRIVATE SECTOR CORRUPTION

• The lack of beneficial ownership information in company registry reduces transparency of corporations and makes it challenging to truly limit collusive behavior. The unrestricted involvement of politicians in private businesses can impact regulatory decisions and sincerity of legal amendments. Such ownership interests can also undermine the power of law enforcement authorities in implementing laws. Lack of cooling off period and revolving door policies also enable state

officials leaving their office and entering the private sector, to take advantage of information gained and influence personal contacts.

### RECOMMENDATIONS

*R14- Develop and implement conflict of interest declaration and clauses for members of parliament and in other regulatory bodies.*



## LOBBYING TRANSPARENCY

- There is no framework in place for lobbying



## PARTY AND ELECTION CAMPAIGN FINANCE TRANSPARENCY

• Political financing framework continues to have long-standing weaknesses. Annual statements submitted by political parties must be prepared by a licensed auditor. AGO reviews the reports which have issues of concern flagged, although neither the statements nor details of reviews are disclosed.

• No information on campaign finances are available to the public. Candidates are required to submit statements to the Elections Commission. These statements

are not audited. The statements are not publicly disclosed, nor are details of any review of these statements shared with public. There is no regulation on use of state resources during elections.

### RECOMMENDATIONS

*R15- Candidates and parties to submit audited statements following elections, for public disclosure and for review by authorities.*

## TARGET 16.6

Develop effective, accountable and transparent institutions at all levels



### TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION

- Code of conduct exists for the civil service and political appointees. SOEs are required to have their own code developed. Evidence of enforcement of any of these codes are not publicly available.

- Asset disclosure practices has improved with proactive public disclosure by parliament and executive in 2019. Parliament amended their regulation to oblige public disclosure. Judiciary has not published any assets but issued a regulation for asset disclosure and penalties for not submitting statements. The regulations for both judiciary and parliament mandate the disclosure of spouse and

children to oversight authorities. However, none of the asset declarations by any state official must be audited. There are no public records of evidence of scrutiny of these statements.

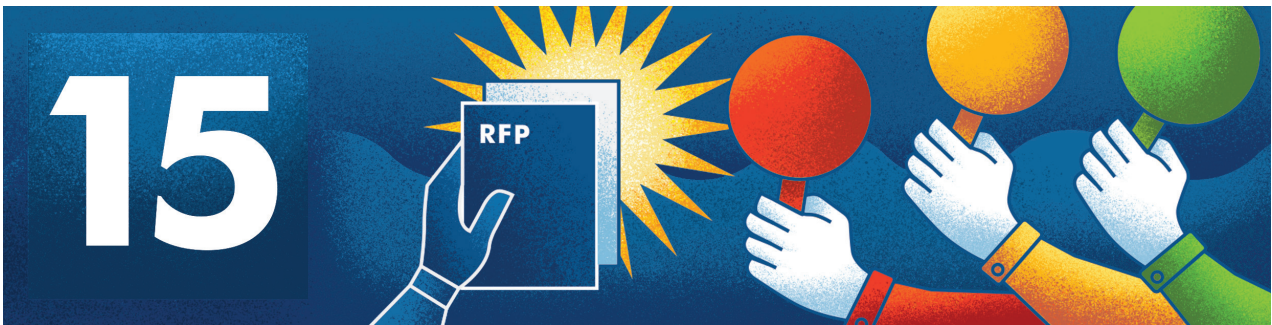
#### RECOMMENDATIONS

*R16- Establish a primary asset disclosure legislation that includes uniform declarations across all positions, public disclosure of statements and sanctions for non-submission and false declarations. Include beneficiary ownership information in asset disclosures.*



### FISCAL TRANSPARENCY

- Legal requirements for fiscal transparency is very weak although MOF publishes frequent and detailed information on budget and expenses. Only document required by the Public Finance Act is for MOF to publish is the fiscal strategy. The transparent procedures of the parliament extend to budget discussions and the Auditor General's office also publishes reports on state budgets.



## PUBLIC PROCUREMENT

- Beneficial owners are not disclosed in the bidding process. Some criteria for the single source bidding are vague and there is no upper limit for single source procurement.



## WHISTLEBLOWING AND REPORTING MECHANISMS

- Whistleblower framework strengthened significantly with Whistleblower Protection law in 2019 but institutional readiness has been lagging. Public awareness programs are limited although the Whistleblower Protection Unit has been supporting other offices in establishing internal procedures. President's Office also maintains a hotline for reporting corruption.

### RECOMMENDATIONS

*R17- Increase awareness of whistleblower protection act*

*R18- Monitor and report progress of establishment of whistleblower protection policies and procedures in state offices and companies*

## TARGET 16.10

Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements



### PROTECTION OF FUNDAMENTAL FREEDOMS

- Freedom of speech has improved from previous administration, although the freedom of assembly still has limitations. Journalists face a growing risk of attacks. Court proceedings of cases of attacks on journalists are delayed.



### ACCESS TO INFORMATION

- Strong legal framework in place for access to information however some gaps exist. The appeal process was halted for nearly a year with the delay in appointment of Information Commissioner. Data reported by the Information Commissioner's Office includes how many RTI requests were received and how many were responded to. Additional reporting of when the data was shared and in cases where data was not shared, why this was the case, also needs to be monitored and reported, to improve the RTI regime. Offices face the burden of storing historical data which can be alleviated with developing national archives. State owned enterprises are challenging their inclusion in RTI framework.

#### RECOMMENDATIONS

*R19- Need to strengthen national data archives to alleviate burden of giving historical information to public*

*R20- Need to collect more information on RTI request such as date information was given and on what grounds information was refused.*

*R21- Develop integrated platforms for public to access data, with information from multiple state institutions, to enable more user-friendly services and remove unnecessary steps in seeking services. Assess and monitor ease of access of any data platforms to all groups of populations.*

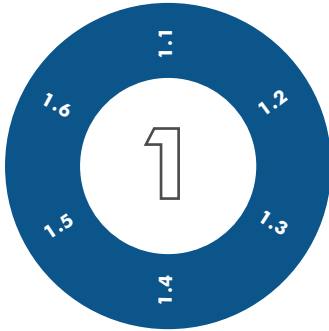




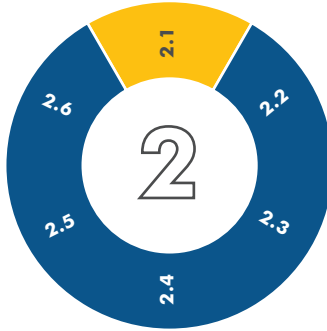
# OVERVIEW OF SCORES

The charts below show an overview of the scores given to each of the indicators. The indicators are detailed from page 28 to 70

NATIONAL SDG IMPLEMENTATION PLAN AND MONITORING PROCESS



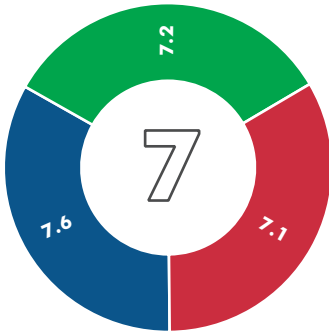
RECENT DEVELOPMENTS



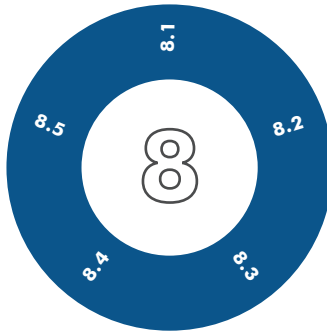
ANTI-MONEY LAUNDERING



ARMS TRAFFICKING (OPTIONAL)



EXPERIENCE AND PERCEPTION OF CORRUPTION



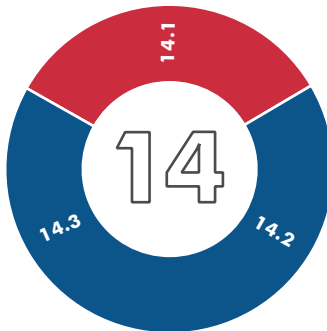
ANTI-CORRUPTION FRAMEWORK AND INSTITUTIONS



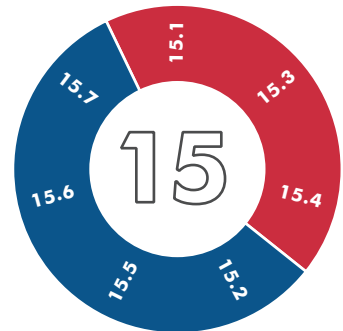
TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION



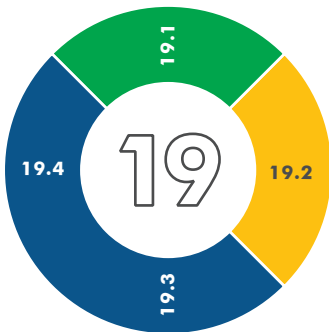
FISCAL TRANSPARENCY



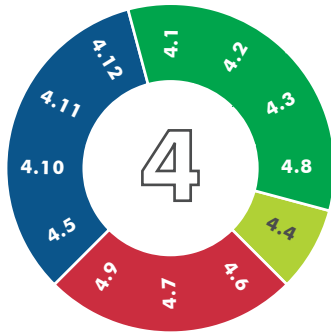
PUBLIC PROCUREMENT



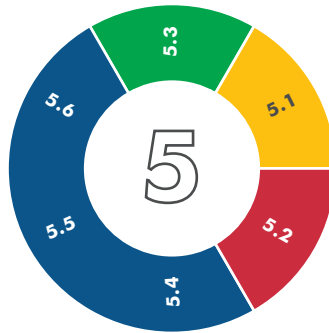
OPEN GOVERNMENT DATA (OPTIONAL)



**BENEFICIAL OWNERSHIP  
TRANSPARENCY**



**RECOVERY OF STOLEN ASSETS**



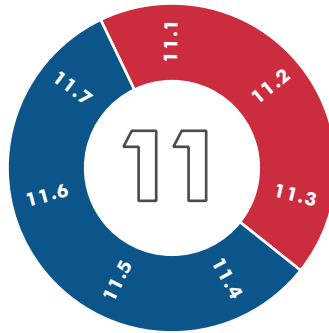
**FIGHT AGAINST ORGANIZED CRIME  
(OPTIONAL)**



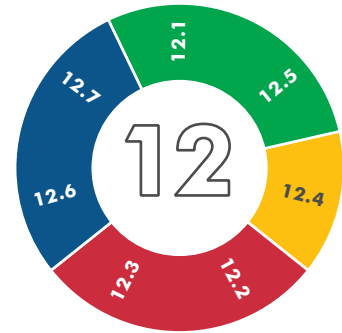
**PRIVATE SECTOR CORRUPTION**



**LOBBYING TRANSPARENCY**



**PARTY AND ELECTION CAMPAIGN  
FINANCE TRANSPARENCY**



**WHISTLEBLOWING AND  
REPORTING MECHANISM**



**PROTECTION OF FUNDAMENTAL  
FREEDOMS**



**ACCESS TO INFORMATION**



**SCORES**

- 0 Blue
- 1 Dark Green
- 0.75 Light Green
- 0.50 Yellow
- 0.25 Light Red
- 0 Dark Red

# NATIONAL SDG IMPLEMENTATION PLAN AND MONITORING PROCESS

## Indicator Number 1.1

Has the government taken steps to develop an SDG action plan on how to implement the Agenda 2030 at the national level?

*Has there been a public consultation process or a format that allowed civil society organizations to make contributions? Has the action plan been published?*

## Indicator Number 1.2

Which government body or bodies are in charge of the implementation of the national SDG implementation process, and in particular concerning the implementation of SDG 16?

*Please name the organization and available points of contact for SDG coordination – the general SDG coordination point and any specific governance/corruption contact point.*

## Indicator Number 1.3

Has civil society been able to contribute to the selection of national indicators concerning SDG 16 and have there been any formal discussions about how anti-corruption targets will fit into the implementation of a national SDG plan?

## Indicator Number 1.4

Has the development of national SDG implementation reports relating to SDG 16 been open and inclusive?

## Indicator Number 1.5

How do you assess the quality of the official assessment and the data provided in official implementation reports for targets 16.4, 16.5, 16.6 and 16.10?

## Indicator Number 1.6

Are there any salient corruption or governance issues which are omitted or not adequately addressed in the official national report?

## RESPONSES

### 1.1

A rapid assessment was carried out in 2017 to assess Maldives readiness to implement SDGs. In 2018, when the current administration assumed office, a Strategic Action Plan 2019 - 2023 was launched as the key planning document of the government. The SAP was developed with support of UNDP and was intended to be the key policy document in attaining SAP goals as well as other national priorities.

The SAP is published and available on official website of the Office of the President. The SAP was prepared in a consultative manner over a five-month period with consultations with civil society and independent institutions.

A further mapping exercise was carried out by the government and UNDP in 2020, and the report concluded that the overall alignment between the SAP and the SDG targets was high at nearly 90%. Looking at goals separately, the goals in the SAP closely aligned with the four SDG targets covered in this review.

### 1.2

The mandate of SDGs is currently under the Ministry of National Planning, Housing and Infrastructure. A specific section was created to oversee the responsibility, the Development Planning and SDG Coordination Section of the National Planning Division.

The 2017 rapid assessment identified various state agencies which were made responsible for overseeing attainment of SDGs goals relevant to that agency. The Attorney General's Office is the designated lead agency for Goal 16.

High level decisions for the SDG are made by the Cabinet (replacing a previous Ministerial Steering Committee). A multi-agency Technical Committee is in place to provide recommendations for decision making and inter-agency coordination.

A study by UNDP on SDG framework for the Maldives reported that the SDG division of the Maldives is understaffed and required capacity building.

### 1.3

Civil Society Organizations (CSOs) were included in general awareness sessions of the SDGs, however there is no direct contribution of CSOs in the selection of national indicators.

### 1.4

There are no SDG implementation reports although the National Bureau of Statistics published SDG data updates in 2018 and 2020. The preparation of these reports is carried out within relevant state institutions and the final reports are published.

### 1.5

Data collection for the SDG 16 is weak.

The data updates published by National Bureau of Statistics lists the nationally available indicators for the internationally agreed indicators. For 16.5, 16.6 and 16.10 there are no national indicators available. This means that no data is collected for these three indicators at the moment. For 16.4 one indicator is collected, which is 'Number of logged cases of unlawful possession of weapons'. This is reported in both 2018 and 2020 data updates.

### 1.6

There is no official national report on SDG implementation.



## 2

### RECENT DEVELOPMENTS

#### Indicator Number 2.1

Has the country adopted a national anti-corruption action plan?

0.5

There is an ongoing process to draft and adopt a national anti-corruption action plan.

#### Indicator Number 2.2

\_\_\_% of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s 2020 Global Corruption Barometer.

#### Indicator Number 2.3

Has your country’s current political leadership made public declarations about fighting corruption in the past two years? Have there been high-level commitments by the current administration to strengthen the legal framework, policies or institutions that are relevant to preventing, detecting and prosecuting corruption?

#### Indicator Number 2.4

Is there evidence that laws and policies are not equally applied to all officials, resulting in an increased risk for misuse of power and grand corruption?

#### Indicator Number 2.5

Have there been significant anti-corruption reforms or advances in the fight against corruption in the past two years?

#### Indicator Number 2.6

How do you assess the space for civil society and the media to investigate and highlight corruption risks and cases, and to demand accountability from the country’s political and economic elite?



## RESPONSES

### 2.1

The Anti-Corruption Commission is in the process of preparing a National Anti-Corruption Policy. The policy is expected to commence implementation by end of 2021.

### 2.2

30 % of respondents stated that the government is tackling corruption in an effective manner and 53% said that government is unable to fight corruption.

### 2.3

The current administration was sworn in in November 2018 and has made strong public declarations about fighting corruption. A presidential commission to recuperate lost state assets was established on the first day of the presidency. A list of 100-day commitments was publicized and many related to corruption and good governance. A notable show of commitment was the publication of assets by the President, Vice President and the entire Cabinet within the 100-day period. Speeches made by the President on Anti-Corruption Day in both 2019 and 2020 reiterated the commitment of the government to fighting corruption and recover lost assets. The website of the president's office maintains a portal for reporting corruption related crimes anonymously. Asset declarations in Judiciary especially, was included as a commitment by the incumbent administration in its pledges for the parliamentary elections in 2019. A strong political will continues to be evident. For example, amendments to strengthen the legal framework have been ratified, cases submitted to the anonymous portal have been investigated and two current ministers who were linked to ongoing investigations were suspended in 2021.

### 2.5

A campaign of Zero Tolerance to Corruption was launched by the President within the first 100 days of assuming office in November 2018. Actions under the campaign included launching of a whistleblower portal, asset declarations of all cabinet members and conducting awareness sessions across the government.

A bill on Whistleblower Protection was submitted to the Parliament on December 2018 and was ratified in 2019. Similarly, amendments to the penal code and other laws to include illicit enrichment were submitted in August 2020 and ratified in May 2021. The amendments extended corruption offenses to state companies and independent institutions. It also includes enabling acts of corruption as criminal offenses.

Some existing challenges include the lack of definition of civil servants (especially pertaining to state owned enterprises), lack of accountability in the asset disclosure regime and lack of clauses to reduce conflict of interest, such as state officials involved in large scale businesses or in media.

### 2.6

The government led by Abdulla Yameen, president from 2013 to 2018, severely constrained press freedom in the country. An Anti-Defamation and Freedom of Expression Act was introduced in 2016 under which large fines can be imposed for any expression that "contradicts a tenet of Islam, threatens national security, contradicts social norms, or encroaches on another's rights, reputation, or good name." Various outlets and journalists were fined under the act.

During this period Maldives fell in the World Press Freedom Index, from 103rd in 2013 to 120th in 2018. The incumbent government has since then repealed the Defamation Act. The current climate for reporting is regarded as an improvement from previous administration, however the systemic challenges for fair reporting, particularly on corruption issues remain. These include:

- Political persons giving financial support or owning media outlets and thus influencing editorial content. There are also limited number of private businesses who give commercial sponsorships to media outlets. Threats of funding cessation is present, and these influences can lead to self-censorship as well.

- A common source of corruption allegation is often the audit report, which may be released at a significantly later date, given the

auditing schedules. Investigating cases that happened a long time ago is often difficult for media since the officials in the relevant office may have changed.

- Investigations or prosecutions of corruption cases may drag on for a long time, which can be used as a delay tactic, since media and general interest may quickly change to newer events.

- Challenges with the right to information regime (see response to 18.11).

Civil Society Organizations has been increasingly acknowledged by the government in decision making and policy planning. A number of committees within the government have slots for civil society representatives. The Whistleblower protection act and the Right to Information Acts was drafted with the support of Transparency Maldives.

## Target 16.4

### Substantially reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

## 3

### ANTI-MONEY LAUNDERING

#### Indicator Number 3.1

Has the country adopted a national anti-corruption action plan?

0.75

Largely compliant.

#### Indicator Number 3.2

Has the government during the last three years conducted an assessment of the money laundering risks related to legal persons and arrangements, in line with Principle 2 of TI's "Just for Show?" report? Has the final risk assessment been published?

0

No, the risk assessment has not been published or conducted.

#### Indicator Number 3.3

Are financial institutions (banks) prohibited by law from keeping anonymous accounts and are they required to undertake due diligence on their customers, in line with FATF recommendation 10?

1

Financial institutions are prohibited by law from keeping anonymous accounts; they are also required to undertake due diligence on their customers, in line with FATF recommendation 10.

#### Indicator Number 3.4

Are financial institutions required by law to inform relevant authorities when they suspect (or have reasonable grounds to suspect) that funds are the proceeds of criminal activity, in line with FATF recommendation 20?

1

Financial institutions are required by law to inform relevant authorities when they suspect or have grounds to suspect that funds are the proceeds of criminal activity, in line with FATF recommendation 10.

#### Indicator Number 3.5

Are designated non-financial businesses and professions (DNFBPs) – casinos, real estate agents, jewellers, lawyers, notaries, other legal professionals, accountants, and trust and company service providers – required to carry out customer due diligence, to keep records, and to report suspicious transactions to the financial intelligence unit, in line with FATF recommendations 22 and 23?

1

Designated non-financial businesses and professions by law are required to carry out customer due diligence, to keep records and to report suspicious transactions, in line with FATF recommendations 22 and 23.



**Indicator Number 3.6**

Does the law require financial institutions to conduct enhanced due diligence in cases where the customer or the beneficial owner is a PEP (politically exposed person) or a family member or close associate of a PEP?

1

Yes, financial institutions are required to conduct enhanced due diligence in cases where their client is a foreign or domestic PEP, or a family member or close associate of a PEP.

**Indicator Number 3.7**

Does the law require enhanced due diligence by DNFBPs in cases where the customer or the beneficial owner is a PEP or a family member or close associate of the PEP?

1

Yes, DNFBPs are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP.

**Indicator Number 3.8**

Has the country signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups?

0

No.

**Indicator Number 3.9**

Has the country signed the competent authority multinational agreement on automatic exchange of financial account information?

0

No.

**Indicator Number 3.10**

How is the jurisdiction's performance on the exchange of information for tax purposes on request assessed by the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes?

Not applicable or no data available.

**Indicator Number 3.11**

What is the country's score in the Basel Institute on Governance's Basel Anti-Money Laundering Index  
<https://index.baselgovernance.org/>?

**Indicator Number 3.12**

What is the country's secrecy score in the Tax Justice Network's Financial Secrecy Index  
<https://financialsecrecyindex.com/introduction/fsi-2018-results>?

**Indicator Number 3.13**

What is the estimated illicit financial outflow of funds from your country in the latest available year, according to Global Financial Integrity  
<http://www.gfintegrity.org/issues/data-by-country?>

**Indicator Number 3.14**

Is there evidence that money laundering is effectively prosecuted?

**Indicator Number 3.15**

How many suspicious transactions reports did financial institutions and different types of DNFBPs file in the last two years for which data is available?

**Indicator Number 3.16**

Have there been any noteworthy changes or developments in the past two years that indicate an improvement or deterioration in the framework or practice to prevent and fight money laundering?

## RESPONSES

### 3.1

Recommendation 3 of FATF reads as "Countries should criminalize money laundering based on the Vienna Convention and the Palermo Convention. Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences." Maldives currently lists nine categories of predicate offenses in the Prevention of Money Laundering and Financing of Terrorism Act (10/2014).

the proceeds of crime, or are related to money laundering or the financing of terrorism".

The law obliges the reporting entity to inform not later than three working days after forming such suspicions.

### 3.5

Yes. DNFBPs are included in the definition of 'reporting entities' in the legal framework, and are required to carry out initial and ongoing customer due diligence.

### 3.2

A risk assessment has not been done to date.

According to the Financial Intelligence Unit, preparations are underway to conduct a risk assessment, with the support of World Bank.

### 3.6

Yes.

Article 16 (i) states that " Reporting Entities shall determine if a customer or a beneficial owner is a politically exposed person and if so:

(1) obtain approval from senior management before establishing a business relationship with the customer;

(2) take all reasonable measures to identify the source of wealth, affluence, prosperity and funds;

(3) strengthen and conduct on-going monitoring of the business relationship.

### 3.3

Yes. The law is in line with FATF recommendation 10.

Article 16(m) of the Money Laundering Act prohibits banks from keeping anonymous accounts, or accounts in obviously fictitious names, and also obliges financial institutions to undertake due diligence on their customers.

PEPs are defined as "any person who is or has been entrusted with prominent public functions in the Maldives or any foreign country as well as members of such person's family or those closely associated with him/her."

FATF recommendation 10 states that due diligence must be conducted for transactions of value above USD 15,000. The AML Act refers to the regulation on money laundering to determine the respective value, which is placed at USD 3,200 (MVR 50,000).

### 3.4

Yes, the law is in line with FATF recommendation 20.

### 3.7

Yes. Please refer to answer 3.6.

Article 39 of the money laundering Act obligates financial institutions to inform the Financial Intelligence Unit of MMA when they suspect that "funds or property are

### 3.8

No.

## RESPONSES

### 3.9

No.

### 3.10

Not applicable or no data available.

### 3.11

Maldives is not included in this Index.

### 3.12

The secrecy score for Maldives is 80, one of the three countries falling in the Exceptionally secretive category (countries scoring between 75 - 100, which are considered to be the most secretive jurisdictions).

### 3.13

Maldives is not included in this research.

### 3.14

A significant issue in the Maldivian political landscape in recent years has been the investigation and court proceedings of a corruption scandal related to leasing tourism islands, via the state company, MMPRC. The reports on the case released by state authorities have described the involvement of nearly 200 persons, including state officials from previous and incumbent governments. The MMPRC case was first reported by the Auditor General's Office in October 2014 and reported loss of state funds of USD 77 million. On the day that the report was released, amendments were brought to the Auditor General Law which led to the dismissal of the Auditor General in one month. No evident investigation was taken by the government in response to the audit report at the time. A second audit report on MMPRC case was released in January 2016. Both reports aligned in reporting the tourism-related scheme unrelated to 57 islands. In August 2016, the Vice President was sentenced to 33 years for embezzlement and terrorism charges.

Anti-Corruption Commission had also commenced their

investigations on the case. Their report was released in February 2019. The ACC report also reached the same conclusions regarding the scheme and the significant loss to state. The report also named the Vice President as party to the embezzlement.

The incumbent government overturned the former VP's conviction in June 2019 and a retrial was conducted. In 2020, Vice President Adheeb confessed to embezzlement under a plea bargain and is currently serving a 20-year sentence for money laundering.

Challenges in investigation of money laundering include the restrictions on access to information from banks, as allowed by the banking act. The significant number and volume of transactions carried out in cash in the country in general also makes it challenging to verify sources of money and patterns of expenditure.

### 3.15

The number of STRs received by FIU in 2018, 2019 and 2020 were 41, 120 and 196 respectively. In the opening remarks by the Head of FIU in the Annual report for 2020, it is noted that the increase in STRs is possibly due to the increased awareness among financial institutions as a direct result of sensitization efforts by the Unit.

DNFBP records are not reported in the annual reports.

### 3.16

Maldives became a member of the Asia/Pacific Group on Money Laundering in July 2008. The Prevention of Money Laundering and Financing of Terrorism Act 10/2014 was ratified in 2014 and the Financial Intelligence Unit was established as an autonomous unit within the central bank. A report by the USA State Department in 2018 noted that the Unit was understaffed and lacked expertise. At the time there were 6 staff and no one heading the unit. A director was appointed in 2019 and the number of staff has grown to 11 by end of 2020.

The annual reports by the FIU for 2019 and 2020 reported

regular staff trainings as well as trainings conducted by the unit for other offices. The number of institutions added to the reporting mechanism has grown every year. A notable recent achievement was the launching of the Non-Comprehensive PEP Database in 2020, with a guidance paper for financial institutions. Preparatory work is underway to conduct a National Risk Assessment based on World Bank methodology. A mutual evaluation by the APG was initially planned for 2021 but has been delayed to 2024 due to COVID (previous mutual evaluation report was conducted by the APG in 2011).

The Regulation on Management of Confiscated Assets related to Money Laundering and Financing of Terrorism (Regulation No: R-61/2021) is an important regulation that provides the procedures on dealing with confiscated funds and property under Section 64 of the Prevention of Money Laundering and Financing of Terrorism Act (Law Number 10/2014). The Regulation addresses the management and safeguarding of confiscated funds and property by the relevant government institutions, disposal of confiscated property and special procedures to ensure the protection of rights lawfully established in favor of third parties acting in good faith.

## 4

# BENEFICIAL OWNERSHIP TRANSPARENCY

### Indicator Number 4.1

To what extent does the law in your country clearly define beneficial ownership?

1

Beneficial owner is defined as a natural person who directly or indirectly exercises ultimate control over a legal entity or arrangement, and the definition of ownership covers control through other means, in addition to legal ownership.

### Indicator Number 4.2

Does the law require that financial institutions have procedures for identifying the beneficial owner(s) when establishing a business relationship with a client?

1

Yes, financial institutions are always required to identify the beneficial owners of their clients when establishing a business relationship.

### Indicator Number 4.3

Does the law specify which competent authorities (e.g. financial intelligence unit, tax authorities, public prosecutors, anti-corruption agencies, etc.) are allowed to have access to beneficial ownership information?

1

### Indicator Number 4.4

Which information sources are competent authorities allowed to access for beneficial ownership information?

0.75

Information is available through decentralized beneficial ownership registries/ company registries.

### Indicator Number 4.5

Which public authority supervises / holds the company registry?

### Indicator Number 4.6

What information on beneficial ownership is recorded in the central company registry?

0

No information is recorded.

### Indicator Number 4.7

What information on beneficial ownership is made available to the public?

0

No information is published, or accessible information is insufficient to identify direct or beneficial owners.

### Indicator Number 4.8

Does the law require legal entities to update information on beneficial ownership, shareholders and directors provided in the company registry?

1

### Indicator Number 4.9

Is there a registry which collects information on trusts?

0

No, there is no registry in which all trusts are listed.

### Indicator Number 4.10

What is the country's score in the Open Company Data Index produced by Open Corporates <http://registries.opencorporates.com>?

### Indicator Number 4.11

How strong is the level of transparency of the company registry in practice?

### Indicator Number 4.12

Have there been any developments in the past two years that indicate an improvement or deterioration of the transparency of corporations and other legal entities?

## RESPONSES

### 4.1

Beneficial owner is defined as 'the natural person who ultimately controls a customer, or the person on whose behalf a transaction is being conducted, or the person who exercises ultimate effective control over a legal person or arrangement'. (Law Number 10/2014) (Article 77).

### 4.2

Yes.

Financial Institutions are required to take reasonable measures to identify and verify the identity of the beneficial owner, including the natural person with a controlling interest and the natural person who manages the legal person. If there is any doubt that the customer acts for his/her own account or there is doubt that he/she does not act for his/her own account, institutions are required to identify and verify on whose behalf the customer is acting. Additional measures are to be taken if the beneficial owner is a politically exposed person such as identifying source of wealth and affluence. (Article 16)

Institutions are required to keep records of beneficial owners for at least five years after business relationship has ended. (Article 20)

The AML Law also stipulates that beneficial ownership should be maintained by legal persons, trusts and company service providers (Article 26).

### 4.3

Law no. 10/2014, Prevention of Money Laundering and Financing of Terrorism Act, clause 26 (e) mandates such information to be provided at the request of a Maldivian court of law, or supervisory authority or investigative authority or law enforcement authority or the Financial Intelligence Unit.

### 4.4

Each financial institution has their own separate database of beneficial ownership information. Other financial institutions are not privy to this information, except the central bank, nor is there a central database.

### 4.5

The Company Registry is maintained by the Registrar of Companies, under the Ministry of Economic Development. (Article 11).

### 4.6

The Company Registry contains information on shareholders only.

### 4.7

The information on beneficial ownership collected by financial institutions is not published.

### 4.8

Law no. 10/2014, Prevention of Money Laundering and Financing of Terrorism Act, clause 26 mandates legal persons to maintain adequate, accurate and current information on their beneficial ownership and control structure.

### 4.9

No.

### 4.10

Maldives is not included in the Index.

### 4.11

According to the Business Registration Act 18/2014, every person carrying on business in the Maldives must register the business entity as either a company, a partnership, a cooperative society or a sole proprietorship. Each of these have a respective Law (Article 2).

All registered entities are listed in the company registry, which is publicly available online at [www.business.egov.mv](http://www.business.egov.mv). The registry is accessible for free but it is only searchable by name of business entity and type of business entity.

Names of shareholders, name of managing director and the dates joined are available. The addresses of the shareholders and address of the business is not given. The database is not searchable by name of owner/directors. Annual accounts are not published on the portal.

### 4.12

The launching of the business portal (<https://business.egov.mv/>) is an improvement in the transparency of corporations, sole traders and partnerships. However the search options in the site is limited to name of enterprise only.

Information from the site was quoted recently by media reporting linkages with senior state official and a company who won a bid for a state project. The ministry reported that the registry was not updated with recent changes for this particular company.

While the concept of beneficial owners has been introduced into the financial institutions in the Maldives, it has not yet been integrated into the business registry.

Political persons, particularly those who are required to disclose assets or who are prohibited from having business interests, may be able to transfer such interests to their spouse or children.

## 5

# RECOVERY OF STOLEN ASSETS

### Indicator Number 5.1

Does the country have a specific asset recovery policy?

*Such a policy may exist as one or several laws, decrees or in another form. Have there been speeches or statements by national political leaders or government press releases which articulated a concrete or concerted policy stance affirming to making asset recovery a policy priority? Is there evidence that resources been put in place to facilitate the implementation of such a policy?*

0.5

The country has adopted an asset recovery policy, but it fails to address some important aspects.

### Indicator Number 5.2

Has the country established a wide range of asset recovery mechanisms, including a. measures that allow for the seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction based confiscation) and/or a policy that requires an offender to demonstrate that the assets were acquired lawfully. b. the recognition/enforceability of foreign non-conviction based confiscation/forfeiture orders?

0

None of the approaches has been adopted.

### Indicator Number 5.4

Is there evidence of a strong political commitment to promoting asset recovery?

### Indicator Number 5.5

Does the country actively participate in international cooperation networks focusing on asset recovery?

### Indicator Number 5.6

Is there public evidence of any asset recovery cases involving your country in the past two years?

### Indicator Number 5.3

Does the law require legal entities to update information on beneficial ownership, shareholders and directors provided in the company registry?

1

There is a team, unit or agency that specializes in asset recovery and the legal framework provides sufficient political independence and resources to carry out its responsibilities.

## RESPONSES

### 5.1

There is no written policy or legislation regarding asset recovery although the government has made pledges affirming asset recovery as a priority. Resources have also been allocated for this in terms of establishing a dedicated Presidential Commission.

### 5.2

The legal framework for asset recovery is inadequate. There are laws which provide for asset recovery in specific contexts (such as money laundering or drugs) however a comprehensive law on asset recovery is missing.

The legislation does not provide for non-conviction based confiscation. Similarly, foreign non-conviction based confiscation is not recognised or enforceable.

### 5.3

A Presidential Commission on State Assets Recovery was first established by President Yamin in July 2017. The work of this commission was to review work done by state institutions to recuperate the state funds that were reported missing in recent audit reports and ACC reports. The Commission was empowered to undertake investigations and forward issues to Police, PGO or the AG. The Commission consisted of five members and was mandated to exist for one year. In 2018, the work of the Commission was extended to November 2018 and a new member was appointed. The Commission was mandated to produce quarterly reports to the President and relevant institutions. These reports, if produced, were not made public.

The current administration established a Presidential Commission on Corruption and Asset Recovery in November 2018, as part of its First 100 Days pledges. Five members were appointed. An end date for the work of the Commission is not specified. The mandate of the commission was specified as to investigate and recuperate stolen state assets from 17th January 2012 to 17th November 2018.

The institutional setup of the commission however does not render it independent from the Executive. Furthermore outside of the commission, it is not clear which permanent state institution has the

mandate of asset recovery, thereby responsible for creating an legal framework, awareness and capacity building.

### 5.4

In the recent two years, the work of the asset recovery commission has been strengthened by the support of other relevant institutions, such as the Police and the ACC, and also empowered by a Law. There is also evidence of scrutiny of the Commissions work by a special Parliament sub-Committee formed for this purpose. Minutes of committee meetings are published.

A Law on Presidential Commission was ratified in 2019, giving the existing Presidential Commission on Corruption and Asset Recovery more power and authority, such as the right to summon any individual for questioning, seize relevant documents. The Law also states that the Ministry of Finance must allocate the budget specified by the President for such Commissions to cover staff expenses, members' salaries and allowances and general office expenses. Commissions also have authority to be allocated any staff of a state institution temporarily if requested. Members of such commissions are required to submit asset declarations to the Auditor General, upon appointment, annually and after their term. All commissions are required to submit monthly reports to the president, and annual reports to both president and parliament with progress of their assigned tasks. The Act also prohibits members for carrying any other work that may give rise to a conflict of interest, affecting the work of the Commission.

In July 2019, the asset recovery commission, Police and the ACC announced a joint investigative team formed for the investigation of the MMPRC corruption case.

The Commission submitted a draft report to the President in March 2020 and submitted a final report in July 2020. A press briefing was given by the Commission although the report was not published. In October 2020, the Commission reported updates to a Parliament Committee, along with the ACC and the PGO. In May 2021 a list of 281 individuals involved or of interest in the MMPRC case was released by the Parliament Committee as provided by the joint investigation team. The list included 119 state officials currently in office. The consequences and follow-

up actions taken after release of the list is yet unclear.

No assets have been recovered to date.

### 5.5

Maldives is currently not a member of an international network although discussions are ongoing to join as a member of the South Asia Cross-Border Anti-Corruption Network, initiated by United Nations Office on Drugs and Crime (UNODC). The main objective of this Network is to share information and intelligence and strengthen cross-border cooperation in areas of investigation of corruption, money laundering of transnational nature.

The Anti-Corruption Commission has established a partnership with the Malaysian Anti-Corruption Commission (MACC). This partnership includes exchange of information on community education to enhance public awareness, exchange of experiences in detecting corruption and providing technical assistance to strengthen the anti-corruption activities.

ACC also signed an MOU with INTERPOL in March 2021 for data processing.

### 5.6

No, no assets have been reported to be recovered to date.

## 6

### FIGHT AGAINST ORGANIZED CRIME (OPTIONAL QUESTION)

#### Indicator Number 6.1

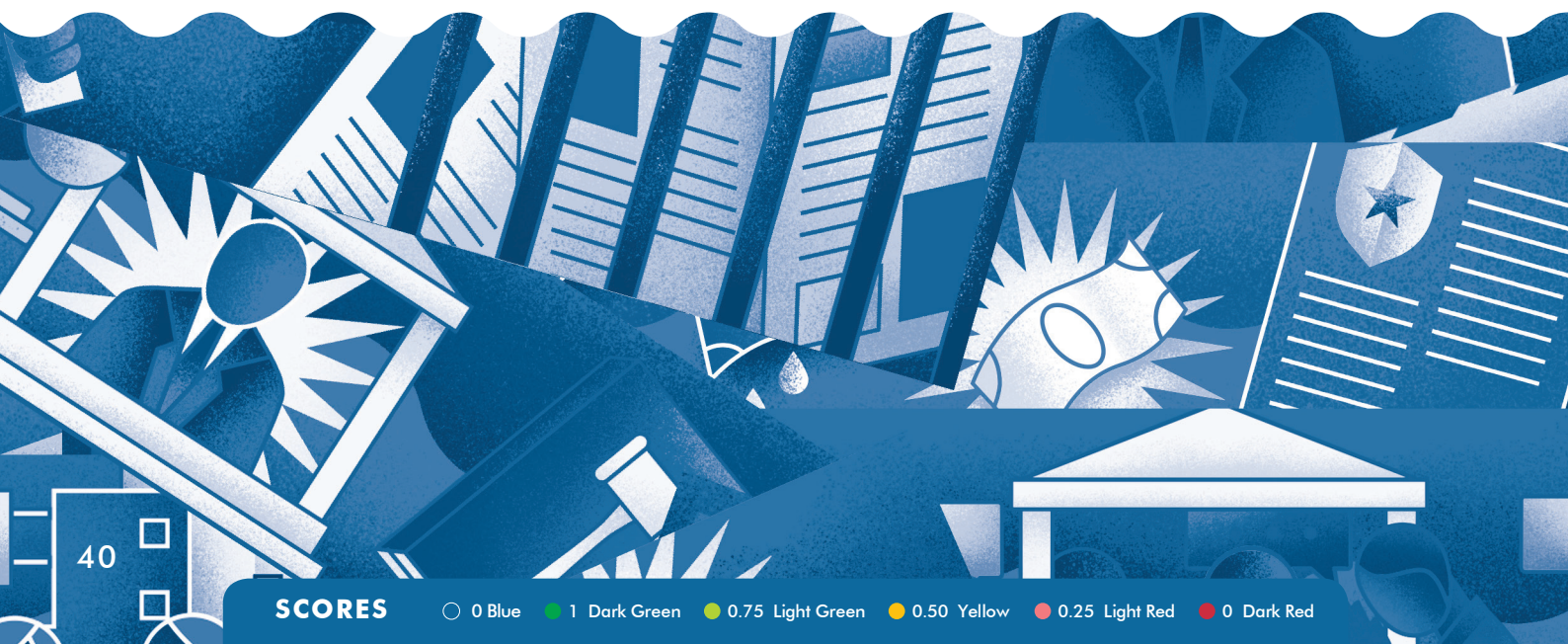
Is there evidence of strong public trust in the integrity of the police?

#### Indicator Number 6.2

Is there evidence, for example through media investigations or prosecution reports, of a penetration of organized crime into the police, the prosecution, or the judiciary? If no, is there evidence that the government is alert and prepared for this risk?

#### Indicator Number 6.3

Is there evidence of effective policing against organized crime by (specialized) law enforcement units? Do these bodies have sufficient independence, resources, capacity and adequate integrity mechanisms to be effective?





## RESPONSES

### 6.1

When asked whether the respondents have confidence and trust in the police, fifty-one reported positively. While this is just over half of the respondents, this is more than those who responded favorably for the government and courts. In another comparison with other institutions, the police were regarded as the seventh most corrupt institution. This was an improvement in comparison with the 2013 GCB which reported the police as perceived fourth most corrupt.

However, the number of respondents who reported paying a bribe to police were more than those who reported paying a bribe to any other institution. According to the Global Corruption Barometer report 2020, 2% of respondents stated that they have paid a bribe to the police in the past year and 9% used their personal connections to get the services they needed from the police. (These responses were by the 15% who said they had contact with the police. Payment of a bribe to all other institutions was 1%).

### 6.2

Persons in key positions have accused police of being negligent to be impartial. Some recent examples include:

- Home Minister Abdulla Imran stated that evidence that had been confiscated by the police had gone missing.
- Former president Yameen Abdul Gayoom stated that the 'entire police was under the influence of the Vice President'.
- The Presidential Inquiry Commission on Enforced Disappearances and Deaths reported in 2019, that police had failed to investigate the numerous death threats received by Rilwan and Yamin, which they had both reported to the police prior to their murders

The President of the Commission on enforced disappearances and deaths also said that criminal gangs 'nominate' judges and were

also connected with court staff who shared confidential information on witnesses.

In a recent seizure of narcotics of 146 kg worth MVR 260 million, four of the five accused saw their cases being rejected by the courts because the police had failed to follow the Criminal Procedure Code such as handing in original documents to the court or failing to meet deadlines set by the Court by one day.

### 6.3

Law enforcement has been weak in reducing the spread of drugs in the country. Reports by media have linked the use of organized gangs in the capital by political parties for intimidation and harassment of opponents in previous elections. Maldives has been flagged by the USA Department of State as a location receiving exploited foreign labor through human traffickers. In the report by the State Department in 2019, it was noted that the Controller of Immigration reported that the former government had issued quotas 'illegally'. MED had also alleged that Maldivian recruiter bribed senior officials in exchange for larger quotas to bring in more migrant workers. In 2020, it was reported that several senior immigration officials had been dismissed but there was no investigation into any of these allegations or any charges filed against the dismissed officials. The 2020 State Department report concluded that the government did not demonstrate increasing efforts to eliminate human trafficking compared to the previous reporting period.

Details regarding the resources and procedures of the National Security are usually not shared with the public. However, a life-threatening attack in 2021 on the Speaker of the Parliament, Mohamed Nasheed, led to a detailed parliamentary committee investigation on the procedures and resources of the national security. The report by the committee revealed some inefficiencies in the law enforcements units such as:

- The five state institutions noted under the Terrorism Act did not have inter-agency communication

procedures in place.

- Given the numerous intel received by the security forces and the police regarding an imminent attack on the Speaker, there had not been adequate security measures taken. As one investigation body, the ACC reports that although they have wide investigative powers, they do not have adequate resources to effectively investigate. They reported that their investigators work on an average of 35 cases simultaneously. They also rely on the police to complete any forensic analysis of investigations as ACC does not have the necessary resources.

# 7

## ARMS TRAFFICKING (OPTIONAL QUESTION)

### Indicator Number 7.1

Has the country ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime?

0

The protocol has not been ratified.

### Indicator Number 7.2

Has the country signed and ratified the Arms Trade Treaty?

1

The ATT has been ratified.

*Questions 7.3 to 7.5 are optional questions which are not answered due to lack of available information*

### Indicator Number 7.6

How do you assess the integrity and corruption risks related to customs and border officials?

*Do customs and border agency have adequate capacity and resources to ensure effective control of goods moving in and out of the country?*

## RESPONSES

### 7.1

Maldives has not signed this Protocol.

### 7.2

Maldives acceded to the Treaty on 27th September 2021.

### 7.6

There are no cases or reports of illegal trafficking of arms. However, there are indicators of weak border security in the Maldives.

A risk assessment of the imports procedure at Maldivian Customs Services done by the ACC in 2018 reported that importers can evade fines for undervaluing goods by starting up new companies or changing the name of their businesses. This is exacerbated by Maldives Customs being unable to contact companies sometimes, since the procedures for registering companies with Customs does not require companies to inform any changes to address or contact information. The report stated that a total of MVR 7.6 million was due to the government due to wrongful evaluation of goods between 2012 and 2015.

Customs officials are not required to disclose personal assets or business interests.

A UNODC report in 2011/2012 noted that Maldives had a sizable burden of drug use and consumption of illicit drugs had significantly increased in the previous years. Maldives is not a source country for most of the drugs, hence they would have been smuggled into the country through the borders. A study by ADB in 2015 reported that drug use had increased more than 40-fold between 1977 and 2005.

In 2019, the President noted that Maldives is a distribution hub for drug smuggling in the

region and the challenges of breaking down this network is a 'monumentally challenging task'.

The significant and persistent problems of illegal drugs use and of undocumented workers in the past years in the Maldives raises criticism on the adequacy of border security, since these are not locally sourced drugs and the fact that Maldives is geographically separated from other countries.

**Target 16.5**  
**Substantially reduce**  
**corruption and bribery**  
**in all their forms**

**8**  
**EXPERIENCE AND**  
**PERCEPTION OF**  
**CORRUPTION**

**Indicator Number 8.1**

\_\_\_% of respondents state that they or a member of their household made an unofficial payment or gift when coming into contact with public services over the past 12 months, according to Transparency International's Global Corruption Barometer (or similar national surveys).

**Indicator Number 8.2**

\_\_\_% of respondents state that corruption or bribery is one of the three most important problems facing this country that the government should address, according to Transparency International's \_\_\_ Global Corruption Barometer (or similar national surveys).

**Indicator Number 8.3**

\_\_\_% of respondents state that their government performs "badly" at fighting corruption in government, according to Transparency International's Global Corruption Barometer.

**Indicator Number 8.4**

In Transparency International's most recent Corruption Perceptions Index 2020, the country scored \_\_\_ points on a scale of 0 (highly corrupt) to 100 (very clean), ranking \_\_\_ out of 180 countries.

**Indicator Number 8.5**

Has corruption experienced by people increased or decreased in recent years?

**RESPONSES**

**8.1**

2% of respondents of the GCB survey reported that they have paid a bribe for official services in the previous twelve months. The survey also showed that the proportion of persons who paid a bribe was notably higher in urban areas compared to rural areas (71% and 20%).

In terms of institution, the proportion of respondents who reported paying a bribe to either education sector, health sector, identity documents, utilities or courts was 1%. However 2% reported paying a bribe to the police.

A higher portion (ranging from 7 to 11%) reported that they used personal connections to get services from these sectors.

18 % reported that they were offered bribes in exchange for votes in the past five years.

**8.2**

Data not available (This question is not asked in the GCB).

**8.3**

53% of respondents stated that their government is unable to fight corruption.

GCB also explores the awareness of the public of the ACC and the perceived effectiveness of the ACC. 58% reported that they believed ACC is 'doing a bad job in tackling corruption'.

**8.4**

In the 2020 CPI, Maldives scored 43 points and ranked 75th out of 180 countries. This was an improvement compared to the score of 29 (rank 130) in 2019.

**8.5**

90% of GCB respondents believes that corruption is a big problem in the country and 53% believed that corruption had increased in the previous 12 months. 24% believed it stayed the same, and only 15% believed corruption has decreased.

A comparison of GCB data from 2013 and 2020 also show a pattern of increased skepticism against tackling corruption in the country. In 2013, 85% reported that ordinary people can make a difference in the fight against corruption. In 2020, this fell to 56%. Similarly in 2013 89% said they would report an incident of corruption. In 2020, 34% they would report without fear, while 60% reported that they fear retaliation if corruption is reported. The latest GCB also reports that nearly 60% said the government will not take any action when reported.

## ANTI-CORRUPTION FRAMEWORK AND INSTITUTIONS

### Indicator Number 9.1

Are the following offences clearly defined and banned by criminal law?

1. *Active bribery of domestic public officials, in line with Art. 15(a) of UNCAC:*

**1** Yes, under article 510 of the Penal Code.

2. *Passive bribery of domestic public officials, in line with Art. 15(b) of UNCAC?*

**1** Yes, under article 510 of the Penal Code.

3. *Embezzlement, misappropriation or other diversion of property by a public official, in line with Art. 17 of UNCAC?*

**1** Yes. Under article 516 and 517 of the Penal Code.

4. *Trading in influence, in line with Art. 18 of UNCAC?*

**1** Yes. Under article 518 of the Penal Code.

5. *Abuse of functions, in line with Art. 19 of UNCAC?*

**1** Yes. Under article 513 of the Penal Code of the Maldives.

6. *Illicit Enrichment, in line with Art. 20 of UNCAC*

**1** Yes, under article 510 of the Penal Code.

7. *Bribery in the private sector, in line with Art. 21 of UNCAC*

**1** Yes, under article 314 (iv) of penal code.

9. *Laundering of proceeds of crime, in line with Art. 23 of UNCAC*

**1** Yes. Under Prevention of Money Laundering and Terrorism Financing Act.

10. *Concealment, in line with Art. 24 of UNCAC*

**1** Yes. Under the section 721 of Penal Code and Prevention of Money Laundering and Terrorism Financing Act.

11. *Obstruction of justice, in line with Art. 25 of UNCAC*

**1** Yes. Under article 530 of the Penal Code.

### Indicator Number 9.2

Please provide case statistics for each of those offences, including, if available, the number of trials in each of the past two years (ongoing and finalized), the number of convictions, the number of settlements, the number of acquittals and the number of cases currently pending.

### Indicator Number 9.3

Anti-Corruption Agency

a. To what extent is there formal operational independence of the Anti-Corruption Agency (ACA), and what evidence is there that, in practice, it can perform its work without external interference?

b. To what extent does it have adequate resources and capacity to achieve its goals in practice?

c. To what extent are there mechanisms in place to ensure the integrity of the ACA, and to what extent is its integrity ensured in practice?

d. To what extent does the ACA engage in preventive, educational and investigation activities on corruption and alleged corruption cases?

**Indicator Number 9.4****Supreme Audit Institution**

a. To what extent is there formal operational independence of the audit institution, and what evidence is there that, in practice, it can perform its work without external interference?

b. To what extent does it have adequate resources and capacity to achieve its goals in practice?

c. To what extent are there mechanisms in place to ensure the integrity of the audit institution, and to what extent is its integrity ensured in practice?

d. To what extent does the audit institution provide effective audits of public expenditure? Are its reports, findings, and recommendations available to the public?

**Indicator Number 9.5****Judiciary**

a. To what extent is the judiciary independent by law, and to what extent does it operate without interference from the government or other actors?

b. To what extent are there laws seeking to ensure appropriate tenure policies, salaries and working conditions of the judiciary, and does it have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?

c. To what extent does the public have access to judicial information and activities in practice? To what extent is the integrity of members of the judiciary ensured in practice?

d. To what extent is the integrity of members of the judiciary ensured in practice?

To what extent is the judiciary committed to fighting corruption through prosecution and other activities?

**Indicator Number 9.6****Law Enforcement Agencies**

a. To what extent are law enforcement agencies independent by law, and to what extent are they independent in practice?

b. To what extent do law enforcement agencies have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?

c. To what extent do law enforcement agencies have to report and be answerable for their actions in practice? To what extent is the integrity of members of law enforcement agencies ensured?

d. To what extent do law enforcement agencies detect and investigate corruption cases in the country?

## RESPONSES

### 9.2

The following table shows the number of cases investigated by ACC, by type of offence as categorized in Question number 9.1. (Concluded case means investigation was completed, and concluded as having no evidence of offence or to be sent to Prosecutor General's Office).

UNCAC (Article number)	Maldivian Penal Code (Article no.) or other relevant Law	2019	2020	2019	2020
Active bribery of domestic public officials (15a) Passive bribery of domestic public officials (15(b))	Article 510	19	15	-	-
Embezzlement, misappropriation, or other diversion of property by a public official (17)	Article 516 and 517	14	16	-	-
Trading in influence (18)	Article 518	-	-	-	-
Abuse of functions (19)	Providing undue advantage for a third party (Article 513(a))	269	333	2	11
	Personal Gain (Article 513(b))	82	50	1	2
Illicit Enrichment (20 )	Article 515	-	-	-	-
Bribery in the private sector (21)	Article 314 (iv)	-	-	-	-
Embezzlement of property in the private sector (22)	Article 215	-	-	-	-
Laundering of proceeds of crime, in line with (23)	Prevention of Money Laundering and Terrorism Financing Act	-	-	-	-
Concealment, in line with (24)	Penal Code of the Maldives and Prevention of Money Laundering and Terrorism Financing Act	0	3	0	1
Obstruction of justice (25)	Article 530	-	-	-	-

## RESPONSES

UNCAC (Article number)	Maldivian Penal Code (Article no.) or other relevant Law	2019	2020	2019	2020
<b>Additional Offenses</b>					
	Defying Commission's rulings (Article 533 (a) under Penal Code / ACC Act 13/2008 Art.27† (a)	2	1		
	Misrepresentation (PPC Act: 2/2000 Art.20 (a))	1	1		
	Negligence	6	3		
	Violation of laws & regulations	317	8		
	Tampering with Writings, Records, or Devices (Article 311)			0	4
	Deceptive Practices / Providing false or misleading information (Art. 313)			0	2
	Influencing Official Conduct / Illegal communication (Art. 511)			0	2
	Failure to perform a mandatory duty as required by law (Art.512a.1)			0	10
	Perform an act that is not lawfully authorized (Art.512b.)			0	4
	Misuse of Power / Official misconduct (Art. 513 b)			0	18

## SCORES

○ 0 Blue   ● 1 Dark Green   ● 0.75 Light Green   ● 0.50 Yellow   ● 0.25 Light Red   ● 0 Dark Red

9.3

The Anti-Corruption Commission was established under the Constitution in 2008 as an independent statutory body with wide investigative powers (Art.199 of the Constitution). It has powers to initiate and carry out investigations, summon persons for questioning and seize documents.

ACC does not have prosecutorial powers and no financial independence. The powers it has for prevention of corruption are mainly awareness and advise on procedures, although it can and does halt projects until investigations are concluded. Some decisions by ACC were criticized by the President in 2019.

The budget for ACC is determined by the Parliament, based on the proposed amount forwarded by the Ministry of Finance. The Commission has reported limited budget for prevention activities and for the travels required for investigations in its annual reports. A review of the ACC in 2017 carried out by Transparency Maldives noted that the institution had a high staff turnover rate and many of cases that were forwarded to the PGO were rejected by the latter, due to weak investigations.

In 2018, public criticisms were raised against the then President of the Commission for accepting a luxury flat from the state at a discounted price, along with other heads of institutions and Chief Justices. This came at a time during which the ACC was investigating a large corruption case involving the President and Vice President. The ACC report on this case was also criticized since it was published three years after the issue was first flagged in 2016 audit report. There were also accusations that the report lacked names of key political persons. Given the increased attention on corruption issues at the time, there were several key pledges related to corruption by the winning presidential candidate in 2018. The pledges included to establish a zero-tolerance policy to corruption, to establish a separate Presidential Commission for money laundering investigations and asset recovery, to enforce asset declarations of

independent institutions including the ACC and set up an online portal for reporting corruption anonymously.

Recent amendments to the legal framework have necessitated the disclosure of assets by the members of the Commission and strengthened integrity clauses and independence of commission members.

9.4

The powers and responsibilities of the Auditor General are laid out in the Audit Act of 4/2007. The 2008 Constitution enforced the independence and impartiality of the AG. Amendments to the Audit Act were passed in 2014 and 2020.

The first amendment to the Audit Act included a clause which raised criticism regarding independence of the AG. Article 1 stated that the president must appoint an Auditor General within 30 days of ratification of the Amendment. The Constitution states that the term of the AG is seven years and removal during the term is only on the basis of misconduct, incapacity, and incompetence. The AG at the time was effectively removed after three years, following this amendment. The amendment coincided with the release of an audit report releasing findings of grand corruption in the government administration in office at the time.

Although the dismissal of the AG in 2014 was abrupt and not in line with the procedures for dismissal, the legal framework provides a high degree of autonomy and independence for the AG to function. The office of the AG faces a high burden of auditing about 300 state offices every year, most of which require travel to islands. The AGO has recently started outsourcing the audits of State-owned enterprises and Local Councils and therefore is able to produce more audit reports annually now. An independent performance assessment of the AGO in 2019 reported that the office had completed 58% of the audits planned for the year 2019. Apart from staff shortages, a significant cause of delay is

reported as the lack of cooperation from auditees to provide timely information.

The AGO has limited powers to enforce recommendations and does not have investigative resources.

Integrity clauses are included in the legal framework. This includes the requirement that the AG must not be a shareholder of a state company or private company. The second amendment to the Audit Act enforced the independence and integrity of the AG and the staff of AGO. The amendment also required the AGO to declare assets to the Parliament upon appointment, annually and after resignation/dismissal.

Audit reports are made available to the public on its website. The quality and efficiency of the work of Auditor General is to be reviewed by the Parliament. Parliamentary scrutiny of the work of AGO is unclear and not reported to the public.

9.5

The 2008 Constitution establishes the independence of the Judiciary, subject only to the Constitution and Law. The constitution prohibits anyone interfering with or influencing the functions of the courts. Judges are appointed without term but must retire at age of seventy years (Articles 141, 142, 148).

An independent Judicial Services Commission was formed by the Constitution to oversee matters related to the courts. JSC has the mandate to appoint, promote and transfer judges. Judges must submit to the JSC annual statements of all property, business interests, assets and liabilities. JSC can propose to the parliament to remove a judge if the person is found to be grossly incompetent or guilty of misconduct (Article 153, 154, 157).

The National Integrity Assessment for Maldives in 2014 reported a weak score for the Judiciary. A score of 0 was given for independence and transparency aspects in practice. A significant criticism was the permanent



## RESPONSES

appointment of all judges after the transitional period of the new constitution. Two years was extended to the JSC to screen and evaluate all existing judges, although judges were sworn in en masse without any apparent evaluation. The composition of the JSC was also noted as a concern, as some of the members of the JSC are appointed through political affiliation such as the appointee by the President or the member of Parliament.

In 2013-14, the court intervened in the presidential elections to an unprecedented level. A detailed administrative guideline was declared by the court for election monitoring. The President and Vice President of the Elections Commission was removed by the Supreme Court acting under new suo moto procedures, overriding the parliamentary procedures for removal of commission members.

In 2018, in the run up to the presidential elections, significant clashes erupted between the parliament, judiciary and the executive. Nine opposition leaders were jailed in the election year and 12 members of parliament were suspended after abandoning the governing party. The Supreme Court released an order to reinstate the MPs and released the opposition leaders. The executive ordered the military to enter the premises of the Supreme Court and arrested the Chief Judge and another Justice. The remaining three Justices overturned these decisions in favor of the executive. The two justices were later charged with 'obstruction of justice'. Their appeals were denied, leading to their formal removal. In 2019, the president and vice president of the elections commission were removed by the supreme court 12 days prior to the Parliamentary elections, for contempt of court.

The current government administration pledged significant reforms to the Judiciary when it assumed office in 2018. A broad overhaul of the Supreme Court was carried out which saw the previous Chief Justice and other judges replaced amid allegations of corruption. Programmes are currently carried out with external funding and expertise to develop the judiciary.

### 9.6

For this response, Law Enforcement is considered as Maldives Police Services and the Prosecutor General's Office. The 2014 NIS assessment gave a low score for this sector, particularly on aspects of Independence in practice, Transparency, Integrity and Corruption Prosecution. Since this assessment, the legal framework for the Police has been significantly changed with the introduction of the new Police Act ratified in December 2020, while the legal framework for the Prosecutor General has remained unchanged.

Under the new Act, the Police are no longer part of the Civil Service, nor are they included under the Employment Act. A Police Board is established with 7 members of which 5 members are selected by the Executive. The Commissioner and Deputy Commissioner are appointed based on the advice of the board. Reasons for dismissal of Commissioner and Deputy are clearly stated in the law now. The structure of the police force is formally decentralized across the regions of the country, and police personnel cannot be a member of a political party. The Act also necessitated that all officers ranking above superintendent must be reinstated, after evaluation of all complaints received against that particular officer. These specifically included any allegations of corruption. The previous Police Integrity Commission is no longer in effect and the Commissioner is mandated to set up complaints procedure.

The Prosecutor General is granted excessive powers of discretion in determining prosecution and prioritization of cases. The constitution provides for an independent and impartial PG to conduct and supervise criminal prosecution in the Maldives on behalf of the state. Like the Police, the PGO office has branches across the country, (10 out of 19 atolls in 2020). The PGO employed total 190 staff in 2020 and has an attractive salary and benefits scale for lawyers compared to other state institutions.

Legal provisions are in place to ensure that the public can access relevant information on the work of the PGO but similar requirements for annual reporting are absent for the MPC, although regular statistics and updates on high profile cases are reported by the Police.

## PRIVATE SECTOR CORRUPTION

### Indicator Number 10.1

Is it a criminal offence under the country's laws to bribe a foreign public official?

1

The offence is clearly defined and banned.

### Indicator Number 10.2

Does the country's legal framework prohibit collusion?

0.5

The law prohibits hard core cartels, but not all major forms of collusion are banned.

### Indicator Number 10.3

Is the ban on foreign bribery enforced?

### Indicator Number 10.4

Are anti-collusion provisions effectively enforced?

### Indicator Number 10.5

Are there specific rules or practices related to the transparency of corporations that result in high corruption risks?

## RESPONSES

### 10.1

Bribery of a foreign public official is included as a criminal offence under the recent Fourth Amendment to the Penal Code, Article 510 (c)(1).

The offence is giving or proposing or promising undue benefit to a foreign public official or a staff of an international organization with the understanding that that staff must act illegally or not act as per they legally mandated procedures. This is clearly extended to business transactions as well.

4. Involvement of politicians, such as members of parliament or local councils, in businesses, impacting regulatory decisions and legal amendments. Such ownership interests can also undermine the power of law enforcement authorities in implementing laws.

5. Weak reporting of election campaign finances by candidates and parties means that the involvement of businesses in politics, or the level of influence of private sector over the government, is not clear.

### 10.2

Yes, Section 5a of the Competition Act 11/2020 prohibits collusion of two or more business entities for the purpose of removing or reducing competition or bringing about undesirable changes.

### 10.3

No data available. (This clause was included in the penal code in May 2021).

### 10.4

No data available.

### 10.5

The following issues or practices reduce transparency of both corporations and also impact effective regulation of businesses:

1. The lack of beneficial ownership information in company registry.
2. The arbitrary power of Registrar of Business to dissolve State owned Enterprises.
3. Failure to disclose the list of blacklisted entities or individuals.

## 11

## LOBBYING TRANSPARENCY

**Indicator Number 11.1**

Is there a law or policy that sets a framework for lobbyists and lobbying activities?

0

There is no such framework.

**Indicator Number 11.2**

Is the definition of (i) lobbyists, (ii) lobbying targets, and (iii) lobbying activities clear and unambiguous? Who is covered by the definition (consultant lobbyists/in-house lobbyists/anybody engaging in lobbying activities)?

0

There is no legislative framework on lobbying.

**Indicator Number 11.3**

Is there a mandatory lobbying register? Do disclosure requirements provide sufficient and relevant information on key aspects of lobbying and lobbyists, such as its objective, beneficiaries, funding sources, and targets?

0

No such information is made publicly accessible through a register.

**Indicator Number 11.4**

Are there rules and guidelines which set standards for expected behavior for public officials and lobbyists, for example to avoid misuse of confidential information?

**Indicator Number 11.5**

Are procedures for securing compliance framed in a coherent spectrum of strategies and mechanisms, including monitoring and enforcement?

**Indicator Number 11.6**

Are there documented cases of lobbying misconduct that have been investigated in the past two years? Are there documented cases of sanctions being imposed for non-compliance?

**Indicator Number 11.7**

Have there been noteworthy efforts to promote transparency and integrity related to lobbying in the past two years? Have there been relevant changes to the framework or its implementation?

## RESPONSES

**11.1**

No.

**11.2**

There is no legislative framework on lobbying.

**11.3**

No mandatory lobby register.

**11.4**

There are no guidelines for expected behavior of public officials and lobbyists specifically, although general regulations against misuse of confidential information will apply.

**11.5**

Not applicable.

**11.6**

No data available.

**11.7**

No notable efforts according to desk research and stakeholder consultations.

## PARTY AND ELECTION CAMPAIGN FINANCE TRANSPARENCY

### Indicator Number 12.1

Is there a legal framework regulating the financing of political parties and the finances of candidates running for elected office?

1

There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office.

### Indicator Number 12.2

Are political parties and individual candidates running for elected office required to disclose financial statements for their campaigns detailing itemized income and expenditure, as well as individual donors to their campaign finances?

*Can donors be uniquely identified, based on details that are made public? How timely is the information disclosed, does information on campaign finances become available to the public before election day? What are the exact thresholds for contributions to be disclosed? Are the accounts published in a standardized manner and in a format, that facilitates analysis and re-use of the data?*

0

Parties and candidates are not required to release financial information or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD to a campaign.

### Indicator Number 12.3

Are political parties and, if applicable, individual candidates running for elected office required to disclose annual accounts with itemized income and expenditure and individual donors?

0

Parties and candidates are not required to release annual financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD over one year.

### Indicator Number 12.4

Are parties' (and, if applicable, candidates') electoral campaign expenditures subject to independent scrutiny?

0.5

The campaign finances of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinize the statements and accounts in an effective manner.

### Indicator Number 12.5

Are the annual accounts of political parties (and, if applicable, of candidates) subject to independent scrutiny?

1

Annual financial statements of parties and/or candidates are subject to independent verification, the legal framework provides the oversight body with sufficient independence, powers and resources to scrutinize the statements and accounts in an effective manner.

### Indicator Number 12.6

What is the score in the Money Politics and Transparency assessment produced by Global Integrity?

### Indicator Number 12.7

Have political parties and/or candidates been sanctioned for violating political finance rules or non-compliance with disclosure requirements in the past two years, according to publicly available evidence?

## RESPONSES

### 12.1

Yes, finances of political parties are covered under the Political Parties Act 4/2013 and finances related to candidates running for elected offices are covered in General Elections Act 11/2008.

Political parties are required to appoint a specific person to manage finances. Parties are required to record incomes and expenses as per state finance procedures and maintain a bank account in the party name. Donors are to be listed with name and address. They are required to maintain details of incomes and procedures and submit an audited financial report annually to the Elections Commission (EC). The report must be audited by an approved auditor and submitted within 90 days after end of year. In addition to the audited reports, the EC has the authority to check the accounts of political parties at any time. The law specifies fines for parties who do not submit this, as well as a fine for the person directly responsible for managing finances. The law states that the audited reports may be used by the government in determining subsidies, although it is not clear how this is used (Articles 33, 35, 40,41, Political Parties Act).

Candidates are required to submit audited financial accounts within 21 days after election. A maximum spending limit of MVR 1,500 per voter was included in the Law, which was later amended to MVR 2,000 per voter in 2018. Candidates are not allowed to accept donations from anonymous sources, foreign governments or foreign organizations.

There are some inconsistencies in the legal framework, which can obscure the true details of election expenditure. For example, political parties are not required to submit an expense report after every election. Audited financial reports for parties are only required to be submitted on an annual basis, however this would exceed the time frame for raising complaints regarding elections. Furthermore, parties can accept donations from foreign parties or anonymous sources with the permission of EC. There is no spending limit on elections on behalf of the party, the limit in the law applies to spending by candidate directly. Therefore, candidates can manage income and expenses from their party accounts and not declare it in their statements.

Another major gap in the legal framework is the lack of regulation on use of state resources during elections.

### 12.2

Individual candidates are required to submit detailed financial statements within 21 days of elections, but political parties are not required to submit statements after every election. None of these statements require disclosure to the public either by candidates, parties or the state authorities.

### 12.3

Neither the parties nor candidates are required to disclose any annual financial information to the public.

Political parties are required to submit annual accounts to the EC. Independent candidates are not required to submit any annual accounts, after they are elected, beyond the initial election-related finances.

### 12.4

Articles 67 to 73 of the General Elections Act regulate campaign finance during elections. However, all clauses are related to individual candidates expenses only. Political parties are not required to submit a financial report on electoral finances (only annual accounts, see response to question 12.5 for financial reporting of parties).

The General Elections Act specifies that the financial statements of the candidates must include the following information:

1. Expenses incurred by the candidate in relation to the election.
2. Details of the expenses.
3. Details of how contributions were procured.
4. Details of persons and amounts contributed by them.
5. Statement of the bank account opened specifically for the election by that candidate.

These statements are to be accompanied by receipts, invoices and bills. The EC is also required to make 'arrangements for the public

to be able to inspect the information (Article 73), although no information is proactively disclosed.

The report on campaign finances must be submitted to the Elections Commission within 30 days after election date, with proof of transactions. A discrepancy arises in the timing of disclosure, since the time limit for anyone to submit a complaint regarding elections is limited to 14 days after the election, i.e. before the due date for candidates to submit their finances to EC.

Candidates are required to conduct all transactions via a bank account set up specifically for the purpose of campaign. All financial contributions should also be deposited in the same account. Candidates are not allowed to accept contributions by foreign individuals, organizations or governments, anonymous donors or government companies. The statements submitted by candidates after elections do not have to be prepared by an auditor.

There is also no public information that candidates have been penalized for failing to submit this information.

### 12.5

A clear and specific timeline is given by law for the financial statements by political parties to be submitted to the EC and the Auditor General's Office. The annual statements from political parties must be prepared by a licensed auditor, approved by the Auditor General's Office.

The law does not specify if the AGO or EC must review the statements or investigate any discrepancies or forward any suspected discrepancies to any other institution for investigation.

According to the Elections Commissions, the commission does not review the statements it receives. The Commission monitors if statements have been submitted and imposes penalties after a reminder to submit.

The Auditor General's Office reported that if audit reports are submitted with a clean opinion by the auditor, then the reports are not reviewed. If the reports are concluded as unqualified opinion, then the office will review it further. These institutions are independent and constitutional bodies. They are accountable to the Parliament and

## RESPONSES

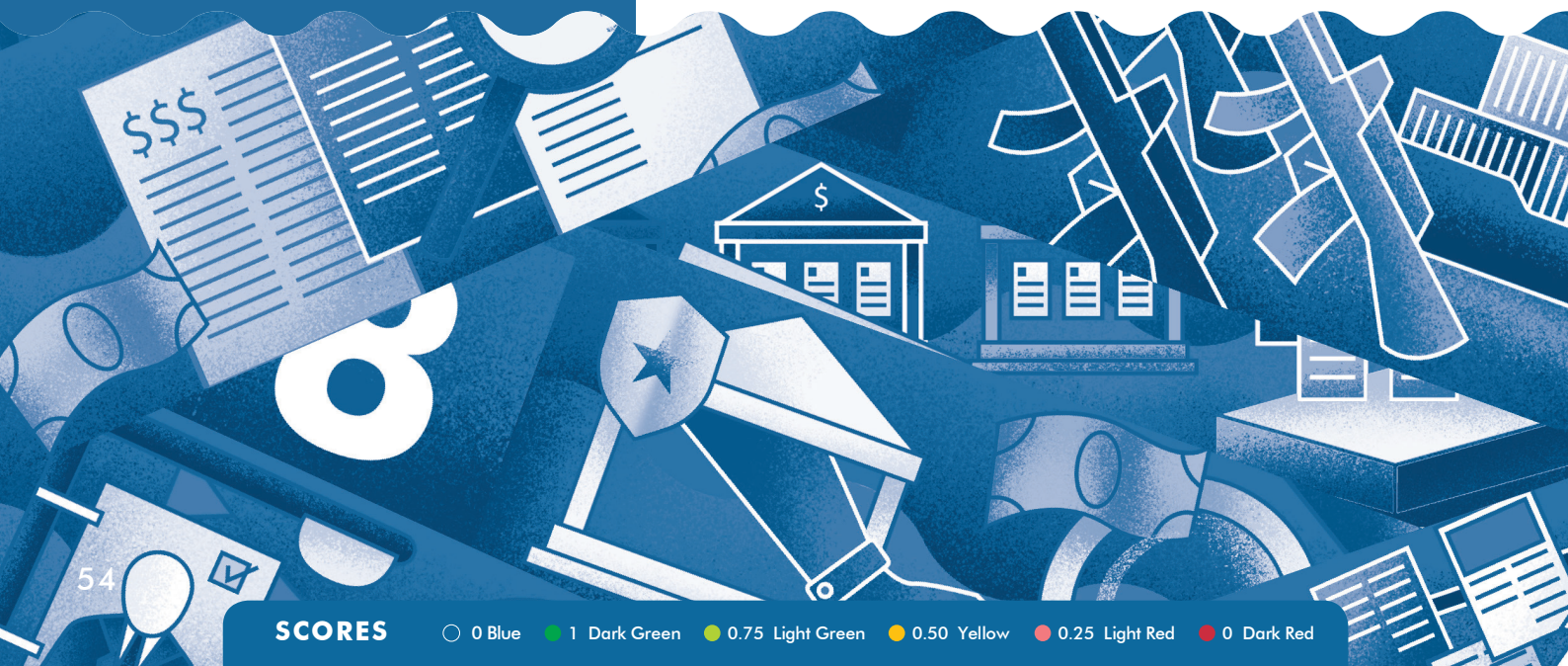
dismissed also by the parliament. However there have been abrupt dismissals of both the Auditor General and Election Commission members in the past amid political tussles.

### 12.6

Maldives is not included in the assessment.

### 12.7

The annual report for 2020 noted that 4 out of 9 political parties did not submit annual reports and audited accounts for 2020. The report lists one party was fined MVR 50,000 as the audit report revealed that accounts were not maintained as required. In 2019, two political parties were reportedly fined for not submitting annual reports and another party was fined MVR 20,000 as their audit report stated that accounts were not maintained as required. The Regulation on Political Parties states that the EC has the authority to fine MVR 50,000 for parties that do not fulfill this requirement. Any unpaid fines are deducted from the following year's state budget allocation.



## SCORES

○ 0 Blue   ● 1 Dark Green   ● 0.75 Light Green   ● 0.50 Yellow   ● 0.25 Light Red   ● 0 Dark Red

## Target 16.6

### Develop effective accountable and transparent institutions at all levels

## 13

### TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION

#### Indicator Number 13.1

Is there a law, regulation or Code of Conduct in place, covering public officials, employees and representatives of the national government, that adequately addresses the following issues:

- Integrity, fairness, and impartiality;
- Gifts, benefits, and hospitality; and
- Conflicts of interest?

0.5

A law regulation or a Code of Conduct is in place but only addresses two of the aspects mentioned above.

#### Indicator Number 13.2

Is there a law or clear policy in place to address the 'revolving door' – the movement of individuals between public office and private sector, while working on the same sector or issue, which may result in conflicts of interest and in former public officials misusing the information and power they hold to benefit private interests?

0

There is no law or policy addressing the 'revolving door'.

#### Indicator Number 13.3

Does the law or policy that addresses the 'revolving door' cover all relevant public-sector decision-makers?

0

No law or policy exists, or an existing law or policy does not specify which positions are covered.

#### Indicator Number 13.4

Is there a mandatory cooling-off period – a minimum time interval restricting former officials from accepting employment in the private sector that relates to their former position – for members of the government and other relevant high-level decision-makers?

0

There are no or shorter minimum post-employment restrictions.

#### Indicator Number 13.5

Is there a single public body or are there designated authorities responsible for providing advice and overseeing 'revolving door' regulations?

0

No authority or public body is charged with overseeing the implementation of the policy.

#### Indicator Number 13.6

Are there proportionate and dissuasive sanctions for both individuals and companies that do not comply with the law or policy controlling the 'revolving door'?

0

The law (or policy) includes no sanctions.

#### Indicator Number 13.7

Are the 'revolving door' provisions implemented and enforced in practice? Have there been any developments in the past year that indicate an improvement (or deterioration) in how the 'revolving door' and related conflicts of interests are addressed?

### Indicator Number 13.8

Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their interests, including any paid or unpaid positions and financial interests in companies and other entities?

1

The legal framework requires high-level public officials and senior civil servants to declare their interest at least once per year.

### Indicator Number 13.9

Do the interest disclosure requirements cover officials of all branches of government - executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?

0.75

The interest disclosure applies to three of these sectors.

*(Questions 13.10 and 13.11 are repeated in the questionnaire).*

### Indicator Number 13.12

Does the framework require that information contained in interest declarations and income and asset declarations be made publicly accessible?

0.25

Only limited information from either interest declarations or income and asset disclosure forms must be made publicly accessible.

### Indicator Number 13.13

Does the legal framework establish an oversight body that is provided with sufficient political independence and legal powers to scrutinize income and asset disclosures?

1

the legal framework provides for an independent oversight mechanism with sufficient independence and powers to scrutinize income and asset declarations.

### Indicator Number 13.14

Does the law or policy contain dissuasive and proportionate sanctions for failure to comply with interest and income and asset disclosure requirements?

0.5

The law or policy contains sanctions covering interests and/or income and asset disclosures, but in neither area are such sanctions dissuasive and proportionate.

### Indicator Number 13.15

Have there been cases in the past two years of sanctions being imposed on elected or high-level public officials or senior civil servants for failing to file declarations of their interest declaration or their assets and income declaration, or for intentionally providing false or incomplete information in their disclosure, according to publicly available evidence?

### Indicator Number 13.16

How do you evaluate the effectiveness of the disclosure mechanism for interests, assets and income? Is there a disclosure requirement for gifts and hospitality received by public officials and civil servants (if applicable)? Have there been any developments in the past two years that indicate an improvement or a deterioration of the disclosure mechanism? Relevant changes may include changes in the legal framework, changes in anti-corruption mechanisms, important cases, and the extent to which civil society is able to participate and contribute in this area.

### Indicator Number 13.17

Does publicly available evidence suggest that sufficient resources are allocated to the implementation of an ethics infrastructure? Have there been other noteworthy changes to public sector ethics framework, based on publicly available evidence?



## RESPONSES

### 13.1

The 2014 Regulations of the Civil Service Commission includes a chapter on Code of Conduct. The Code contains clauses related to conduct required when dealing with other offices, with the public and among staff. It includes clauses on integrity and impartiality, as well as condemning accepting any gifts or benefits.

The Privatization and Corporatization Board, mandated to oversee all majority and minority share-holding companies, issued a Corporate Governance Code in May 2019. The Corporate Governance Code mandates all state-owned enterprises to develop a Code of Ethics and a Code of Conduct (Clauses 27 and 28):

- The Code of Ethics is required to include clear policies and procedures on use of confidential information, corporate values, whistle-blowing arrangements, use of company property, disclosure of conflict of interest and handling of external gifts. Companies are required to appoint an officer for awareness of the ethical standards and also monitor and evaluate compliance on a regular basis.

1. A Code of Conduct must be developed and signed annually by all Board members and senior management. Fulfillment of this requirement must be declared in the annual report.

A code of ethics exists for cabinet ministers and all other political appointees. This was first enforced in 2012. Amendments to the code were reported in 2021. The code requires appointees to be impartial, prohibits misuse of state resources for personal use and prohibits misuse of information for personal gain. The code does not mention any clauses related to gifts.

### 13.2

No there is no clear policy to address revolving door appointments, however some independent institutions have clauses in place while selecting members to reduce conflict of interest while in office. Some examples are:

- A requirement to be appointed as a member of the Elections Commission is that the individual must not be a

in an elected or appointed political position.

- The Auditor General cannot be a stakeholder or state company or private company.

- The Prosecutor General must not hold a post or share of a law firm/partnership.

Such clauses do not fulfill the requirement for a cooling off period for high-level employees.

### 13.3

There is no law or official policy on revolving door.

### 13.4

No, there is no mandatory cooling off period for any position.

### 13.5

No.

### 13.6

No.

### 13.7

No provisions.

### 13.8

The constitution requires the highest-ranking officials to declare a statement of all property and monies owned, business interests, and all assets and liabilities. Recent legislative amendments mandated members of some institutions to declare assets also.

As per the Constitution, the President, Vice President, Cabinet ministers, must submit annually to the Auditor General "a statement of all property and monies owned by him, business interests and all assets and liabilities". Parliament members are required to submit their financial statements on an annual basis, to the Secretary General

of the Parliament, and all Judges are required to submit their statements annually to the JSC (Articles 76, 120, 138 and 153).

The following members of independent authorities are also required to submit a similar statement to the AG annually:

- Members of Elections Commission (Section 17 (d) of EC Act.

- Members of the Anti-Corruption Commission (section 17(d) of the ACC Act).

- Prosecutor General (Section 11(b) of the PG Act.

- Members of the Judicial Service Commission (Section 17(d) of JSC Act).

There is no requirement for some political appointees, such as Ambassadors, non-cabinet ranks of minister or other institution heads.

Articles 67 to 70 of the standing order of the Parliament specify the information required to be presented and date of submission. Statements must include details of finances of their spouses and all children above 18 years.

### 13.9

The interest disclosure requirements cover the highest positions in the executive, legislature, judiciary and some independent state institutions. The frequency and disclosure requirements are similar across these branches.

(Questions 13.10 and 13.11 are repeated in the questionnaire).

### 13.12

The only requirement for public disclosure of asset statements is the requirement to publish statements of Members of Parliament, as stated in the Parliament standing orders. The standing orders of the parliament was revised in 2019 and obligated public disclosure of the statements for the first time.

The current government has proactively disclosed asset declarations of various ranks of officials, and spouses as well for some levels in the Executive. The

## SCORES

○ 0 Blue ● 1 Dark Green ● 0.75 Light Green ● 0.50 Yellow ● 0.25 Light Red ● 0 Dark Red

## RESPONSES

asset declarations of the Executive and the Legislature are now made available online. In the case of the Executive, the asset disclosure is beyond legal obligation although some officials of similar ranking have not complied.

In addition, the Auditor General's office has published a summary of the asset declarations that are mandated by law.

There is no information online on the asset declaration of judges or of how many or which judges have fulfilled this requirement.

### 13.13

The Auditor General's Office (AuGO) receives the asset disclosure of the executive and the parliament. The Judicial Service Commission receives the asset disclosures of the judiciary.

Both the AuGO and JSC are independent constitutional bodies. They are accountable to the Parliament and dismissed also by the parliament. However there have been abrupt dismissals of both the Auditor General and Election Commission members in the past amid political tussles.

Parliament members are required to submit statements to the Secretary General of the Parliament. The Secretary General does not have political independence nor the legal mandate to review the declarations. The 2019 amendments to the Parliament regulations specified that the Secretary General must send the statements to the Auditor General's Office within 7 days.

### 13.14

Sanctions exist for Judiciary and Parliament, but not for the executive branch.

The standing orders of the parliament state that members who do not comply with asset declaration requirements will be identified on the floor and a fine will be deducted from their salary daily until statements are submitted. Furthermore, they are barred from attending any sessions or committee meetings until this is fulfilled.

According to the regulation introduced by the JSC regarding asset disclosure of Judges, judges can be penalized

if they fail to comply with disclosure requirements or if they fail to provide additional information requested by the JSC regarding the statements disclosed. The regulation also mandates the JSC to check comprehensiveness of statements disclosed.

### 13.15

There is no publicly available information on this.

### 13.16

The current administration has taken progressive steps to increase transparency and integrity. This includes proactive disclosure of asset statements of a significant number of officials and amendment of Parliamentary regulations.

However, the statements are not audited or verified by any source and no penalties are imposed for incomplete or false information. There are inconsistencies across the three branches of power, in the scope of information that is disclosed. No public officials are required to submit exit declarations at time of leaving office.

The Auditor General's Office reported their intention to amend current procedures so that only asset declarations statements that are prepared by a licensed auditor can be accepted.

The law does not specifically mandate AGO or JSC to publicly disclose the results of any review conducted on the statements received.

According to the Auditor General's Office, an asset declaration bill is intended to be submitted to Parliament in 2022.

### 13.17

No data available.

## 14

## FISCAL TRANSPARENCY

### Indicator Number 14.1

Is there legislation or policy in place requiring a high degree of fiscal transparency?

0

The legal framework requires insufficient transparency and only the release of 4 or less of the key budget documents.

### Indicator Number 14.2

What is the country's score and rank in the most recent Open Budget Survey, conducted by the International Budget Partnership (<http://www.internationalbudget.org/open-budgetsurvey/>)?

### Indicator Number 14.3

Are key budget-related documents published in practice?

## RESPONSES

### 14.1

The legislative framework requires the Ministry of Finance to publish the approved government budget (Article 3.08 Public Finance Regulations) and the Fiscal Strategy (Article 10 of Fiscal Responsibility Act). Details of actual expenditure are not required by law to be published, although they are required to be sent to Auditor General.

The Constitution and the Public Finance Act specifies that the Minister of Finance is required to submit a proposed budget to the parliament for the coming year with projected revenue and expenditures. In addition, the Minister must also send a report on the past year's financial statements, prepared by the Financial Controller, to the Auditor General's Office (AuGO). When the AuGO sends back a report on these statements, the Minister is then required to submit to the Parliament and the President. Ministry of Finance is not required to publicly disclose the past years budget details nor the statement by the Auditor on the proposed budget.

The Parliament is required to discuss the budget both on the floor and the budget committee. Since all parliament sittings and committees are to be public hearings, (unless decided otherwise), the public have access to the budget statement given by the finance minister, and the ensuing discussions (Article 85(a) of the Constitution, Article 45 and 211 of Parliament Standing Orders, Article 32(a) of the Public Finance Act).

The Ministry of Finance is directly mandated to publish a Fiscal Strategy, under the Law on Fiscal Responsibility 7/2013, when it submits this report to the Parliament. The fiscal strategy must include details of the government's fiscal policy, the steps taken by government to implement it, the strategies of the national development that

were considered, measures that will be taken to keep a sustainable debt and the monitoring framework for that strategy (Article 10).

### 14.2

Maldives is not included in this Survey.

### 14.3

In practice the Ministry of Finance publishes the full budget on its website with explanations of the budget process and the fiscal policy, and budget details of respective offices. Descriptions of budget components are given as well as data in excel format and by office, in both Dhivehi and English. The website currently shares budget from 2007 to 2021. The ministry also publishes budget execution reports on weekly, monthly and quarterly basis.

The Auditor General's office's report on state budget is available for years 2011 through to 2014 on their website.

The Ministry of Finance has published the Fiscal Strategy since 2018. The current strategy is for the period 2020

- 2022 and was prepared in October 2019.

The Parliament publishes detailed minutes of the proceedings and committee minutes, including the sittings where government budget is discussed.

## PUBLIC PROCUREMENT

### Indicator Number 15.1

Does the law clearly define up to what threshold(s) single-sourced purchases of goods, services and public works are allowed?

0

Thresholds for only one or none of the categories are defined by a law or a decree.

### Indicator Number 15.2

What are exceptions in the legal framework for public procurement that allow for single-sourced contracting above these thresholds?

Not applicable.

### Indicator Number 15.3

Does the legal framework require that information on public procurement above certain thresholds be published?

0

Less information than described\* has to be published.

\* Tender announcements and contract award information (the procuring entity, the supplier, the number of bidders, the good/service procured, the value of the contract).

### Indicator Number 15.4

Are bidders required to disclose their beneficial owners?

0

There is no requirement for bidders to disclose beneficial owners.

### Indicator Number 15.5

Are there legal provisions, regulations or policies in place for bidders to file complaints in case they suspect irregularities at any stage of the procurement process?

### Indicator Number 15.6

Which information and documents related to public procurement and other relevant government contracts (such as privatizations, licenses etc.) are published proactively and are available in full text? Are any of these documents published online through a central website or database?

### Indicator Number 15.7

To what extent does the country use electronic procurement that is open, provides the public with access to procurement information and opportunities to engage in the procurement process?

## RESPONSES

### 15.1

No, the maximum limit for single source procurement is not specified.

Clause 10 of the Public Financial Regulations 2017/R-20 and its annexes specifies the legal framework for Public Procurement.

Single source procurement is allowed in the following situations (Article 10.25):

(1) Where there is only one supplier.

(2) In cases of national emergencies or there is a risk to human life or in situations where living conditions of individuals may be affected or when there is risk of environmental threat.

(3) Where the work applies to previous work done and there is a need to maintain the same standard of work, or there is a need for compatibility and continuity.

(4) Where it is believed there is no benefit of open bidding in cases where work is a continuation of previous work done.

This applies to purchase of goods, services and public works. Procurement that exceeds a value of MVR 35,000 (equivalent to USD 2,270) must be conducted after ensuring the technical and financial capacity of the supplier, however there is no threshold up to which single source procurement is allowed.

### 15.2

There is no threshold for single source procurement.

### 15.3

The law includes details of the contents of request for proposals should be published for procurements above MVR 35,000. However there is no requirement for the government to publicize information on the selected supplier or number of bidders received.

The legal framework requires the following information to be included in the RFP:

- Statement of requirement (details regarding the good or services required.

- Evaluation and selection criteria.

- Format for bid submission and format for any guarantees.

- Contract that will be signed.

(Articles 10.31, 10.37 and Annex 2).

### 15.4

No.

### 15.5

Procedures for submitting a complaint regarding procurement were published on 17th January 2018. Any complaint regarding the procurement process must be first submitted to the procurement officer of the respective state institution that conducted the procurement. The officer must address the issue and cease awarding the contract until the issue is resolved. The officer must conclude the issue and inform the complainant of a decision within 14 days. The complainant has the right to appeal to a Review Committee in the Ministry of Finance in cases where one of the following situations is believed to be present:

1. The procurement officer didn't respond or decide within 14 days.

2. The complainant is dissatisfied with the decision of the procurement officer.

3. Complaints that are submitted after the contract has been awarded.

4. Complaints regarding the administrative procedures that took place to process the initial complaint.

The review committee is required to make a decision within 14 working days and inform the complainant.

### 15.6

Documents related to specific contracts are not available online.

### 15.7

An online procurement portal was launched in 2019 (<https://beelan.egov.mv>). This portal provides publications of tender notices, contract awards, regulations and guidelines for procurement. The website allows users to open an account to participate in tenders, get notifications on new tenders. Tender registrations can be done online as well as in person at Ministry of Finance. An account does not have to be created to view tender opportunities or bidding documents. However an individual or entity must register to submit a bid and also registration is needed to view successful bidders. A Tax Identity Number is required to open account therefore limiting access to businesses who are required to have TIN numbers only (i.e. excluding researchers, media or individuals).

# 16

## WHISTLEBLOWING AND REPORTING MECHANISM

### Indicator Number 16.1

Is there a legal framework to protect whistleblowers from the public and the private sector who report reasonable belief of wrongdoing?

1

The law provides protection for whistleblowers from both, public and private sector.

### Indicator Number 16.2

Does the law provide for broad definitions of whistleblowing and whistleblower?

1

The law contains a broad definition of whistleblowing and whistleblower, that is fully in line with TI's principles.

### Indicator Number 16.3

Does the law provide sufficient protection for whistleblowers?

1

The law does provide strong protection for whistleblowers.

### Indicator Number 16.4

Does the law provide for adequate and diverse disclosure procedures?

1

The law provides for strong disclosure procedures.

### Indicator Number 16.5

Does the law provide for adequate remedies for whistleblowers?

1

The law provides for adequate remedies, including compensation rights, the reversal of the burden of proof in favor of the whistleblower, and the right to a new supervisor or department.

### Indicator Number 16.6

Is there an independent authority responsible for the oversight and enforcement of whistleblowing legislation?

1

There is an independent authority with a strong and comprehensive mandate to oversee and enforce whistleblowing legislation.

### Indicator Number 16.7

Where an independent authority to oversee and enforce whistleblowing legislation exists, does it have sufficient powers and resources to operate effectively?

### Indicator Number 16.8

Is there a law/policy that establishes a dedicated reporting mechanism for witnesses and victims of corruption (such as a hotline or a secure and anonymous electronic post box)? Does the law provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives?

### Indicator Number 16.9

Does such a dedicated reporting mechanism for witnesses and victims of corruption exist in practice?

### Indicator Number 16.10

Is data and information regarding the operation and performance of such reporting mechanisms (in compliance with relevant privacy and data protection laws) published?

### Indicator Number 16.11

Is there evidence that relevant state bodies have taken active steps to promote public awareness of this reporting mechanism?

### Indicator Number 16.12

Have there been prominent cases in the past two years where wrongdoing and corruption were unveiled by a whistleblower or through a reporting mechanism?

## RESPONSES

### 16.1

Yes. The Whistleblower Protection Act ratified, in 2019, protects whistleblowers from both public and private sector.

### 16.2

Yes. The definition of whistleblower and whistleblowing are broad and in line with TI principles.

Whistleblowing includes disclosure of violation of the law, human rights abuse, abuse of international humanitarian law, corruption, a danger to public health or safety, a danger to the environment, abuse of public offices, miscarriage of justice, waste or management of resources and criminal or administrative offence.

No exceptions are made for any particular organization, however volunteers and interns are not included. Type of employees who are included are current permanent and temporary employees, current contractors and those who were employees or contractors in last two years.

### 16.3

Yes. Strong protection is provided for whistleblowers.

Whistleblowers are protected from retribution. The law specifies a number of retaliatory actions and is in line with TI principle on this aspect. The law guarantees confidentiality of the identity of the whistleblower, however the law does not state that any disclosure of identity must be with explicit consent. Immunity is granted from disciplinary proceedings if in line with the Whistleblower protection act (waiver of liability). The right to refuse participation in wrongdoing is granted and would not be considered as being in conflict of any agreements (Preservation of rights). Personal protection is included however protection of family members is not specified. (Articles 9, 10, 14, 13, 7b, 15).

### 16.4

Yes.

The Law provides for various disclosure procedures, such as reporting to the workplace, reporting to external authorities, reporting to the whistleblower protection unit or even public reporting, if there was an expectation of retaliation or consequences. A wide range of channels of disclosure are listed, such as letter, email, phone, audio, video, or in person. Special procedures (such as reporting directly to the WBPU) may be taken into account to process reports related to national security. The law specifies that the whistleblower must be informed if the matter will proceed to investigation and be informed of the outcome. (Article 5, 8, 21 22).

### 16.5

Under the Law, an employer must demonstrate that any measures taken against a whistleblower were not connected with the disclosure by the employee. The law does not specify what factors are to be considered in determining any compensation, although the whistleblower has the right to propose an amount, which will be reviewed by relevant authorities. The whistleblower also has the right to request for a change in work location or environment (Article 12).

### 16.6

Yes. The Law specifies that the Whistleblower Protection Unit (WBPU) is to be established under the Human Rights Commission of the Maldives, which is a constitutional and independent body. The law also states that this is to be an independent unit (independent from HRCM) although HRCM will provide secretariat staff and draft internal guidelines. The Unit has the legal mandate to receive reports from whistleblowers and provide protection for them, although the unit does not have the power to investigate. Any cases are to be forwarded to relevant authorities (Article 23). The unit is accountable to the Parliament and must submit a report every six months. The unit is accountable to the Parliament and must submit a report every six months.

### 16.7

According to the HRCM, the WBPU was established within HRCM immediately when the law was ratified in October 2019. However, the unit still has only temporary staff on loan from HRCM. No financial resources granted to the Unit in 2020, however an allocation was made in 2021. The unit is now established in separate premises from the HRCM, with secure access for the staff of the Unit. Awareness efforts have been limited due to the pandemic since awareness session conducted online are not perceived as effective as in person.

### 16.8

Dedicated offices, with legal powers and resources for investigation, are set up by law to receive complaints of corruption,

The Anti-Corruption Commission is the dedicated institution to receive reports of corruption from both victims or witnesses. ACC is a constitutionally independent body with resources to investigate cases. The ACC Regulation stipulates several ways in which a person may submit a case, such as phone, email or in-person.

The Whistleblower Protection Law also stipulates an independent Unit be set up within HRCM to receive information from whistleblowers (including reports of corruption). However the law does not specify that the reporting mechanism for the whistle blowing unit should be dedicated for this, and separate from human rights related reports that the commission will also receive, for example. This Unit is not an investigative body

and is mainly responsible for protecting whistleblowers, coordinating with other investigative bodies and supporting other offices to set up whistleblowing mechanisms.

### 16.9

In practice the Anti-Corruption Commission maintains a dedicated toll-free number for reporting.

The President's Office also has an online portal for reporting corruption. In September 2021, the Office reported that they had forwarded 264 cases that had been reported through this portal, to the relevant authorities.

The HRCM stated its intentions to set up a dedicated hotline for whistleblowers. The Unit was established in 2019. In its first year, there were no resources allocated for the unit initially (financial or staff). Permanent staff are expected to be hired in 2021.

However, these avenues lack efforts to reach out to the migrant population, which make up a large portion of the workforce of the country.

State owned enterprises have not yet completed setting up their internal mechanisms and policies as required under the Whistleblower protection Act.

### 16.10

HRCM published a circular in February 2020, with a guide for other state institutions, NGOs and state companies to establish internal whistleblowing procedures. In March 2020, HRCM published its own procedures on how reports will be processed within HRCM. According to the annual report for 2020, six cases have been submitted to the Whistleblowing Unit in 2020.

### 16.11

No public awareness programmes have been carried out by the HRCM on the Whistleblower Protection Act, although trainings have been conducted for government offices.

In the 2020 Annual Report of the HRCM, the commission notes that the unit provided support to other offices to set up the respective internal whistleblowing procedures in those offices. The Unit also conducted a training for staff of state institutions in Addu Atoll.

HRCM noted in an interview that awareness sessions to government offices have been hampered due to the Covid19 pandemic, since online sessions are found to be not as effective for these topics. The Unit also did not have a budget or dedicated staff for the first year, 2020, although budgetary allocation has been made for 2021.

### 16.12

Not in past two years.

## Target 16.10

# Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

## 17

### PROTECTION OF FUNDAMENTAL FREEDOMS

#### Indicator Number 17.1

What is the country's score and rating in Freedom House's Freedom in the World Rating?

#### Indicator Number 17.2

What is the country's rank and score in the most recent World Press Freedom Index, issued by Reporters Without Borders?

#### Indicator Number 17.3

Does the legal framework contain any provisions that threaten or undermine the ability of journalists, bloggers, researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

#### Indicator Number 17.4

Are any policies or practices in place that undermine the ability of journalists, bloggers, researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

#### Indicator Number 17.5

Have there been documented cases of killings, kidnappings, enforced disappearances, arbitrary detentions, torture or attacks against journalists, associated media personnel, trade unionists, human rights and civil society advocates or other people who investigated, uncovered and advocated against corruption in the previous two years?

#### Indicator Number 17.6

Have there been cases of attacks against NGOs, journalists, and others advocating or reporting on corruption adequately investigated and resolved in the past two years? Were perpetrators identified and held accountable?



## RESPONSES

### 17.1

Maldives has scored 40 out of 100 in 2021 Freedom House's Freedom in the World rating, with score of 19 out of 40 for political rights and 21 out of 60 for civil liberties. Hence Maldives has categorized as a 'Partly Free' country.

### 17.2

Countries are given scores ranging from 0 to 100, with 0 being the best possible score and 100 the worst. Countries are also ranked by their score, with the rank number 1 allocated to the best scoring country. The index has six indicators, pluralism, media independence, environment and self-censorship, legislative framework, transparency, and infrastructure.

Maldives scored 29.13 in the 2021 World Press Freedom Index, ranking 72 out of 180 countries. Maldives has improved slightly in recent years moving from a rank of 120th position in 2018 to 79th in 2020.

### 17.3

The constitution enshrines the freedom of press and the right to express views in the following clause:

"Everyone has the right to freedom of the press, and other means of communication, including the right to espouse, disseminate and publish news, information, views and ideas. No person shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person." (Article 28).

The media is regulated by an independent Maldives Broadcasting Commission, members of which are appointed and removed by the Parliament.

The legal framework relating to civil society organization (CSOs) allows room for interference in operations by the Executive. Any foreign funded project and any change in its internal governance regulations must be approved by the Registrar, who is appointed and dismissed by the President.

The law stipulates the conditions for which a CSO may be dissolved by the Registrar but does not specify any appeal process.

### 17.4

(to be completed).

### 17.5

See question 17.6.

### 17.6

Maldives has witnessed violent attacks against journalists and statesmen in the past decade, including three murders.

In 2014, Ahmed Rilwan, a journalist, was reported as missing. Two years after the incident, police reported that there was evidence to suggest that he had been abducted. Two suspects were charged however they were acquitted by the courts in 2018, on grounds that not enough evidence was presented. Irregularities in the court proceedings include witnesses reporting they had seen evidence that was collected from the scene by the police, but that was not presented in the court proceedings. In 2021, authorities noted the knife as a key piece of evidence in the case and has sent the evidence abroad for forensic analysis. The case is still ongoing, and no suspects have been charged yet.

In April 2017, a blogger, Yamin Rasheed was stabbed to death in his apartment building. In September 2017, six individuals were charged. However, the court proceedings are still ongoing four years on.

The current government established a Presidential Inquiry Commission on Enforced Disappearances and Deaths when it assumed office in 2018. The mandate of the commission was to investigate 30 cases between January 1, 2012 and November 17, 2018. In 2019 the Commission reported that the organizers and financiers of the two attacks were the same. Investigations are still ongoing.

## ACCESS TO INFORMATION

**Indicator Number 18.1**

Does the legal framework (including jurisprudence) recognize a fundamental right of access to information?

1

There is full constitutional recognition of a public right of access to information.

**Indicator Number 18.2**

Does the right of access to information apply to all materials held by or on behalf of public authorities in any format, regardless of who produced it?

1

The right applies to all materials held by or on behalf of public authorities with no exceptions.

**Indicator Number 18.3**

To which branches and bodies does the right of access apply?

1

The right of access applies, with no bodies excluded, to 1) executive branch; 2) the legislature; 3) the judicial branch; 4) state-owned enterprises; 5) other public authorities including constitutional, statutory and oversight bodies (such as an election commission or an information commission); and 6) private bodies that perform a public function or that receive significant public funding.

**Indicator Number 18.4**

Are there clear and reasonable maximum timelines for responding to a request, regardless of the manner of satisfying the request?

0.5

Timeframe is 20 working days (or 30 days, four weeks or one month) or less.

**Indicator Number 18.5**

Are exceptions to the right of access consistent with international standards?

*(Score 10 points and then deduct 1 point for each exception which either (a) falls outside of this list and/or (b) is more broadly framed).*

0.75

**Indicator Number 18.6**

Is a harm test applied to all exceptions, so that disclosure may only be refused when it poses a risk of actual harm to a protected interest?

0.75

Harm test is applied to all but 1 exception.

**Indicator Number 18.7**

Is there a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest? Are there 'hard' overrides (which apply absolutely), for example for information about human rights, corruption or crimes against humanity?

1

There is a mandatory public interest override that applies to all exceptions and is not subject to overreaching limitations.

**Indicator Number 18.8**

Is there an independent Information Commission, or a similar oversight body, with whom requesters have the right to lodge an external appeal?

1

An information Commission is in place, and it has the necessary mandate and power to perform its functions, including to review classified documents and inspect the premises of public bodies.

## Indicator Number 18.9

Does the law/policy on access to information contain minimum standards on mandatory proactive (automatic, without having to be requested) publication of information?

1

If the law on access to information (or another relevant law) contains requirements on the mandatory automatic publication of certain information.

## Indicator Number 18.10

What is the country's score in the Right-To-Information Rating?

## Indicator Number 18.11

What are shortcomings of the access to information regime?

## Indicator Number 18.12

Are there any factors that, in practice, make it unnecessarily burdensome and difficult to request or gain access to information?

## Indicator Number 18.13

How many requests for information were made to public authorities each year in the previous two years?

a) How many were answered within the time limits provided by the law?

b) What percentage was fully answered, what percentage partly? What happened with the remaining requests?

## Indicator Number 18.14

Have there been any developments in the past two years that suggest an improvement or deterioration in the framework for public access to information and/or its implementation?

## RESPONSES

### 18.1

Article 29 of the 2008 Constitution Article 29 states that 'Everyone has the freedom to acquire and impart knowledge, information and learning'.

Article 4(a) of the RTI Law states that "Access to information from a state office in accordance with this Act shall be a legally enforceable right available to every person who requests for such information."

the information require an excessive amount of time and is disruptive to the normal workload of the state office, they have the discretion to extend this period for further 14 days. While the initial period exceeds 20 days, it is favorable that there is a limit on extension and there is a requirement for notification to the requesting party, to be made within the initial 21-day period (Article 7).

### 18.5

Exceptions are generally in line with international standards, however there are three clauses which are too broadly framed. These are clauses 8 (b), 14 (a) (2) and (3) and 22 (d) (2). These are as follows:

8: Incomplete or inaccurate or meaningless request:

(b) Where the State Institute has responded to the request, or had done so to the same request previously, and where after the response the information had not notably changed, or where sufficient time had not elapsed, having notified the applicant in writing, the State Institute has the discretion not to proceed with the request, for the reasons so given.

14(a): If the requested information cannot be disclosed when the application is made due to the following reasons, the information can be withheld having decided a time for disclosure and up until such time.

(2) Where the document is prepared for presentation to the People's Majlis and the time for such presentation has not arrived at the time request is made or

(3) If the document is prepared to be presented to a certain authority as may be required by law or an ongoing event or a preplanned event and the time for such presentation has not arrived at the time request is made.

22: The following information

### 18.2

Yes, there is no restriction by type of material although there is a specific format and procedure to be followed when submitting the request for information.

### 18.3

The Right to Information Act applies to all state offices which are defined in Article 76 of the Act as follows:

"State Office" shall include the executive, the legislature and the judiciary, independent institutions, independent offices, security services and councils elected under the Constitution. Also included are those bodies party to any state responsibilities, those functioning under the state budget and those receiving assistance from the state budget".

In addition, a high court ruling on 24th March 2021 declared that the RTI Act was applicable to State companies as well. However this case has been appealed in the Supreme Court.

### 18.4

The RTI Law states that when a request for information is made under the Act, access should be provided within a period that does not in an event exceed 21 days. Should the burden of finding

under this Act shall be exempt from disclosure:

(d) (2): Information, if prematurely disclosed could adversely affect a person or group of persons.

### 18.6

The exceptions to providing information under RTI Act are specified in Chapter 7. Of these, the exemptions granted to Article 32 which applies to cabinet records (including draft documents and cabinet committee records) are broad and are not subject to a harm test.

### 18.7

Clause 20 (b) of the RTI law gives a mandatory public interest override with no limitations. The clause reads as 'Notwithstanding anything any section of this Chapter, a state office shall disclose information upon request where larger public interest warrants the disclosure of such information rather than denial of access and there the interest protected by non-disclosure is outweighed by the interests of the larger public upon disclosure'.

### 18.8

An Information Commissioner's Office (ICOM) was established in July 2014, under the RTI Act. The act grants the Information Commissioner extensive powers and broad mandate to enforce the Act. Powers include reviewing classified documents and inspecting state premises. There are prohibitions on appointing individuals with strong political connections (to encourage independence). The Commissioner is required to report to the Parliament and there is security of tenure. Budget is approved by parliament.

### 18.9

Clause 37 of the RTI Act contains a comprehensive list of information that all offices are required to make public on a regular basis. ICOM has elaborated on the procedures for this, in subsequent regulations issues. RTI Act also specifies the information that has to be

made public by the Information Commissioners' Office. Similarly, each independent state institution is required under respective law, to submit annual reports by a given date, to the Parliament. In addition, the Ministry of Finance is required to publish the budget position report (including a fiscal strategy). The Audit Office is required to audit and publish annual audits of all state institutions. The Political Parties Act and the legislature on elections require publishing of elections finances. Most government offices publish their annual reports and any strategic plans/master plans on their websites.

### 18.10

Maldives scored a favorable 116 out of maximum 150 and ranked 16th out of 129 countries.

The ranking includes six dimensions: Right of Access, Scope, Requesting procedures, Exceptions and Refusals, Appeals, Sanctions and Protection, Promotional measures. Of this the weakest score for Maldives was Right of Access. It is also important to note that RTI Rating is limited to measuring the legal framework only and does not measure quality of implementation.

### 18.11

Various shortcomings were noted ranging from administrative challenges to reluctance to share information.

A shortcoming of the RTI Act is the complete dependency of the ICOM office on the Information Commissioner to make all decisions about the office, including responding to issues or hiring staff. This is problematic when the position of the Commissioner is vacant, effectively halting the appeal process.

An emerging concern is the resistance from state companies to acknowledge that the RTI Act applies to them as well.

A long-standing issue reported with the RTI regime is the conflict within offices to share data, where the supervisors are reported to

instruct the Information Officer to not share information at times. One underlying reason here is the lack of clarity on state secrets or what information should not be shared. Similarly, there is no definition on what constitutes as 'personal information'. Proactive disclosure by state is also weak and inconsistent across institutions. In cases where information is shared, it has been noted to be provided late. Data reported by the Information Commissioner's office includes how many RTI requests were received and how many were responded to. Additional reporting of when the data was shared and in cases where data was not shared, why this was the case, also needs to be monitored and reported, to improve the RTI regime.

An administrative shortcoming is that offices are not directly compensated for the costs incurred for giving information. The designated Information Officers are not given any allowances for this responsibility. The law allows offices to charge for giving information if there is a cost of providing that information, however any fee paid by the applicant is not received by that office. The funds would go to the treasury. In offices with small budgets such as an island council, a large request could be costly to provide (printing and paper charges) and providing a significant volume of information could impact the resources of that office.

The burden of keeping historical data and providing information is also difficult for offices that are evolving and working to deliver day to day targets. Developing the National Archives and making historical information accessible through this office would lessen burden for other state offices. At the same time, Information Officers appointed in each office are not compensated for the additional work done under the RTI Act, nor are they relieved of other duties.

## RESPONSES

### 18.12

The reported practice of offices delaying giving information until the maximum time allocated under the RTI Act creates an unnecessary burden in access to information. According to the RTI act, offices are granted 21 days to respond to the RTI request, with the option of extending this by 14 more days. A commonly reported complaint is that offices misuse this by delaying sharing information. Even in cases that does not justify this length of time to be prepared.

702 reports have been submitted.

Similarly, the ICOM office itself has also improved its processes to align with the law more closely. For instance, the initial RTI form included the obligation to state the purpose of seeking information. This requirement has now been removed in the RTI form. Another improvement is the current practice of holding open hearings for the Information Commissioner to make a decision, as stipulated under Article 59 (f).

ICOM is also developing an online portal whereby RTI requests can be submitted online, so that an automatic receipt can be generated, and responses can be monitored better.

### 18.13

The RTI Act mandates all offices to send an annual report to the ICOM which includes how many requests were received, the action taken, the legal basis for any rejection of information requests and other relevant information. The Act does not give a specific deadline for this report to be submitted, nor does it specify to report which requests were responded within the time limits provided by law. Overall, the ICOM reported that in 2020, 2,079 requests were made to public authorities, of which 2,014 were answered. This information was reported by 580 offices. In 2019, 1,519 requests were made of which 1417 were answered, while an additional 67 requests were responded to. This is based on the statistics reported by 371 offices. (Number of requests that were answered in time is not collected by the ICOM office).

The High court ruling in March 2021, declaring that the RTI Act was applicable to State companies as well, is a positive reinforcement of the Law, although this issue is now pending with the Supreme Court.

### 18.14

The number of offices that submitted the required annual statistics to the ICOM increased from less than 200 between 2014 and 2018 to over 500 offices in 2020. The percentage of responses to RTI requests (based on the offices that reported this information) is over 90% in this period. The increase in number of RTI requests also indicate a growing awareness and confidence in the process. However a large number of offices do not submit their annual statistics to the ICOM, as stipulated in Article 42. In the Annual report for 2019, the then Information Commissioner noted that out of the 5000 reports that are due to the office to date, only

# 19

## OPEN GOVERNMENT DATA (OPTIONAL QUESTION)

### Indicator Number 19.1

What is the country's rank and score in the most recent edition of the Open Data Barometer, produced by the World Wide Web Foundation (<http://opendatabarometer.org/data-explorer>)?

### Indicator Number 19.2

What is the country's score in the most recent available Open Data Index, produced by Open Knowledge International (<http://index.okfn.org/place>)?

### Indicator Number 19.3

Are there noteworthy efforts or initiatives of public bodies to automatically publish information and documents online (especially in machine-readable formats and in line with open data standards) that are relevant to deterring or detecting corruption?

### Indicator Number 19.4

(optional)

Are there noteworthy civil society projects or initiatives that use open government data and/or, other publicly available data sources to strengthen government accountability and help deter and/or detect corruption?

## RESPONSES

### 19.1

Maldives is not included in the Barometer.

### 19.2

Maldives is not included in the index.

### 19.3

The following initiatives are noteworthy (although the data is not in machine-readable formats):

- The publication of asset declarations of President, Vice President and full cabinet and their spouses.
- Asset declaration of most of the public officials of ministerial rank, deputy ministers and Ambassadors.
- Publication of asset declaration by all Parliament members.
- Quarterly statistics by the Maldives Police Services of the number and type of reports they receive, which included embezzlement as a specific category.

### 19.4

There are few NGOs and CSOs working in the governance sector in the country. Transparency Maldives published a detailed report in 2013 on parliament performance, entitled 'Parliament Watch', which reviewed attendance, voting and efficiency of Parliament based on publicly available records for one year. A brief analysis of attendance was carried out by TM in 2021 and findings were reported.

# ANNEX 2. REFERENCES

## 1. National SDG Implementation plan and monitoring process

### 1.1

Information provided by email from Ministry of National Planning and Housing and Infrastructure to the consultant, 29th June 2021

Mapping of the Strategic Action Plan (2019 – 2023) of the Maldives with the Sustainable Development Goals, UNDP, September 2020

### 1.2

Information provided by email from Ministry of National Planning and Housing and Infrastructure to consultant, 29th June 2021

Mapping of the Strategic Action Plan (2019 – 2023) of the Maldives with the Sustainable Development Goals, UNDP, September 2020

### 1.3

Information provided by National Statistics Bureau to consultant, 5th July 2021

### 1.4

Information provided by email from Ministry of National Planning and Housing and Infrastructure to consultant, 29th June 2021

### 1.5

Maldives SDG Data Updates 2020, National Bureau of Statistics / Ministry of National Planning, Housing and Infrastructure

Maldives SDG Data Updates 2018, National Bureau of Statistics / Ministry of National Planning, Housing and Infrastructure

Information provided by email from National Statistics Bureau to consultant, 27th June 2021

## 2. Recent Developments

### 2.1

Information provided by email from Anti-Corruption Commission to consultant, 3rd August 2021

### 2.2

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, (2021)

### 2.3

Various press releases, Office of President of Maldives ([www.presidentymaldives.gov.mv](http://www.presidentymaldives.gov.mv))

### 2.6

Interviews with key informants

<https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/maldives/>

## 3. Anti-Money Laundering

### 3.1

Prevention of Money Laundering and Financing of Terrorism Act (10/2014)

### 3.2

Interview with Financial Intelligence Unit, MMA, 5th July 2021

### 3.3

Prevention of Money Laundering and Financing of Terrorism Act (10/2014)

### 3.4

Prevention of Money Laundering and Financing of Terrorism Act (10/2014)

### 3.5

Prevention of Money Laundering and Financing of Terrorism Act (10/2014)

### 3.6

Prevention of Money Laundering and Financing of Terrorism Act (10/2014)

### 3.8

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### 3.9

<https://www.oecd.org/tax/exchange-of-tax-information/crs-mcaa-signatories.pdf>

### 3.10

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### 3.11

<https://baselgovernance.org/basel-aml-index/public-ranking>

### 3.12

<https://fsi.taxjustice.net/en/introduction/fsi-results>

### 3.13

<https://gfintegrity.org/report/trade-related-illicit-financial-flows-in-135-developing-countries-2008-2017/>



## RESPONSES

### 3.14

<https://www.aljazeera.com/news/2020/10/5/maldives-ex-vp-ahmed-adeeb-sentenced-to-20-years-for-corruption>

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<https://en.sun.mv/66382>

Interviews with key informants (interviews and stakeholder validation workshop)

### 3.15

Annual report for 2020, 2019 and 2018 of the Financial Intelligence Unit

### 3.16

Annual report for 2020, 2019 and 2018 of the Financial Intelligence Unit, Maldives Monetary Authority

<https://www.state.gov/reports/2018-investment-climate-statements/maldives/>

News articles: <https://edition.mv/news/9212>

Prevention of Money Laundering and Financing of Terrorism Act 10/2014

Anti-Corruption Commission, Information provided by email from Anti-Corruption Commission to consultant, 3rd August 2021

## 4. Beneficial Ownership Transparency

### 4.1

Prevention of Money Laundering and Financing of Terrorism Act 10/2014

### 4.2

Prevention of Money Laundering and Financing of Terrorism Act 10/2014

### 4.3

Stakeholder Validation Workshop

### 4.5

Business Registration Act 18/2014

### 4.9

Information provided by email from Attorney General's Office to the Consultant, August 26th 2021

### 4.11

Business Registration Act 18/2014

### 4.12

<https://business.egov.mv/>

<https://raajje.mv/71386>

## 5. Recovery of Stolen Assets

### 5.3

Presidential decrees Numbers 2017/5, 2018/10, 2018/11, 2018/14, 2018/16 (gazette.gov.mv)

### 5.4

Law on Presidential Commissions 4/2019

<https://oneonline.mv/en/6803>

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[https://edition.mv/ahmed\\_asad\\_president\\_asset\\_recovery\\_commission/19882](https://edition.mv/ahmed_asad_president_asset_recovery_commission/19882)

<https://oneonline.mv/en/10829>

Various interviews with key informants

### 5.5

Information provided by email from Anti-Corruption Commission to consultant, 3rd August 2021

### 5.6

Various interviews with key informants

## 6. Fight against organized crime (optional)

### 6.1

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

Transparency Maldives, Global Corruption Barometer 2013, poster

### 6.2

<https://maldivesindependent.com/politics/translation-of-president-yameens-oct-25-speech-119807>

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<https://maldivesindependent.com/politics/yameen-speaks-out-on-political-infighting-betrayal-and-corruption-118910>

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<https://mihaaru.com/report/85300>

<https://www.state.gov/wp-content/uploads/2020/02/MALDIVES-2019-HUMAN-RIGHTS-REPORT.pdf>

Interviews with key informants

### 6.3

[4XDMALMDSTtve4Kq7KcmzMSiTNroXqq0d7aRaA8p.pdf \(majlis.gov.mv\)en.sun.mv/55431](https://www.majlis.gov.mv/en/sun.mv/55431)

## 7. Arms Trafficking (optional)

### 7.1

<https://treaties.un.org/>

### 7.2

<https://treaties.unoda.org/a/att/maldives/ACC/un>

Attorney General's Office, 26th August 2021, Email from Samaau Ahmed Najeeb to Consultant

### 7.6

<https://www.state.gov/reports/2020-trafficking-in-persons-report/maldives/>

[https://www.unodc.org/documents/southasia//reports/National\\_Drug\\_Use\\_Survey\\_-\\_Report.pdf](https://www.unodc.org/documents/southasia//reports/National_Drug_Use_Survey_-_Report.pdf)

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[mihaaru.com/report/32114](https://mihaaru.com/report/32114)

## 8. Experience and perception of corruption

### 8.1

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

### 8.2

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

### 8.3

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

### 8.4

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

### 8.5

Transparency Maldives, Global Corruption Barometer Survey 2020 Maldives, 2021

## 9. Anti-Corruption framework and institutions

### 9.1

Penal Code, 9/2014 Fourth Amendment to the Penal Code, 4/2021

Information provided by email from Anti-Corruption Commission to consultant, 3rd August 2021

### 9.2

Information provided by email from Anti-Corruption Commission to consultant, 12th September 2021

### 9.3

Constitution 2008

National Integrity System Assessment Maldives 2014

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## RESPONSES

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First and Second amendments to the Anti-Corruption Commission acts (16/2020 and 5/2021)

### 9.4

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### 9.5

Constitution 2008

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[transparency.mv/v16/wp-content/uploads/2017/04/Review\\_Report\\_Web.pdf](https://transparency.mv/v16/wp-content/uploads/2017/04/Review_Report_Web.pdf)

### 9.6

Police Act 34/2020

Constitution 2008

Prosecutor General's Office

Annual Report of Prosecutor General's Office 2020

<https://edition.mv/news/21187>

## 10. Private Sector corruption

### 10.1

Fourth Amendment to Penal Code 4/2021

Prevention and Prohibition of Corruption Act (Act number 2/2000)

### 10.2

Competition Act 11/2020

### 10.5

Stakeholder Validation workshop discussions

## 12. Party and election campaign finance transparency

### 12.1

Political Parties Act 4/2013  
General Elections Act 11/2008

Interview with key informant

Amendment to General Elections Act 4/2018

### 12.2

Political Parties Act 4/2013

General Elections Act 11/2008

Amendment to General Elections Act 4/2018

### 12.3

Political Parties Act 4/2013  
General Elections Act 11/2008  
Amendment to General Elections Act 4/2018

### 12.4

Interview with Elections Commission, 27th July  
General Elections Act 17/2008 and its amendments  
Interviews with key informants

### 12.5

Interview with Elections Commission, 27th July

General Elections Act 17/2008 and its amendments

Interviews with key informants

### 12.6

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### 12.7

Annual report for 2020, Elections Commission of Maldives

Annual report for 2019, Elections Commission of Maldives

Regulation on political parties, R110 - 2019, Article 31(b)

Interview with Elections Commission 27th July

Information provided by email from Auditor General's Office to consultant, 3rd August 2021

Key informant interviews

### 13. Transparency and integrity in public administration

**13.1**

Code of Corporate Governance for State Owned Enterprises (<https://www.finance.gov.mv/public/attachments/qdVzlnHtyi3FhoCHycJr3qzqRPAQiX82m4ltXLKD.pdf>)

Civil Service Regulations 2014, [www.csc.gov.mv/dv](http://www.csc.gov.mv/dv)

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Code of Conduct for political appointees, 24 January 2021, (Gazette Volume 50, issue 12)

**13.2**

Review of Appointment and Dismissal of Members of Selected Independent Institutions of Maldives, 2008 - 2016, Transparency Maldives

Information provided by email from Attorney General’s Office to the Consultant, August 26th 2021

**13.8**

Constitution 2008  
 Judicial Services Commission Act  
 Elections Commissions Act  
 Prosecutor General’s Act  
 Anti-Corruption Act  
 Standing Order of the 19th Majlis (Regulations of Parliament, as issued on 3rd May 2021)

**13.12**

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**13.13**

Standing Order of the 19th Majlis (Regulations of Parliament, as issued on 3rd May 2021)

Information provided by email from Secretary General of Parliament to consultant, 2nd September 2021

**13.14**

Regulation on Judiciary Asset declarations 2020/R-124, 24th December 2020

Standing Order of the 19th Majlis (Regulations of Parliament, as issued on 3rd May 2021)

**13.16**

Various interviews with key informants

Information provided by email from Auditor General’s Office to consultant, 3rd August 2021 and 3rd October 2021

### 14. Fiscal transparency

**14.1**

Constitution of Maldives, 2008

Public Finance Act 3/2006 and the Second Amendment to the Public Finance Act 8/2012

Fiscal Responsibility Act 7/2013

Public Finance Regulations

Information provided by Ministry of Finance by email to Transparency Maldives, September 11th 2021

**14.3**

<https://www.state.gov/reports/2021-fiscal-transparency-report/maldives/>

### 15. Public procurement

**15.1**

Public Financial Regulations 2017/R-20

**15.3**

Public Financial Regulations 2017/R-20

Information provided by Ministry of Finance to Transparency Maldives, September 7 2021

**15.4**

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**15.5**

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**15.7**

<https://beelan.egov.mv>

### 16. Whistleblowing and reporting mechanism

**16.1**

Whistleblower Protection Act 19/2019

**16.2**

Whistleblower Protection Act 19/2019

**16.3**

Whistleblower Protection Act 16/2019

**16.4**

Whistleblower Protection Act 16/2019

## RESPONSES

**16.5**

Whistleblower Protection Act  
16/2019

**16.6**

Whistleblower Protection Act  
16/2019

**16.7**

Interview with HRCM, 7th July  
2021

**16.8**

Interview with HRCM, 7th July

Whistleblower Protection Act  
16/2019

ACC Regulations 2010 R-18

**16.9**

Interview with HRCM, 7th July

<https://edition.mv/news/22809>

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(accessed 14th September)

Stakeholder Validation workshop

**16.10**

Annual report 2020, Human  
Rights Commission of Maldives

HRCM website, accessed 10th  
July 2021

**16.11**

Annual report of HRCM 2020

Interview with HRCM, 7th July

**16.12**

Interview with HRCM, 7th July  
2021

Information provided by email  
from Anti-Corruption Commission  
to consultant, 3rd August 2021

## 17. Protection of fundamental freedoms

**17.1**

[https://freedomhouse.org/  
country/maldives/freedom-  
world/2021](https://freedomhouse.org/country/maldives/freedom-world/2021)

**17.2**

<https://rsf.org/en/ranking>

**17.3**

Stakeholder Validation Workshop  
discussions

Association Act 2003

**17.6**

[https://maldivesindependent.  
com/crime-2/suspects-in-  
rilwan-abduction-found-not-  
guilty-139753](https://maldivesindependent.com/crime-2/suspects-in-rilwan-abduction-found-not-guilty-139753)

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org/?p=26199](https://www.forum-asia.org/?p=26199)

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## 18. Access to information

**18.1**

Constitution of the Maldives,  
Article 29.

Right to Information Act 1/2014

Right to Information rating,  
[https://www.rti-rating.org/  
country-data/](https://www.rti-rating.org/country-data/)

**18.2**

Right to Information Act 1/2014\

**18.3**

<https://icom.mv/dv/news/1191>

Right to Information Act 1/2014  
RTI Rating

Meeting with Information  
Commissioner's Office, 7th July

**18.4**

Right to Information Act 1/2014

RTI rating for Maldives, Indicator  
22 and 23.

**18.5**

RTI rating for Maldives  
Right to Information Act 1/2014

**18.6**

RTI rating for Maldives  
Right to Information Act 1/2014

**18.7**

RTI Rating  
Right to Information Act 1/2014

**18.8**

RTI Rating  
Right to Information Act 1/2014

**18.9**

Right to Information Act 1/2014

Law on Fiscal Responsibility Act  
7/2013:

**18.10**

[https://www.rti-rating.org/  
country-data/](https://www.rti-rating.org/country-data/)

**18.11**

Various interviews with key  
informants

Stakeholder validation workshop

Meeting with Information  
Commissioner's Office, 7th July

## RESPONSES

### 18.12

Interview with ICOM, 12th July 2021

### 18.13

Annual reports of ICOM for 2019 and 2020

Information provided by ICOM, 13th July 2021

### 18.14

Various annual reports of the ICOM

Interview with ICOM, 12th July 2021

Right to Information Act 1/2014

## 19. Open government data (optional)

### 19.1

[https://opendatabarometer.org/data-explorer/?\\_](https://opendatabarometer.org/data-explorer/?_)

### 19.2

<http://2015.index.okfn.org/place/?filter-table=maldives>

### 19.3

<https://presidency.gov.mv/Government/Cabinet/16>  
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<https://raajje.mv/95609>  
[http://transparency.mv/wp-content/uploads/2013/09/parliament\\_watch1.pdf](http://transparency.mv/wp-content/uploads/2013/09/parliament_watch1.pdf)



## Interviews with Institutions

### **Financial Intelligence Unit, MMA, 6<sup>th</sup> July, MMA Building**

Ibrahim Nasir,  
Head of Financial Intelligence Unit  
Aminath Lizna Nizar,  
Supervisor

### **Whistleblower Protection Unit, HRCM, 7<sup>th</sup> July, virtual meeting**

Mohamed Jabir,  
Director, Legal and Policy  
Department

Ahmed Yamaany,  
Director, Research and Monitoring  
Department

Aishath Shaheen Najmee,  
Director, Advocacy Department

### **Information Commissioner's Office, 12<sup>th</sup> July, virtual meeting**

Idhrees Ismail,  
Secretary General

Ahmed Shiyam,  
Director General

Aishath Malsa Ahsan,  
Legal Officer

### **Elections Commission, 27<sup>th</sup> July, virtual meeting**

Ahmed Muaz,  
Assistant Director

Shiyama Mohamed,  
Deputy Director

## Email Correspondence

### **Anti-Corruption Commission of Maldives**

### **Auditor General's Office**

### **Attorney General's Office**

### **Ministry of Planning and Infrastructure**

### **Maldives Statistics Bureau**

### **Ministry of Finance**

## Key informants interviewed:

Nash'ath Mohamed,  
Research consultant for Human Rights  
Issues, 8<sup>th</sup> July

Aasiyath Saeed,  
Journalist, 13<sup>th</sup> July

Ibrahim Thayyib,  
Research consultant for elections  
related issues, 14<sup>th</sup> July

Mohamed Wisham,  
Senior Associate Editor, Adhadhu,  
28<sup>th</sup> July

Dr. Ahmed Shahid,  
Research consultant for Human  
Rights Issues, 3<sup>rd</sup> September



## Stakeholder Validation Workshop (19th September 2021)

### **Anti-Corruption Commission of Maldives**

Majid Hassan  
Investigation Officer

Fathmath Ibna  
Director of Prevention

Fathmath Nazeefa,  
Senior Research Officer

### **Attorney General's Office**

Jana Farook,  
State Attorney

### **Auditor General's Office**

Ahmed Salih,  
Director Technical Services

### **Family Protection Authority**

Nishaya Ahmed,  
Social Service Officer

### **Human Rights Commission of the Maldives**

Mohamed Saamih,  
Assistant Legal Officer

### **Information Commissioner's Office**

Ahid Rasheed,  
Information Commissioner

Ahmed Shiyam,  
Director General

### **Ministry of Finance**

Ahmed Mujuthaba,  
Procurement Policy Department

### **Ministry of Gender, Family and Social Security**

Fathmath Shiyana,  
Director

Aminath Suneetha,  
Legal Officer

### **Ministry of National Planning and Infrastructure**

Aishath Saadh,  
Deputy Director General

### **UNDP, Maldives**

Mohamed Nabeeh Asim

Naaif Mohamed

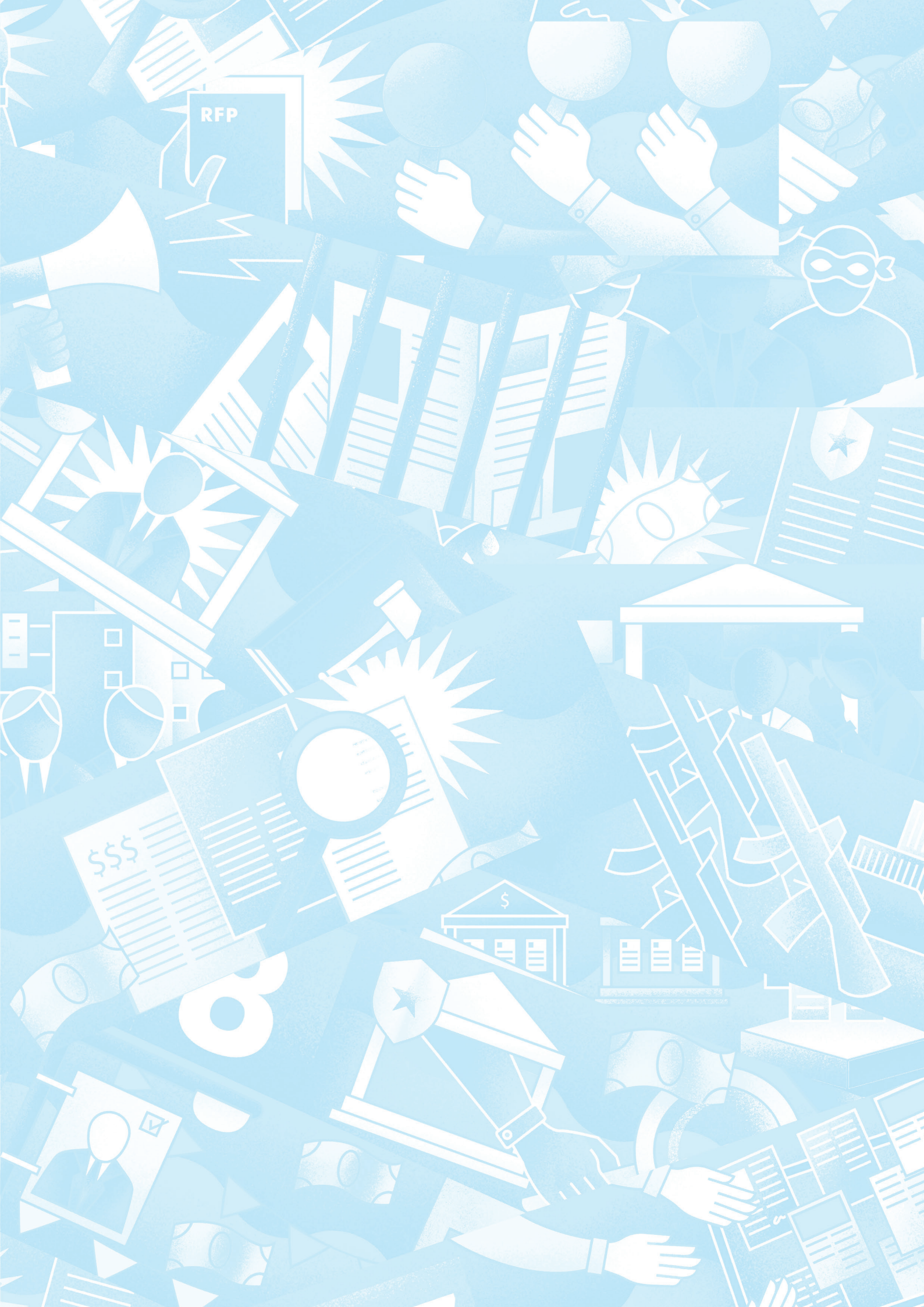
### **Office of the UN Resident Coordinator**

Ferdinand von Habsburg-Lothringen,  
Peace and Development Advisor

### **Additional offices with which draft report was circulated for comments:**

### **American Bar Association Rule of Law Initiative**





RFP

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