



Anti-Corruption Agenda for Clean Governance 2023

This document is also endorsed by:
Association for Democracy in the Maldives.

**ASSOCIATION FOR
DEMOCRACY
IN THE MALDIVES**

Introduction

Transparency Maldives believes that the key element in addressing systemic issues that perpetuate corruption is to address integrity deficits in existing key governance institutions in the country. This approach creates both an environment that enables public participation in a corruption-free system and presents sustainable solutions to the problems caused by corruption.

In developing manifestos, we call on political parties to commit to concrete actions that demonstrate real political will to protect and respect fundamental freedoms, reinforce democratic principles, promote transparency, fight corruption and uphold the rule of law.

This document details a list of key demands that we believe should be the basis of a manifesto focused on promoting anti-corruption and good governance.

- 1 Fight against Corruption
- 2 Enhance practices of business integrity
- 3 Protect and promote civic space and press freedom
- 4 Ensure procurement transparency and open contracting
- 5 Promote electoral integrity and political finance transparency
- 6 Promote restorative justice
- 7 Inculcate a culture of human rights and rule of law
- 8 Prioritise sustainable development and public participation

Transparency Maldives, the 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 Maldives views corruption as a systematic issue and advocates for institutional change that will punish and prevent corruption.

1. FIGHT AGAINST CORRUPTION

While there has been some progress in strengthening the regulatory system, Maldives still falls behind in the effective implementation and enforcement of laws to tackle corruption. Weak investigation, prosecution, enforcement and implementation of laws result in increased lack of accountability of political and public officials.

1.1 PROMOTE CLEAN LEADERSHIP IN KEY INSTITUTIONS

- Reform the appointment and removal procedures for members of oversight bodies in accordance with international standards to ensure their independence and capacity to carry out their respective mandates without interference or intimidation, in the following ways:
 - Amend the required prerequisites for members of independent institutions to specify that relevant education and experience is mandatory.
 - Reduce the political influence of the Executive branch in shortlisting candidates for parliamentary evaluation by submitting the names of all candidates in order of preference for parliamentary evaluation and consideration.
 - Include a grace period where the candidate does not take part in partisan political activities before appointment to a position that requires the person to be politically impartial.
 - To increase transparency and discourage the removal of members of independent institutions for political retribution without due process, define clauses for removal more thoroughly and include grounds on which the member's performance may be questioned or is deemed to have put the institution in disrepute.
- Limit political appointments through transparency and adequate procedures
 - Review all positions currently subject to political appointments to see if political appointments are appropriate or if the positions should be filled by permanent civil service positions, via an appointment subject to the normal recruitment procedures of the Civil Services Commission.
 - Limit political appointments to as few as possible, and ensure minimum requirements of experience and expertise for these positions are clearly defined within the mandate/structure of the respective institutions.
 - Develop processes that define the limits of political appointments.
 - Ensure transparency and inclusiveness in recruitment processes of political appointees.
- Take necessary steps to eliminate gender discrimination and increase women's representation at all levels of seniority in all three branches of the State, including proper enforcement and budgetary support to implement the Gender Equality Act, ensure zero tolerance for sexual harassment, and undertake affirmative action to ensure women's political representation in leadership positions.
- Enact statutes that allow for high-ranking political officials accused of corruption to be held to account in order to fight impunity.

1.2 ENSURE INDEPENDENCE OF THE ANTI-CORRUPTION COMMISSION TO COUNTER CORRUPTION

- Ensure the independence of the ACC and protect it from disestablishment or undue influence, particularly when investigating high profile cases.
- Invest in the competency and capacity of the ACC staff, particularly strengthening their investigative capacity to look into financial crimes.
- Strengthen the mandate of the ACC on prevention, education and awareness, and widen its collaboration with civil society, private sector and external bodies.

1.3 STRENGTHEN ANTI-CORRUPTION LEGISLATION AND POLICIES

- Pass the Bill on the Declaration of Financial and Other Interests in line with international best practices.
- Address the gaps in implementation of the whistleblower protection regime and ensure protection of whistleblowers.
- Introduce a comprehensive asset recovery framework including a bill and institutional capacity to recover stolen money and assets.
- Introduce comprehensive conflict of management policies, based on compliance best practices and including proportional sanctions for failure to comply, for all government institutions and SoEs.
- Establish a beneficial ownership register for the whole of government to help prevent collusion with private companies and to ensure that government contracts are going to the best bidder.
- Facilitate the process to join the Open Government Partnership (OGP) to make the government more open, accountable and responsive to citizens.
- Ensure obligations under United Nations Convention Against Corruption (UNCAC) are being met, and proactively disclose information on the mechanisms implemented and progress made.

Resources:

Review of Appointment and Dismissal of members of selected independent institutions of Maldives: 2008-2016: <https://transparency.mv/publications/review-of-appointment-and-dismissal-of-members-of-selected-independent-institutions-of-maldives-2008-2016/>

Maldives Public Procurement System Study 2020: <https://transparency.mv/publications/maldives-public-procurement-system-study-2020/>

Towards a Robust Asset Declaration regime: <https://transparency.mv/publications/towards-a-robust-asset-disclosure-regime/>

White Paper: Corruption Vulnerabilities in the Maldivian Health Sector: <https://transparency.mv/publications/white-paper-corruption-vulnerabilities-in-the-maldivian-health-sector/>

Policy and Gap Analysis for SDG 16 Maldives 2021: <https://transparency.mv/publications/policy-and-gap-analysis-for-sdg-16-maldives-2021/>

2. ENHANCE PRACTICES OF BUSINESS INTEGRITY

The focus of anti-corruption programmes has moved to a whole-of-society approach, acknowledging that the public sector, private sector and the community should work together to combat corruption and promote integrity. The Maldivian business landscape includes State Owned Enterprises, micro, small, medium and large businesses active in multiple sectors and with significant foreign investments and professional bodies and associations and closer engagements with civil society.

Increasing transparency and strengthening business integrity and governance mechanisms are robust measures that can be adopted by SOEs and private sector organisations to mitigate corruption vulnerabilities and related risks, improve efficiency and accountability.

2.1 ADDRESS GOVERNANCE RISKS WITHIN STATE OWNED ENTERPRISES AND DEVELOP PROCESSES TO HOLD THEM TO ACCOUNT

- Enact a specific law for SOEs, that governs all aspects of SOEs, including the definition, formation, ownership, regulation, and monitoring. The current SOE definition is very broad but monitoring and regulation is limited to only 32 companies.
- Develop a State ownership policy that defines the overall rationale for State ownership, and ownership of individuals SOEs. The policy should clearly define the State's role in SOE governance and roles and responsibilities of offices or institutions involved in implementation of the policy. The policy should be subject to review and disclosed to the public.
- Establish a framework to mandate asset and wealth disclosure of SOE's board members and extend asset declaration mandate to senior officers in addition to the board.
- Strengthen the Board Appointment process for SOE's, whereby the appointment process is a competitive and open process based on merit.
- Establish corporate anti-corruption policies and procedures for SOEs, including:
 - Information disclosure guideline for SOEs.
 - Code of ethics/conduct for SOE Board and Senior Management.
 - Ensure that there are policies and safeguards in place to prevent the use of SOEs in political activities. This policy should prohibit SOEs from making any political contributions, and the use of company resources for any political activity.
 - Corporate Social Responsibility policy or regulation.
- Proactively disclosing information on monitoring and evaluation of SOE performance and regulatory actions to enhance public trust.
- Include public participation activities such as social audits, community monitoring in business development processes and monitoring, especially when related to community projects.

2.2 ENHANCING EFFECTIVE BUSINESS INTEGRITY PRACTICES WITHIN PRIVATE SECTOR

- The ACC of Maldives, particularly its Prevention Department, should design business integrity programmes for various categories of organisations, in collaboration with the relevant regulatory/oversight institution.
- The ACC should raise awareness of and train the governing board and management of organisations on undertaking corruption risk assessments.
- Regulatory and oversight authorities of organisations should undertake a more active role in accountability. Verification of annual reports by a large number of organisations may not be practically feasible, however, thresholds in terms of annual budget of organisation can be set to determine organisation selection for verification or spot checking.
- Offer standard scheduled training by regulatory and oversight authorities on relevant laws, regulations, integrity standards and other organisational skills relevant to effectively operate an organisation. This should be offered prior or upon registration of organisations, and offered as a refresher course.
- Establish a knowledge sharing platform or a resource centre formed by the Registrar of Associations and the Registrar of Cooperatives, where existing policy templates, best practices and other information and resources for CSOs and cooperative societies are shared and available.

Resources:

Business Integrity and Ethics: <https://transparency.mv/publications/business-integrity-and-ethics-faq-booklet/>

Corporate Governance Transparency Index – For Maldivian State Owned Enterprises : <https://transparency.mv/publications/corporate-governance-transparency-index-for-maldivian-state-owned-enterprises/>

3. PROTECT AND PROMOTE CIVIC SPACE AND PRESS FREEDOM

The ability to participate in the civic space without restrictions and without fear of government reprisal is fundamental to a democracy. People should be able to fully practise their constitutionally guaranteed rights of freedom of expression. The media and civil society organisations play an important role in the fight against corruption and in championing good governance. Establishing freedom of media by ensuring that they are able to report without having to reveal their sources, and making the process of funding and sponsoring media transparent are important steps towards creating a more vibrant civic space. Additionally, steps must be taken to ensure inclusive and meaningful engagement with civil society organisations in the policymaking process.

3.1 ESTABLISH FREEDOM OF MEDIA

- Repeal or amend provisions in the Evidence Act that compel journalists to reveal sources
- Repeal or amend provisions in the penal code that unconstitutionally restrict freedom of expression and to adhere to human rights principles to promote and protect free expression
- Establish a clear, fair and transparent funding/sponsorship system to support media whereby the government cannot apply undue influence on the media.
- Make an immediate and concerted effort to address violence against journalists and combat pervasive impunity

3.2 ENGAGE CIVIL SOCIETY AND ADOPT MEASURES TO IMPROVE ITS PARTICIPATION IN GOVERNANCE

- Mainstream civil society participation in the policy process by providing timely and regular communication about policymaking processes and opportunities for civil society to engage in them, and by ensuring that civil society representatives are given equal voice alongside government representatives.
- Integrate CSO monitoring of government anti-corruption action plans as an integral part and publicise periodic progress reports.
- Take the necessary steps to create a protective environment for civil society actors as they play an important role in service provision, promoting social cohesion, and in developing evidence-based research to base policy on.

Resources:

Chasing justice Maldives: Study on impunity for crimes against journalists:
https://www.ifj.org/fileadmin/user_upload/Maldives_LR_A4_2021-final.pdf

4. ENSURE PROCUREMENT TRANSPARENCY AND OPEN CONTRACTING

Public procurement corruption risks are exacerbated in the sectors with highest expenditure. In the Maldives, the highest ratios of procurements are undertaken for healthcare and public infrastructure development. Currently, there is no law specific to public procurement in the Maldives. All the rules, thresholds, methods and procedures for public procurement in the Maldives are specified in the Public Finance Regulation - 2017/R-20 (PFR) issued under the Maldives Public Finance Act (2006). Since the procurement rules are not set out in a law but a regulation, changes have been made to the rules to fulfil the needs of the government as and when needed.

- Enact a Maldives Procurement Law. The Maldives Procurement Law shall clearly specify achieving value for money and benefits to the Maldives economy as key objectives of procurement. The law must also include sustainability as an objective of public procurement and integrate sustainability requirements in the Maldives Procurement Law.
- Increase transparency in procurement by publishing all procurement notices, awards, and information on the execution, performance and completion of awarded contracts, including the beneficial ownership of any non-public bidding companies as well as disclosing the contract itself and associated annexes or schedules, on a central website.
- Ensure independent monitoring of sensitive or important government procurements and provide for public monitoring and consultation on major projects.
- Formulate a regulation on e-procurement and establish a one stop digital portal for e-procurement. The e-procurement portal shall show all potential procurements of the government to be conducted in the financial year providing information and opportunities in advance. All tenders and quotations from all government agencies shall be published on the portal.
- Increase the transparency and integrity of all public infrastructure projects through comprehensive needs analysis, public disclosure, performance evaluation and reporting of the project.
- Increase transparency in procurement, especially for public health procurement and infrastructure projects, by mandating procurement processes, including the revisions and modifications to projects, to be published online on a more timely and accessible manner.

Resources:

Maldives Public Procurement System Study 2020:

<https://transparency.mv/publications/maldives-public-procurement-system-study-2020/>

White Paper: Corruption Vulnerabilities in the Maldivian Health Sector:

<https://transparency.mv/publications/white-paper-corruption-vulnerabilities-in-the-maldivian-health-sector/>

5. PROMOTE ELECTORAL INTEGRITY & POLITICAL FINANCE TRANSPARENCY

While a number of provisions exist in the Constitution regarding the transparency and enforcement of political finance transparency, these measures are largely ineffective for several reasons. In particular, the lack of income tax and asset declaration regimes, the non-enforcement of existing provisions and the politicisation of institutions mean that money interests can subvert democratic processes.

Misuse of state resources has been regularly observed yet remain an unaddressed issue across successive governments in Maldives. Weakness in the regulation to address the issue of abuse of state resources stem from legal loopholes and the inadequate implementation of the existing stipulations.

5.1 IMPLEMENT A POLITICAL FINANCE TRANSPARENCY REGIME

- Enforcement of campaign finance limits, and auditing and publicisation of campaign finance reports.
- Closing loopholes in the political finance reporting by clarifying reporting requirements for in-kind donations, donations by third parties, and expenses on behalf of own political party.
- Establish mechanisms for reviewing the reports submitted by political parties and electoral candidates.
- Proactively disseminate mandatory financial reports to the public in an easily accessible form and in a timely manner.
- Decrease the spending limit of MVR 2,000 per constituent as the current limit allows money interests to disproportionately affect elections.
- Establish an income tax regime as a mechanism to prevent and identify cases of illicit enrichment and bribery.
- Require relevant institutions to publicise campaign finance reports within an established timeframe to hold candidates accountable.

5.2 ADDRESS LEGAL LOOPHOLES THAT ALLOW FOR THE ABUSE OF STATE RESOURCES

- Promote a coordinated effort among stakeholders including the Elections Commission, Anti-Corruption Commission, Maldives Police Service, and Prosecutor General's Office to monitor, investigate, and prosecute vote buying and misuse of state resources through effective implementation of existing laws as well as amending the laws where necessary.
- Provide clear guidelines on the use of state resources by the incumbent government during the election period, and enforce such guidelines.

Resources:

Review of the Electoral Legal Framework: <https://transparency.mv/publications/review-of-the-electoral-legal-framework/>

6. PROMOTE RESTORATIVE JUSTICE

The Maldives has struggled with high crime rates and socioeconomic vulnerabilities for many years. Substance abuse, gang involvement, petty crimes, and theft are all prevalent issues linked to socioeconomic disparities, including wealth and income inequalities and issues of unemployment for youth. These issues result from the country's highly retributive criminal justice system which has been in place for decades, the lack of restorative justice focus in the system as well as the limited opportunities available for the reintegration and rehabilitation of offenders, leading to the entrenchment in a vicious cycle of poverty and crime in the country.

6.1 PROMOTE OPPORTUNITIES FOR REHABILITATION AND REINTEGRATION THROUGH PRISON REFORM

- Ensure resources are diverted towards rehabilitation and reintegration rather than focusing on imprisonment. It is important to note that the majority of prison population is imprisoned for drug related offences, hence more resources should be focused on strengthening decentralised rehabilitation programmes for drug users and on supply reduction.
- Improve the daily life of prisoners by ensuring access to basic human rights and upholding human dignity. Educational and rehabilitation programmes should focus on aftercare, and reintegration and should be supported by parole and leniency, with efficient after care programmes and effective monitoring.
- Improve the case management system in prison that incorporates individualised intervention based on risks and needs to make the intervention effective and to reduce recidivism.
- Facilitate proper pre-release programmes within prisons that incorporate relevant skills and competencies, and attitudinal changes to ensure effective reintegration into the community and ensure families and support structures are considered in these programmes.
- Strengthen the rehabilitation and reintegration including aftercare mechanism in prison by providing the support and care mechanisms by engaging the wider community.

6.2 ESTABLISH AN INDEPENDENT, EFFECTIVE AND MERIT-BASED LAW ENFORCEMENT REGIME

- Reform Maldives Police Service by institutionalising the restorative practices and intervention than opting for retributive measures.
- Ensure that the police are held accountable democratically to the public and not to the Executive, to prevent impunity and politicisation of the police service.
- Establish proper guidelines for the use of force in public order situations in accordance with international best practices with regards to international human rights norms and practices.
- Increase support to the Anti-Corruption Commission, the mandated body to investigate cases of bribery and corruption.
- Increase the effectiveness of internal and external mechanisms in addressing code of conduct breaches within the police service.

6.3 ADDRESS DRIVERS OF SOCIAL VULNERABILITIES

- Commit to greater efforts to break cycles of poverty and substance abuse, including ensuring access to basic rights such as housing, equal access to education and health, un- and under employment issues faced by youth, increased funding towards decentralised access to social services.
- Review of existing laws and policies related to social reintegration to streamline the diversion opportunities and rehabilitation, aftercare, and reintegration services across various agencies based on restorative principles, and strengthen interagency coordination and accountability.
- Monitor and evaluate rehabilitation, aftercare & reintegration programmes with a focus on budget utility and its impact.
- Conduct proper training for judges of all levels, lawyers and other relevant institutions to move away from the current retributive and punitive approach towards a more restorative and rehabilitation approach.
- Promote and strengthen coordination between all relevant institutions working in social reintegration through integrated case management systems, ensuring data collection and timely dissemination of information that allows for individualised case-based interventions to ensure effective reintegration.
- Establish individualised early intervention and rehabilitation programmes for substance users that are based on specific needs and risks, and widen choice of programmes and activities, with a treatment goal of not just ending addiction, but rather more focused on aftercare and reintegration.
- Strengthen the support and care mechanisms for children in conflict with law by engaging the wider community.
- Establish and strengthen the role of halfway houses for offenders who are showing improvement and are ready to be released.
- Increase the funding of social sectors including strengthening public school systems to better address diverse interests and skills, facilitate early detentions of risk behaviours and support within the education system and to address risk vulnerabilities faced by children within schools and their environment.
- Establish and promote whole of society approach focused on participatory community-based interventions.

Resources:

Prison Radicalisation in the Maldives: <https://transparency.mv/publications/prison-radicalisation-in-the-maldives/>

Situational analysis of the pathways to social reintegration for offenders and drug-dependent persons in the Maldives 2022: <https://transparency.mv/publications/situational-analysis-of-the-pathways-to-social-reintegration-for-offenders-and-drug-dependent-persons-in-the-maldives-2022/>

7. INCULCATE A CULTURE OF HUMAN RIGHTS AND RULE OF LAW

The Maldives has seen a steady decline in human rights and the rule of law since the enactment of the 2008 Constitution. Successive government has upheld restrictions to fundamental human rights and introduced legislation to limit freedom of expression to suit their own short-term interests. Human rights defenders, civil society organisations and opposition political movements bear the brunt of the shrinking civic space, and with increasing challenges to engaging in public discourse. Marginalised groups continue to face blatant discrimination, both as a result of government policy and due to the lack of mechanisms to counteract xenophobia.

- Ensure that laws and government practices comply with international human rights standards.
- Repeal the amendment and related regulations to the Freedom of Assembly Act to ensure the constitutionally guaranteed rights of the freedom of expression and the right to freedom of peaceful assembly.
- Harmonise local legislations with the Convention on People with Disabilities to fully allow for their participation in all facets of public life.
- Provide immediate redress to survivors of torture, hold perpetrators responsible for the abuse of human rights to account, and establish means to end impunity amongst law enforcement authorities whenever the fundamental rights of people are trampled upon, particularly in cases of torture in prisons and state institutions where people are deprived of their freedoms and are subject to the use of excessive force by the police.
- Establish an effective means of addressing the threats to human rights defenders.
- Ensure credible, competent and transparent investigation of human rights abuses, as well as transparent and timely judicial proceedings.
- Ensure continuation of investigations into deaths and disappearances and transfer the responsibility to an independent institution.
- Establish a legal framework for the creation of unions with legal protection and empowerment to be able to function effectively as a union including collective bargaining.
- Ratify the UN Convention on the Rights of Migrant Workers and Their Families, and repeal discriminatory laws and policies relating to migrant workers to ensure an end to the culture of xenophobia and discrimination in the Maldives.
- Amend the Employment Act to ensure Migrant Workers are paid a living wage.
- Take steps to protect workers' rights by passing the Occupational Health and Safety Bill and Industrial Relations Bill without delays.

Resources:

Maldives Migrant Worker System Assessment 2015:

<https://transparency.mv/publications/maldives-migrant-worker-system-assessment-report-2015/>

8. PRIORITISE SUSTAINABLE DEVELOPMENT AND PUBLIC PARTICIPATION

Maldives faces grave challenges from the impacts of climate change, and it is important now more than ever to prioritise and promote sustainable development practices. A key aspect of this is to empower local councils and WDCs in order to ensure effective public participation. Guaranteeing sustainable development that addresses the needs of local communities requires a public sphere that is conducive to participatory policy formulation and decision making. This includes allocating more funding to councils, and address capacity building needs, among others, so that councils can effectively carry out their mandates.

8.1 DECENTRALISED ADMINISTRATION

- Facilitate island community participation in the policymaking process, in particular, the policies and development programmes that directly affect the respective communities. This may be achieved by, but is not limited to, the forming of an association of councils.
- Conduct meaningful consultation with local councils regarding legislation that affect them.
- Establish networking opportunities for local councils to exercise collaborative efforts.
- Allow people to register to vote for the Local Council and WDC in the constituency that they live in, rather than their permanent address to acknowledge the impact of internal migration in constituency determination and ensure effective representation.
- Ensure participatory, inclusive and meaningful decision-making at all levels of governance.
- Increase administrative and financial control given to island councils to ensure effective and efficient service delivery to public.
- Create capacity building opportunities for councils so that they can run the institutions more effectively.
- Increase the 5% block grant currently allocated for councils to ensure local councils can carry out their mandated responsibilities.
- Clearly define the jurisdiction of atoll councils in the law and ensure atoll councils can make decisions regarding the use of resources that fall within their jurisdiction, in consultation with their constituents.
- Publish the comprehensive national development framework to ensure local councils can harmonise local level policies and projects with broader national development objectives.

8.2 HALT DESTRUCTIVE DEVELOPMENT

- Make the Environmental Protection Agency an independent body to ensure that development projects are based on sound environmental impact assessment procedures and take into account climate vulnerability.
- Prioritize sustainable development and protection of our natural ecosystems & refrain from promoting or engaging in environmentally destructive deals.
- Ensure projects are planned in conformity with environmental protection and sustainability standards following consultation with technical experts.
- Introduce Strategic Environmental Assessments (SEA) in order to integrate climate, social, and economic considerations, scientific findings, and a participatory approach at policy-making, decision-making and project planning level.

Resources:


Civic forum: A path to community engagement: <https://transparency.mv/publications/civic-forum-a-path-to-community-engagement/>


Assessment of Womens Development Committees in the Maldives:
<https://transparency.mv/publications/assessment-of-womenaes-development-committees-in-the-maldives-2/>

Review of the Decentralisation Framework in the Maldives:
<https://transparency.mv/publications/review-of-the-decentralization-framework-in-the-maldives/>

Climate Finance Governance Standards Country Report:
<https://transparency.mv/2018/05/climate-finance-governance-standards-country-report-maldives/>

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