

## **Press Statement: Safeguarding independence in the appointment of members to Independent Commissions**

**01 November 2024:**

We express concern regarding the proposed amendments to the Anti-Corruption Commission Act (Law No.13/2008) and the Elections Commission Act (Law No.8/2008). The proposed amendments shift the power to appoint the President and Vice President of the Anti-Corruption Commission and the Election Commission from the elected members of both commissions to the President of the Maldives.

In the absence of any specified and transparent process of vetting the candidates prior to nominations may allow for appointment of candidates with specific political affiliations or unfair removal of qualified candidates with independent or differing political opinions. The absolute power to nominate or remove candidates for the two key positions within these two Commissions allows for political influence, and risks further undermining public trust in these institutions. It also undermines the principle of separation of powers, which is an essential pillar of democracy and ensuring accountability within the government.

Independent commissions, through their autonomous functioning, play a crucial role in oversight of government activities, safeguarding fundamental rights and ensuring transparency. The Anti-Corruption Commission and the Election Commission, through their legal mandate are instrumental in combatting corruption and overseeing free and fair electoral procedures respectively. Any obstacles to their independence could lead to potential conflicts of interest, erosion of public trust and undermining of accountability.

Appointment of members to independent institutions must be transparent, merit-based, and independent of executive influence. The practice of appointing members to independent commissions must be further strengthened by allowing all eligible candidates the opportunity to be vetted and interviewed by the Majlis Committee on Independent Institutions, promoting transparency and impartiality in these crucial appointments.

The United Nations Convention against Corruption (UNCAC) requires member states to grant anti-corruption bodies independence to carry out its or their functions effectively and ensure that these bodies can carry out their functions without any political or undue influence.

As highlighted in Transparency Maldives' position paper titled '[Good Practice Procedures on the Appointment and Dismissal of members of independent institutions](#)', we reiterate our calls to the government and People's Majlis to:

- Uphold integrity and independence in the appointment of members to independent institutions.
- Ensure that appointments of all members of independent institutions are transparent, on a merit basis, and free from any political/undue influence.
- Ensure that all shortlisted candidates meeting the legal requirements are given the fair opportunity to be vetted and interviewed by the Majlis Committee on Independent Institutions.
- Commit to international best practices in the appointment of all members to independent institutions through transparency and independence.
- Ensure consistency and transparency across all the processes of appointment of members to all independent institutions.
- Uphold international standards, principles and treaties on ensuring the independence of independent institutions.

-ENDS-