

taken place through thematic instruments, the Multi-annual Indicative Programme (MIP) 2021-2027 for Maldives² is the first EU country strategy for the Maldives since 2013. The EU's Indo-Pacific Strategy provides now also for new opportunities for closer cooperation.

The EU is already active in the area of justice and anti-corruption reforms in the Maldives. The proposed Action will build on and expand the achievements and lessons learnt from past and ongoing initiatives. There is both a real need and political opportunity for the EU to play a leading role in supporting good democratic governance and the rule of law in the Maldives through enhanced policy dialogue and concrete cooperation actions.

The main objective of this Action is to strengthen the rule of law and reduce corruption in the Maldives, through: (1) supporting the country in developing an effective, accountable and inclusive justice system, and; (2) strengthening anti-corruption efforts through better legal frameworks, institutional capacity and public perception. It will focus on a limited number of interconnected problems which impede inclusive and efficient access to justice and constrain anti-corruption efforts, taking into account what other development partners are doing to avoid duplication and maximize synergies. It will focus on the needs and constraints of both the duty bearers ('supply-side') and right holders ('demand side'). Particular attention will be devoted to adequate legal reforms and institutional strengthening, digitalisation of the sector and ensuring fair and effective access to justice for the most vulnerable categories of the population (including women and children victims of domestic/gender-based violence). Close attention will be paid to the role of and possible partnerships with civil society.

The proposed Action comes under the 2nd priority of the Multiannual Indicative Programme (MIP) 2021-2027 for the Maldives ('Good Governance, Rule of Law and Security' – DAC code 151). It is in line with the overall EU Good Governance agenda³, EU development policy framework⁴ as well as EU geostrategic and economic interests in the region as enshrined in the EU Strategy for Cooperation in the Indo-Pacific region⁵. It will also contribute in particular to the achievement of SDG 16 ('Peace, Justice and Strong Institutions') and SDG 5 ('Gender Equality') in the Maldives, as well as to the implementation of the EU Gender Action Plan (GAP) III⁶. While there is only limited development cooperation by EU Members States in the Maldives, efforts will be made to coordinate whenever there is an opportunity.

2 RATIONALE

2.1 Context

In 2008, the Maldives adopted a new Constitution which paved the way for establishing a liberal democracy and a more independent judicial system. The Constitution contains provisions on jurisdiction, on the qualification of judges and on the mechanisms for their appointment and removal. This new set of values and rules has however not yet been fully internalised by political stakeholders or the Maldivian society. Progress has been slow and volatile, and a succession of political confrontations, often involving the Supreme Court, has been prevalent since its adoption. Several reports commissioned by the European Union and international organisations concluded on the need for a structural reform of the sector to make it more efficient and independent and to enhance public trust in judicial processes. Following a prolonged political crisis, the European Union Foreign Affairs Council concluded in 2018 that the situation in the Maldives was not in accordance with the fundamental principles of democratic rule and separation of powers and adopted a framework for targeted restrictive measures.

The Presidential elections held in 2018, followed by Legislative elections in 2019, brought a major political shift. The new Solih administration renewed its commitment to consolidating democratic governance and the upholding of human rights and unveiled a Strategic Action Plan (SAP) (2019-2023) and a Covid-19 adjusted National

² Multi-annual Indicative Programme 2021-2027 for Maldives - https://international-partnerships.ec.europa.eu/system/files/2022-01/mip-2021-c2021-8994-maldives-annex_en.pdf.

³ See notably Commission strategic priorities 2019-2024: https://ec.europa.eu/info/strategy/priorities-2019-2024_en.

⁴ EU Consensus on Development: https://international-partnerships.ec.europa.eu/policies/european-development-policy/european-consensus-development_en.

⁵ Council conclusions on the EU Strategy for Cooperation in the Indo-Pacific, 16 April 2021: <https://data.consilium.europa.eu/doc/document/ST-7914-2021-INIT/en/pdf>.

⁶ EU Gender Action Plan (GAP) III 2020-2025 – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action, Joint Communication to the European Parliament and the Council, 25.11.2020.