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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX**

to the Commission Implementing Decision on the financing of the annual action plan in favour of the Maldives for 2022

**Action Document for Strengthening the Rule of Law and Anti-Corruption in the Maldives**

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

# 1 SYNOPSIS

## 1.1 Action Summary Table

<b>1. Title</b> <b>CRIS/OPSYS</b> <b>business reference</b> <b>Basic Act</b>	Strengthening the Rule of Law and Anti-Corruption in the Maldives Number: ACT-60589 Financed under the Neighbourhood, Development and International Cooperation Instrument ( <u>NDICI-Global Europe</u> )/ Overseas Association Decision/European Instrument for International Nuclear Safety Cooperation Regulation
<b>2. Team Europe Initiative</b>	No
<b>3. Zone benefiting from the action</b>	The action shall be carried out in the Maldives
<b>4. Programming document</b>	The Multi-annual Indicative Programme (MIP) for the Republic of the Maldives 2021-2027
<b>5. Link with relevant MIP(s) objectives / expected results</b>	MIP Priority Area 2: “Good Governance, Rule of Law and Security”, in particular: Specific Objective 2: Strengthen the rule of law, institutional accountability and anti-corruption reforms. <ul style="list-style-type: none"> <li>- ER 2.1: Enhanced independence, transparency, inclusiveness and effectiveness of the justice system across the whole judiciary chain, with a particular focus on access to justice for women, girls and children, who are victims of sexual, gender-based and other forms of violence;</li> <li>- ER 2.2: Reduced perception and occurrence of corruption practices</li> </ul>
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	Priority Area 2: Good Governance, Rule of Law and Security – DAC 151
<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG (1 only): SDG 16: Promote peaceful and inclusive society for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Other significant SDGs (up to 9) and where appropriate, targets: SDG 5: Achieve gender equality and empower all women and girls
<b>8 a) DAC code(s)</b>	15130: legal and judicial development – 50% 15180: ending violence against women and girls – 25%

	15150: democratic participation and civil society – 25%				
<b>8 b) Main Delivery Channel</b>	40000				
<b>9. Targets</b>	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance				
<b>10. Markers</b>  (from DAC form)	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>	
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>	
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>11. Internal markers and Tags:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
		Digitalisation @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services		YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		
Connectivity @		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
digital connectivity		YES	NO		

	energy transport health education and research	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<div></div>
	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @ (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s) (article, item): 14.020131 (South Asia)  Total estimated cost: EUR 5 000 000  Total amount of EU budget contribution EUR 5 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing	Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.4.4			

## 1.2 Summary of the Action

Reforming the justice sector and fighting corruption is a key priority of the current Maldivian Government, as outlined in the Strategic Action Plan (SAP) (2019-2023) and the subsequent Covid-19 adjusted National Recovery and Resilience Plan 2021-2023. The SAP sets clear objectives and targets on the rule of law and judicial reforms, including the revision of the curricula in Maldivian law schools, asset declaration for judges, appraisal for sitting judges, transitional justice, operationalisation of district courts, prison reforms and rehabilitation (just to name of few). Since then, numerous legislative changes and procedural reforms have been introduced notably to strengthen oversight institutions, improve justice administration and enhance the independence and performance of judges. Some judges have been removed from the Supreme Court while new ones (including two female Justices) have been appointed. The Department of Judicial Administration (DJA) and the Judicial Academy have been removed from the control of the Supreme Court.

Current priority areas in terms of judicial reforms include the further strengthening of justice and court administration (notably through the introduction of circuit and district courts, court automation and construction of new court houses) as well as increasing the capacity of judges and court personnel. Nevertheless, significant qualifications and accountability issues remain, with an overall lack of capacity and resources in the sector. The courts infrastructure is in need of renovation, staff lack proper training and there is no effective way of tracking cases resulting in a huge backlog. Moreover, the geographic isolation of many islands impedes access and the proper functioning of the justice chain, affecting in particular the most vulnerable categories of the population. On corruption, the SAP also outlines key priorities including the need to enhance the integrity and transparency of public officials and institutions. In 2021, the Maldives ranked 85/180 in the Corruption Perception Index compiled by Transparency International<sup>1</sup>. Although the current Government has taken some concrete steps in this area, legal and operational constraints still prevail.

The EU has had bilateral relations with Maldives since 2008. The renewed commitment of the Maldives following the 2018 Presidential elections to consolidate democracy, uphold and promote rule of law and human rights were met with the readiness of the EU to strengthen the political dialogue and cooperation. . While cooperation has

<sup>1</sup> Corruption Perception Index 2021, Transparency International: <https://www.transparency.org/en/cpi/2021>.

taken place through thematic instruments, the Multi-annual Indicative Programme (MIP) 2021-2027 for Maldives<sup>2</sup> 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 agenda<sup>3</sup>, EU development policy framework<sup>4</sup> as well as EU geostrategic and economic interests in the region as enshrined in the EU Strategy for Cooperation in the Indo-Pacific region<sup>5</sup>. 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) III<sup>6</sup>. 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

<sup>2</sup> 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](https://international-partnerships.ec.europa.eu/system/files/2022-01/mip-2021-c2021-8994-maldives-annex_en.pdf).

<sup>3</sup> See notably Commission strategic priorities 2019-2024: [https://ec.europa.eu/info/strategy/priorities-2019-2024\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024_en).

<sup>4</sup> EU Consensus on Development: [https://international-partnerships.ec.europa.eu/policies/european-development-policy/european-consensus-development\\_en](https://international-partnerships.ec.europa.eu/policies/european-development-policy/european-consensus-development_en).

<sup>5</sup> 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>.

<sup>6</sup> 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.

Recovery and Resilience Plan 2021-2023 outlining a number of ambitious reforms to strengthen good governance, anti-corruption and the rule of law. These pledges were welcomed by the European Union which decided in June 2019 to revoke the sanctions and committed itself to support the country's efforts and reforms in these areas. Since then, EU-Maldives dialogue and cooperation on good governance has been expanding. There is now both a need and political opportunity to deepen the engagement to help the Maldives becoming a more stable democracy governed by the rule of law and support the structural reforms.

The SAP sets clear objectives and targets on the rule of law and judicial reforms, including as regards the revision of the curricula in Maldivian law schools, assets declaration for judges, appraisal for sitting judges, transitional justice, operationalization of district courts, prison reforms and rehabilitation. There has been some positive developments in recent years in the justice sector, with reforms notably on the appointment and appraisal of judges, court structures and justice administration. Legislative changes have strengthened oversight institutions and enhanced accountability of judges. In a historic move, the first two female Supreme Court justices were appointed to the bench in 2019. The Department of Judicial Administration (DJA) and the Judicial Academy have been removed from the control of the Supreme Court. The Maldives also recently ratified a Transitional Justice Act, which aims to investigate systemic corruption and violations of human rights that occurred between 1953 and November 2018. An Office of Ombudsperson for Transitional Justice was created in January 2021 to that effect. Some progress has also been made as regards the protection of children's rights, such as the ratification of a new Child Rights Protection Act and Juvenile Justice Act in 2019. Current priorities in terms of judicial reforms include the further strengthening of justice and courts administration (through the introduction of circuit and district courts, courts automation, roll-out of a new case management system and construction of new court houses) as well as increasing the capacity of judges and court personnel (including through strengthening the Judicial Academy).

However, significant qualifications and transparency issues remain, partly due to the lack of efficient cooperation between the institutions, and the fact that there is no Justice Minister to oversee the sector. There is also an overall lack of capacity and financial resources in the sector. Although the Department of Judicial Administration has commenced a process to develop a 5-year plan for the administration of justice, no significant progress has been made. The courts infrastructure is in need of renovation, staff lack proper training and there is no effective way of tracking cases, resulting in a backlog; efficient judicial case management remains a concern with some courts not having held hearings for several years and some defendants kept in pre-trial detention for without any proper review. Vulnerable categories of the population, such as women and children or migrant workers, are particularly affected by these deficiencies. The geographic isolation of many islands impedes the proper functioning of the justice system, leaving room for informal/alternative dispute resolution mechanisms. The Covid-19 pandemic and related movement restrictions have exacerbated this situation as several courts had to close down for long periods. The pandemic also led to an increase of cases of domestic and gender-based violence across the atolls. The geography of the Maldives and the pandemic has demonstrated the obvious benefit of court digitalisation.

The Corruption Perception Index (CPI) and the Global Corruption Barometer (GCB) compiled by Transparency International indicate that Maldives continues to have a high level of corruption in the public sphere based on perception and opinion of public and institutions. In 2021, CPI ranked Maldives 85 out 180 countries (from 75 in 2020 and 130 in 2019) with a score of 40/100 (which is a significant improvement from the 2019 score (29/100) but a slight decline compared with 2020 (43/100)). The fight against corruption is addressed through different legal provisions and pieces of legislation, including the 2000 Prevention and Prohibition of Corruption Act, the 2008 Constitution, the 2014 Penal Code and the 2014 Prevention of Money Laundering and Financing of Terrorism Act for instance. In 2007, the Maldives accessed to the United Nations Convention against Corruption (UNCAC) and a first implementation peer review was carried out during the period 2010-2015, covering chapters III and IV of the Convention; a second one is currently ongoing for the chapters II and V, carried out by India and Turkmenistan. Although the current government is willing to engage in anti-corruption reforms, and has taken some concrete steps to this effect (such as the introduction of a zero tolerance policy to corruption and the adoption of an amendment in 2021 to the Penal Code to criminalize illicit enrichment and other forms of corruption), significant legal gaps and inconsistencies still exist, and the Maldives remains in dire need of a holistic legal framework.

The Maldives also faces challenges when it comes to the effective implementation and enforcement of the laws to tackle corruption. Oversight bodies such as the Anti-Corruption Commission (ACC) and the Information Commission (ICOM) have limited powers, capacities and resources to carry out their mandates efficiently. In December 2021, all the sitting members of the ACC resigned, amid a dismissal motion launched against them by

the Parliament, citing their alleged failure to complete the investigations of cases submitted. ACC members highlighted their challenging work environment prior to their resignation. The new ACC membership was officially sworn in by the President in March 2022, after a legal vacuum of more than 4 months. The Presidential Commission on Corruption and Asset Recovery (established in November 2018 and tasked with recuperating state assets lost between January 2012 to November 2018) was dissolved shortly after the new ACC members were sworn in, with their mandate taken up by relevant authorities.

In 2014, the Maldives saw the biggest corruption scandal in its history, involving 281 individuals and misuse of public office through a state-owned enterprise, Maldives Marketing and Public Relations Corporation (MMPRC). More recently, alleged corruption offences have also been reported on some procurement processes linked to the COVID-19 pandemic, leading to the resignation of the then Health Minister in 2020. Little progress has been made so far on these major corruption investigations. Corruption remains overall a structural detrimental factor to socio-economic development and justice delivery in the Maldives and affects the social contract between the State and its citizens.

The justice and anti-corruption sector in the Maldives is very dynamic (especially since the 2019 elections), and there is a growing number of Cooperating Partners (US, UK, Australia, Japan, India, Germany (through Max Planck Foundation)...) providing support in these areas, hence the importance notably to improve donor coordination and ensure an efficient division of labour. UNDP has a longstanding presence and experience in the sector notably through its successive Integrated Governance Programmes – IGP (the third phase was launched in March 2022 with initial support from the UK and Australia).

The proposed Action focusing on the rule of law and anti-corruption comes under the 2nd priority of the Multiannual Indicative Programme (MIP) 2021-2027 for the Maldives<sup>7</sup>. It is in line with the overall EU Good Governance agenda (promoting EU core values and principles abroad<sup>8</sup>), EU development policy frameworks and strategies (including the EU Consensus<sup>9</sup> and the 2030 Agenda for Sustainable Development<sup>10</sup>) as well as EU geostrategic and economic interests in the region as enshrined in the EU Strategy for Cooperation in the Indo-Pacific region<sup>11</sup>. It is also consistent with the overall EU Action Plan on Human Rights and Democracy 2021-2024<sup>12</sup> as well as the priorities outlined in the GAP III Country Level Implementation Plan (CLIP) and the new EU Human Rights and Democracy Country Strategy for Maldives for the same period.

## 2.2 Problem Analysis

Short problem analysis: the proposed Action will focus on a limited number of interconnected problems which impede inclusive and efficient access to justice and the independent functioning of the judicial system, as well as on areas that constrain anti-corruption efforts in the Maldives.

**Legal reforms and institutional strengthening:** Although some positive legal and institutional reforms have been recorded in recent years, there are still legislative, policy and procedural gaps that need to be addressed, including strengthening the independence and oversight of the judiciary as well as to improve court procedures and administration. Besides, the sector remains fragmented and lacks an overall strategic vision and planning (many institutions involved with limited coordination and systematic exchange of information). There is an overall shortage of skills and capacity across the justice sector, including for setting up and using data collection systems to track progress and performance.

<sup>7</sup> 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](https://international-partnerships.ec.europa.eu/system/files/2022-01/mip-2021-c2021-8994-maldives-annex_en.pdf).

<sup>8</sup> See notably Commission strategic priorities 2019-2024: [https://ec.europa.eu/info/strategy/priorities-2019-2024\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024_en).

<sup>9</sup> EU Consensus on Development: [https://international-partnerships.ec.europa.eu/policies/european-development-policy/european-consensus-development\\_en](https://international-partnerships.ec.europa.eu/policies/european-development-policy/european-consensus-development_en).

<sup>10</sup> See: <https://sdgs.un.org/2030agenda>.

<sup>11</sup> 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>.

<sup>12</sup> EU Action Plan on Human Rights and Democracy 2020-2024: [https://www.eeas.europa.eu/sites/default/files/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_2020-2024.pdf](https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf).



**Weak capacity of judges and lawyers:** there is a need for skills development programmes for judges, advocates and prosecutors, including on laws and procedures (especially those working in remote islands) and on efficient case management, on thematic areas which require specialized technical expertise (ex: plea bargaining, financial crimes and assets recovery, environmental justice) as well as on ethical standards and codes of conducts. Some training programmes are channelled through the Judicial Academy and the Maldives Bar Council, often with financial support from development partners, but it remains ad-hoc and uncoordinated.

**Limited access to justice outside the capital:** there is a significant gap in terms of resources and capacity and therefore access to the justice system between Male and the other atolls/islands. This is due notably to the geographic configuration of the country, but resource allocation across the islands is far from optimal compared to the case load. Based on the priorities identified in the SAP, the Attorney General's Office (AGO), the Department of Justice Administration (DJA) and the Judicial Service Commission (JSC) have been working together (with EU support) to improve the structure and administration of the judiciary, including on the introduction of new district courts outside Male (minimum 2) which would have similar competences as the specialized courts in Male, while at the same time enlarging the geographical competence of magistrate courts in "circuits" to improve access to justice in the atolls (the so-called "circuit court" system). It still has to be rolled-out and could meet some resistance. **Mediation** as an alternative dispute resolution mechanism for specific cases (i.e. family matters) could also help to decongest the formal courts, although professionally trained mediators are lacking in the country.

The Government of Maldives has prioritized **digitalisation** to enhance efficiency, improve case management and decentralize access to justice across the country. The Covid-19 pandemic has accelerated the use of on-line tools such as videoconferencing and software systems to allow for virtual court hearings and on-line trainings for staff from the judiciary. The needs are immense however and there are structural constraints to address, such as lack of/unstable internet connectivity and skilled IT staff in some atolls, the absence of a strategic digitalisation "Master Plan" for the sector as well as lack of interconnectivity and interoperability among the different systems in use (fragmented/uncoordinated approach).

**Legal aid and legal assistance:** legal aid, although planned in the Constitution (article 53) for serious criminal cases, is very limited both in terms of scope, resources and availability of pro bono lawyers, especially in remote islands. The Maldives Bar Council (MBC) has been mandated to assist relevant public authorities in securing legal aid for those accused of serious criminal offences, but no concrete progress has been made yet in that respect. A new Legal Aid Bill has been drafted by the Attorney General's Office but there are no clear prospects as regards its future adoption by the Parliament and subsequent implementation. Some civil society organisations such as Transparency Maldives and the Family Legal Clinic are offering legal assistance within their limited financial capacity for specific cases or vulnerable groups such as migrant workers or women and children who have been victim of domestic and gender-based violence (DGBV).

**Gender:** the justice sector is very male-dominated (% of female judges and magistrates was 11% in 2021 – 20 out of 183), while the percentage of DGBV cases reported that are actually submitted for prosecution is extremely low (only 3% the third quarter of 2020) according to statistics from the Ministry of Gender). There is a clear need to increase the representation and participation of women in the justice sector and to improve gender sensitiveness across the whole justice chain (starting with law enforcement agencies) while also strengthening effective access to justice, remedies and protection mechanisms for DGBV survivors.

**Limited communication and transparency:** the justice system in the Maldives has been tainted by allegations of political interference, corruption, delays and inefficiencies, which has deeply affected public perception and the trust people put in the system. There has been some progress recently in terms of enhanced transparency, oversight and better communication with the public, but justice administration and the court system need more transparency (i.e. only the Supreme Court and High Court's hearings are publicly broadcasted on-line and recorded). On the other hand, people also need to be more aware about their legal rights and how the justice system works.

In addition to the EU, several donors and international organisations are already providing substantial support in most of these areas, in particular the US (through USAID, American Bar Association (ABA-ROLI), Department of Justice etc.), the UK and Australia (through UNDP), Germany (through the Max Planck Foundation), UNODC etc.. UNDP, through its Integrated Governance Programme (IGP – currently phase III supported by the UK and

Australia), is active in all the areas mentioned above. Max Planck Foundation has been providing support in the fields of legal drafting/ reforms (through the AGO), legal aid/legal assistance, capacity-buidling and justice-related monitoring indicators and data collection (and is currently exploring options for future support). The US is active in legal education and training of lawyers and judges (through the Judicial Academy and the Maldives Bar Council), legal aid, fight against money laundering, technical support to investigations and prosecutions in the field of transnational crimes and countering-terrorism (CT) (with the Maldivian police and PGO, anti-corruption (through the International Republic Institute – IRI). UNODC is working (also with EU support) on prison reforms and criminal justice in the CT area. Hence there is a crucial need to improve donor coordination, support planning and proper division of labour.

**As regards the fight against corruption**, there is a need to strengthen the institutional capacity and support the activities of oversight bodies, in particular the **Anti-Corruption Commission (ACC)** and the **Information Commission (ICOM)** based on their strategic action plans. ACC capacity constraints pertains to lack of investigative and forensic skills and case management, including its ability to present “prosecutable” cases backed by solid evidence. Other areas to strengthen include M&E, digitalisation (dire need for a digital case management system) and specific expertise on i.a. social and environmental audits of public investment projects, business integrity transparency and public procurement processes. This requires also to improve effective operational collaboration between the ACC, the Prosecutor General’s Office (PGO) and the police, which eventually encompass joint investigations.

Beyond building the capacity of oversight institutions, there is a need to engage with and empower the population as a whole (including youth and disadvantaged/marginalized groups), working jointly with civil society actors and the media to increase the **public demand for accountability** and to ensure that there is sufficient civic space to hold the government, public institutions and their officials to account. Finally, as **local councils** are getting more financial resources and fiscal autonomy as part of the decentralization process, there is a need to enhance public accountability, integrity, transparency and anti-corruption also at the local level.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

- Public authorities and independent (oversight) institutions: Attorney General’s Office (AGO), Department of Justice Administration (DJA), Prosecutor General’s Office (PGO), Courts, Judicial Service Commission (JSC), Ministry of Gender, Judicial Academy, Anti-Corruption Commission (ACC), Information Commission (ICOM), relevant Committees of the Parliament, local councils, Local Government Authority (LGA).
- Non-State Actors: Maldives Bar Council (MBC), local civil society organisations focusing on good governance, anti-corruption, women’s/children’s rights and legal aid (such as Public Interest Law Centre, Transparency Maldives, Women & Democracy, Uthema, Association for Democracy Maldives - ADM and Family Legal Clinic for instance), Maldives Journalists Association (MJA), media.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to strengthen the rule of law and to reduce corruption in the Maldives.

The Specific(s) Objective(s) (Outcomes) of this action are to:

1. Support the Maldives in developing an effective, accountable and inclusive justice system;
2. Strengthen anti-corruption efforts through better legal framework, institutional capacity and public perception

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:



- 1.1 contributing to Outcome 1 (or Specific Objective 1): improved **laws and institutional capacity** of the justice sector in line with international standards
- 1.2 contributing to Outcome 1 (or Specific Objective 1): increased **access to justice services across the atolls** through sustainable **digitalisation** and the effective roll-out of a “**circuit court**” system
- 1.3 contributing to Outcome 1 (or Specific Objective 1): more efficient and accessible **legal aid and legal assistance**, in particular for disadvantaged population groups
- 1.4 contributing to Outcome 1 (or Specific Objective 1): better **access to justice for women** through increased gender awareness and sensitivity in the sector, as well as enhanced laws, protection mechanisms and support services for GBV and domestic abuse survivors
  
- 2.1 contributing to Outcome 2 (or Specific Objective 2): improved **legal framework** to combat corruption
- 2.2 contributing to Outcome 2 (or Specific Objective 2): strengthened capacity of **oversight institutions** such as the **Anti-Corruption Commission** and the **Information Commission (ICOM)** to carry out their mandate efficiently
- 2.3 contributing to Outcome 2 (or Specific Objective 2): enhanced **awareness, demand and capacity of the population, civil society and the media** to hold public institutions and officials accountable.

### 3.2 Indicative Activities

Activities relating to Output 1.1- **Improved laws and institutional capacity** of the justice sector in line with international standards:

- Technical support to the Attorney’s General Office (AGO) and the Prosecutor General Office (PGO) to support the drafting and implementation of legal and procedural reforms needed to strengthen case management (ex: plea bargaining) and improve the justice sector administration, planning and inter-institutional coordination (including with cooperating partners).
- Training to improve legislative drafting skills.
- Technical support to the Justice Service Commission (JSC) to strengthen oversight, selection procedures, performance assessment and the overall independence and transparency/accountability of the judiciary.
- Technical support to the Department of Justice Administration (DJA) to improve strategic planning, courts administration, communication with the public as well as data collection, consolidation and analysis.

Activities relating to Output 1.2- **Increased access to justice services** across the atolls through sustainable digitalisation and the effective roll-out of the circuit court system:

- Support the Government of Maldives with a detailed needs assessment and the design and adoption of an overall strategic “Master Plan” for digitalisation of the justice sector (taking into account existing initiatives/investments already done in the sector).
- Support the Government with funding mobilisation to acquire the needed systems/software/equipment
- Support the Government with the design and implementation of needed legal reforms and skills development programmes related to the digitalisation of the justice system.
- Consider supporting the implementation of pilot digitalisation initiatives in selected atolls to strengthen case management, access and overall justice service delivery.
- Explore options to increase, through digital means, citizen’s access to legal information in selected atolls
- Support the AGO, DJA, JSC and the courts with the piloting (in selected atolls) and subsequent scaling-up of the “circuit court” system designed under the previous EU-funded TA project.
- Explore options to support (traditional) alternative dispute resolution mechanisms in remote areas.

Activities relating to Output 1.3 – **legal aid and legal assistance**, in particular for disadvantaged population groups:

- Advocate and provide technical support (if needed) for the finalization, adoption and implementation of a comprehensive legal aid bill meant to improve available legal aid in the country
- Support the Bar Council and selected civil society organisations with the provision of legal assistance services, with a particular focus on the most vulnerable and disadvantaged categories of the population such as domestic and gender-based violence survivors, migrant workers and people with disability

Activities relating to Output 1.4- better **access to justice for women** through increased gender awareness and sensitivity in the sector, as well as enhanced laws, protection mechanisms and support services for GBV and domestic abuse survivors:

- Explore options to improve existing laws, policies and regulations as regards access to justice for GBV/domestic violence survivors
- In close partnership with relevant institutions from the judiciary and the Ministry of Gender, and building on existing legal and policy frameworks (such as the Prevention of Domestic Violence Act) design and roll-out a comprehensive gender sensitization and training programme for all public actors involved in access to justice for GBV/domestic violence survivors (including law enforcement agencies)
- Design and implement an awareness-raising campaign across the country on women and girls' access to justice, existing legal remedies and overall gender equality in the sector
- Strengthen protection mechanisms (protection orders, shelters...) and support services (legal counselling, psychosocial support...) available for GBV/domestic violence survivors

Activities relating to Output 2.1- improved **legal framework** to combat corruption:

- Collaborate with/support the AGO and other relevant actors from the sector to review existing laws and improve the overall legal framework related to the fight against corruption in line with international standards (including the effective implementation of the UNCAC)

Activities relating to Output 2.2- strengthened capacity of **oversight institutions** such as the **Anti-Corruption Commission** and the **Information Commission (ICOM)** to carry out their mandate efficiently:

- Capacity-building for the Information Commission (ICOM) to strengthen its internal procedures and systems, increase its case management capacity as well as its partnerships with civil society/media and with other Information Commissions from other countries in the region
- Capacity-building to the Anti-Corruption Commission (ACC) to assess/review its strategic action plan, to strengthen its technical, investigative and forensic skills, to build-up its research capacity and ability to propose reforms/innovative initiatives (including in partnership with civil society) as well as to enhance its overall M&E and cases management capacity (digitalisation)
- Support joint collaborative work/joint investigations between the ACC, the Prosecutor General Office (PGO) and the police with workshops, case studies and mentoring

Activities relating to Output 2.3- enhanced **awareness, demand and capacity of the population, civil society and the media** to hold public institutions and officials accountable:

- Support (in close complementarity with future support provided through the thematic instruments) CSO-led multistakeholders oversight and monitoring initiatives on anti-corruption and accountability, such as open governance, public procurement and social/environmental audits for instance
- Design and roll-out capacity-building and awareness-raising activities/campaigns to enhance skills and increase public understanding and demand for public accountability and the prevention of and fight against corruption
- Support investigative journalism on anti-corruption and public accountability related topics
- Support public consultations and advocacy work related to legal, policy and institutional reforms for anti-corruption and public accountability

Besides the proposed results and activities outlined above, this Action will also be instrumental to strengthen the leading role of the EU in terms of political and policy dialogue with the Government of Maldives on justice, anti-corruption and broad governance reforms, and to improve effective donor coordination in the sector.

### 3.3 Mainstreaming

#### **Environmental Protection & Climate Change**

Outcomes of the SEA screening (relevant for budget support and strategic-level interventions)

The Strategic Environmental Assessment (SEA) screening concluded that no further action was required.

Outcomes of the EIA (Environmental Impact Assessment) screening (relevant for projects and/or specific interventions within a project). The EIA (Environment Impact Assessment) screening classified the action Category C (no need for further assessment).

Outcome of the CRA (Climate Risk Assessment) screening (relevant for projects and/or specific interventions within a project). The Climate Risk Assessment (CRA) screening concluded that this action is no or low risk (no need for further assessment).

### **Gender equality and empowerment of women and girls**

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender equality and empowerment of women and girls is a significant objective for the action. It is mainstreamed across the different components and one specific output (1.5) is dedicated specifically to improving effective access to justice for women and girls who have been victim of domestic/gender-based violence (notably through gender trainings across the sector, better public awareness on existing legislations and legal remedies, and enhanced protection mechanisms and support services). This is in line with priorities identified in the Country-Level Implementation Plan (CLIP) for Maldives under the Gender Action Plan (GAP) III. To the maximum extent possible, result indicators under the logical framework for this action will be gender-disaggregated.

### **Human Rights**

A human-rights based approach underpins all the proposed objectives, outputs and activities of this action focusing on justice and anti-corruption reforms. The action pays close attention to the specific roles and needs of both the “duty bearers” – supply side (in particular the relevant public institutions from the justice sector and key oversight institutions) and the “rights holders” – demand side (notably through awareness-raising activities to increase the voice and citizens’ participation). One key objective of the action is actually to improve effective and fair access to justice in the Maldives for the people, paying special attention to the specific needs and challenges faced by disadvantaged population groups. The action also envisages to upgrade the legal and institutional set-up in order to bring the Maldivian justice system more in line with international standards, including human rights standards, as well as to bring more gender sensitiveness in the sector. Finally, the role of civil society and the media as watchdogs, service providers but also “connectors” between public institutions and the citizens, is also strongly highlighted throughout the action.

### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1. This implies that the specific needs and constraints of people with disability (including mental health problems, for instance linked to addiction to drugs) will be factored in as far as access to justice services and legal assistance is concerned. Besides, the component dealing specifically with access to justice for GBV/domestic violence survivors shall look *inter alia* at how to strengthen available psychosocial support services. To the maximum extent possible, proposed results indicators under the logical framework will be disaggregated taking into account disability status.

### **Democracy**

The proposed action builds on recent country progress and ambitious reforms commitments of the current government as far as democratic governance and the rule of law are concerned, as outlined in the Good Governance chapter of the Strategic Action Plan 2019-2023. An independent and efficient justice system as well as corruption-free and accountable public institutions are key elements to foster democratic governance.

### **Conflict sensitivity, peace and resilience**

A conflict-sensitive approach will inform the design and implementation of activities supported by the action in order to ensure the “do no harm” principle, in particular for the activities which deal with culturally, politically and/or socially sensitive issues such as the fight against corruption, access to justice for GBV/domestic violence survivors and women representation in the law and justice sector.

### **Disaster Risk Reduction**

Not applicable

### **Other considerations if relevant**

The action will explore how to promote e-governance and feasible and sustainable options to support the digitalisation of the justice system. As regards the SDGs, this action will contribute in particular to the achievement of SDG 16 (“Peace, Justice and Strong Institutions”) and SDG 5 (“Gender Equality”) in the Maldives.

### 3.4 Risks and Lessons Learnt

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>
(1) External environment	Significant changes in the Maldivian political landscape (after the 2023 elections) on good governance and rule of law-related commitments	Medium	High	<ul style="list-style-type: none"> <li>-Closely monitor political developments</li> <li>-Maintain regular and inclusive political dialogue with all political actors, including with the opposition</li> <li>-Encourage strong ownership of the action by local public institutions, including through adequate project steering structures which involve relevant public authorities</li> <li>-Diversified project interventions, partners and beneficiaries targeting not only public institutions but also civil society, professional bodies, media and local communities</li> <li>-Consider project adjustments if necessary, using built-in project flexibility</li> </ul>
(1) External environment	Significant degradation of the macroeconomic/fiscal country situation, leading to major shifts in terms of reform priorities and budget available	Medium	Medium	<ul style="list-style-type: none"> <li>-Closely monitor economic developments and their possible impact on the action</li> <li>-Consider project adjustments if necessary, using built-in project flexibility</li> </ul>
(1) External environment	New wave of COVID-19 pandemic leading to country lock-downs and other movement restrictions	Medium	High	<ul style="list-style-type: none"> <li>-Closely monitor the epidemiological country situation and its possible impact on the action</li> <li>-Consider project adjustments if necessary, using built-in project flexibility including switch to digital/remote implementation strategies</li> </ul>
(1) External environment	Vested interests and conservative beliefs and attitudes within the population and targeted institutions will resist	High	Medium	<ul style="list-style-type: none"> <li>-Carry-out political economy and “do-no-harm” analysis to strategize the interventions, identify incentives and monitor results</li> </ul>

	change and try to maintain the status quo			<ul style="list-style-type: none"> <li>-Identify “allies”/pro reform champions and work with them</li> <li>-Maintain regular political and policy dialogue with government and other key stakeholders, including civil society, on the topics covered by the action</li> <li>-Put strong emphasis on inclusive awareness-raising interventions with attention on the specific needs of vulnerable categories of the population in the atolls</li> <li>-Conduct regular field missions in Maldives for proper project monitoring and understanding of the local context</li> </ul>
(1)External environment	Limited independence of targeted institutions and manipulation of the action to serve political interests	High	Medium	<ul style="list-style-type: none"> <li>-Carry-out political economy analysis to carefully strategize the interventions, identify incentives monitor results</li> <li>-Identify “allies”/pro reform champions and work with them</li> <li>-Maintain regular political and policy dialogue with government and other key stakeholders, including civil society, on the topics covered by the action</li> <li>-Conduct regular field missions in Maldives for proper project monitoring</li> </ul>
((2)) Planning, processes and systems	Multiple public institutions involved in the action without proper coordination	High	Medium	<ul style="list-style-type: none"> <li>-Involve the key public institutions in the project steering structures to encourage coordination</li> <li>-Selective capacity-building interventions to improve sector administration and inter-institutional coordination</li> </ul>
(2) Planning, processes and systems	Lack of donor coordination in the sector leading to overlap and duplication	Medium	Medium	<ul style="list-style-type: none"> <li>-Advocate for the relevant authorities to proactively coordinate the support received from donors and ensure division of labour</li> <li>-Work hand-in-hand with the UN system to ensure regular mapping and exchange of information among cooperating partners and explore possible synergies</li> </ul>

#### **Lessons Learnt:**

The action builds on the findings and recommendations from previous EU-funded assessments (TAIEX expert mission in 2016, assessment of the justice sector in 2019) and on the achievements and lessons learnt from previous and ongoing EU-funded initiatives. This includes the ongoing PSF-funded technical assistance project “Supporting Justice Sector Reform and Anti-Corruption in the Maldives” (around EUR 1 million- ending in Oct. 2022) as well as the Transparency International/Transparency Maldives technical assistance project “Support to anti-corruption

frameworks in the Maldives” (EUR 200 000 - ended in Dec. 2020). It also builds on lessons learnt from other donor funded projects and takes into account what others are currently doing or planning to do in the sector.

Among the main lessons learnt figure the following: (1) the justice and anti-corruption landscape is very dynamic in the Maldives and progress (in terms of reforms towards enhanced independence) remains volatile, hence the need for close project monitoring, flexibility and innovative approaches, constructive political dialogue and long-term engagement accompanied by predictable financial support; (2) the importance to maximize presence on the ground and regular interactions with the key national stakeholders to build trust; (3) the need to focus on gender equality within the justice sector as there are still significant gaps as far as women and girls’ access to justice is concerned; (4) the importance to work at different levels/nods of the justice chain (360 degree approach) and to embrace a multi-stakeholders approach in terms of partners and beneficiaries, building partnerships not only with public institutions, but also with civil society organisations (including grassroots), the media and the local communities (crucial to have impact, to generate strong local ownership and to ensure resilience in case of major political shifts); (5) importance to prioritize “decentralisation” of access to justice services delivery (including through digitalisation); (6) the growing number of cooperating partners active in these sectors, hence the urgent need to improve proper coordination and division of labour (ideally government-led).

### 3.5 The Intervention Logic

This action responds to both a clear need for support and a political opportunity for EU’s deeper engagement, building on the current Government’s own strategic priorities and commitments on good governance, rule of law and anti-corruption.

The underlying intervention logic for this action is that: IF the legal frameworks and key institutions from the justice system are strengthened towards better oversight, efficient cases management, planning, data collection/monitoring and inter-institutional coordination, in line with international standards; IF there is better access to justice services across the atolls through decentralization, digitalisation and more accessible and effective legal aid and legal assistance (including for vulnerable people and GBV/domestic violence survivors); IF people have a better access to legal information and are better aware of their rights and of existing laws and legal mechanisms and; IF the sector becomes more skilled, gender sensitive and improves its openness/transparency vis-à-vis the public, THEN the justice system will perform better and be able to provide efficient quality services to all its citizens in an inclusive way. Also, IF the anti-corruption legal framework is strengthened; IF oversight institutions are better equipped to carry out their mandate efficiently and independently; IF there is a better operational cooperation among the different public institutions dealing with investigations related to alleged corruption cases, and IF there is growing public awareness, demand and initiatives around accountability and corruption issues. THEN anti-corruption efforts will be more effective and better perceived.

Under the assumption that there is a genuine and sustained political will for reforms, it is likely that the conjunction of the two outcomes here above will contribute over time to strengthen the rule of law, to reduce the perception and occurrence of corruption practices and more broadly to consolidate democratic governance, social cohesion and the trust/social contract between state institutions and the population in the Maldives. Indirectly, these two outcomes could also contribute to improve the business climate and attract private investments in the country, as well as reduce GBV/domestic violence through women empowerment and effective fight against impunity for this kind of crimes.



### 3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

Results	Results chain (e): Main expected results (maximum 10)	Indicators (e): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To strengthen the rule of law and to reduce corruption in the Maldives	<p>EU RF Level 1 indicator – 1.29: *Rule of Law score (as measured by the World Bank Worldwide Governance indicators - both estimate and ranking)</p> <p>Control of Corruption score (as measured by the World Bank Worldwide Governance indicators- both estimate and ranking)</p> <p>Corruption Perception Index – CPI (compiled by Transparency International)</p> <p>Global Corruption Barometer: Maldives ranking/scoring</p>	<p>WGI 2020 percentile ranking on RoL: 42,31 (out of 100)</p> <p>WGI 2020 percentile ranking on Control of Corruption: 44,71 (out of 100)</p> <p>CPI 2021: Ranking: 85<sup>th</sup> (out of 180 countries) Scoring: 40/100</p> <p>GCB 2020 data: 90% of people think corruption is a big problem in the MLD</p>	Improvement by 2026	WGI and Transparency International official sources	<i>Not applicable</i>
<b>Outcome 1</b>	More effective, accountable and inclusive justice system in the Maldives	<p>Cases backlog: number of pending cases in the Maldivian justice system – per year (disaggregated by type of case: civil, criminal), commercial, administrative etc.)</p> <p>Number of legal cases resolved – per year (disaggregated by different type of cases, e.g. administrative, commercial, civil, criminal (including domestic violence) etc.)</p>	<p>TBC</p> <p>TBC</p> <p>TBC</p>			Political, health and economic country context remains overall conducive to cooperation with the EU and other

		<p>Number of unsentenced detainees as a proportion of overall prison population</p> <p>Average number of days required to enforce judgments</p> <p>Number of law/policy and institutional reforms related to justice formally adopted (disaggregated also based on whether these reforms were prepared or not with participation from civil society organisations and whether these reforms take into account recommendations from civil society organisations – EU RF)</p> <p>Number of grassroots civil society organisations (working on justice/governance/gender related issues) benefitting from (or reached by) EU support (indicator not yet integrated into the EU RF)</p> <p>(qualitative) % of the population that have a positive perception of the efficiency, political independence, fairness/inclusiveness and overall performance of the justice system (disaggregated by sex, age and disability/social group)</p>	<p>TBC</p> <p>0</p> <p>0</p> <p>Baseline study to be conducted at the beginning of the programme</p>			<p>cooperating partners</p> <p>The Government of Maldives remains committed to design and implement good governance and rule of law related reforms</p>
<b>Outcome 2</b>	Strengthened anti-corruption efforts through better legal framework, institutional capacity and public perception	<p>Number of law/policy and institutional reforms related to public accountability and anti-corruption formally adopted (disaggregated also based on whether these reforms were prepared or not with participation from civil society organisations and whether these reforms take into account recommendations from civil society organisations – EU RF)Proportion/% of corruption cases</p>	0			<p>Political, health and economic country context remains overall conducive to cooperation with the EU and other</p>

		<p>investigated by the ACC which are (1) prosecuted; (2) lead to convictions</p> <p>Proportion/% of Government officials who are sanctioned per year for corruption , disaggregated by sex</p> <p>Evolution of the budget allocated to oversight bodies (ACC and ICOM)</p> <p>(qualitative) % of population that have a positive perception as regards anti-corruption efforts/initiatives and the performance of public authorities and oversight institutions in that regards (disaggregated by sex, age and disability/social group)</p>	<p>TBC</p> <p>TBC</p> <p>TBC</p> <p>Baseline study to be conducted at the beginning of the programme (3 first months)</p>			<p>cooperating partners</p> <p>The Government of Maldives remains committed to design and implement good governance and anti-corruption reforms</p>
<p><b>Output 1</b></p> <p><b>relating to Outcome 1</b></p>	<p>1.1 Improved laws and institutional capacity of the justice sector in line with international standards</p>	<p>Number of laws/regulations and institutional reforms related to justice administration, prosecution, detention etc. supported/prepared with EU technical support</p> <p>Set-up of an adequate data collection system within DJA</p> <p>Design/adoption of a strategic multi-year roadmap for the sector (DJA)</p> <p>Number of public briefings/consultations organized by the justice sector</p> <p>Number of communication products developed by the justice sector</p> <p>Number of disciplinary proceedings against judges and prosecutors</p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>Disciplinary proceedings:</p>			

			baseline 2020 = 14			
<b>Output 2 relating to Outcome 1</b>	1.2 Increased access to justice services across the atolls through sustainable digitalisation and the effective roll-out of a “circuit court” system	<p>Number of islands/atolls effectively implementing the “circuit court” system</p> <p>Design and adoption of a strategic “master plan” as far as digitalisation of the justice sector is concerned</p> <p>Number of islands/atolls equipped with the necessary digital tools to ensure remote access to legal information and remote courts hearings</p> <p>Number of digital solutions designed/supported</p>	<p>0</p> <p>0</p> <p>TBC</p> <p>0</p>			
<b>Output 3 relating to Outcome 1</b>	1.3 More efficient and accessible legal aid and legal assistance mechanisms, in particular for disadvantaged population groups	<p>EU RF Level 2 Indicator 27: Number of people directly benefiting from legal aid interventions supported by the EU (disaggregated by gender/social status/type of cases)</p> <p>Proportion of requests for legal aid and legal assistance being met (criminal and civil proceedings) annually</p> <p>Adoption of the (pending) legal aid bill</p> <p>Evolution of the annual budget allocation made to legal aid</p> <p>Set-up of a “clearing house” mechanism within the MBC for available pro-bono lawyers</p>	<p>0</p> <p>TBC</p> <p>0</p> <p>TBC</p> <p>0</p>			



<b>Output 4</b> <b>relating to Outcome 1</b>	1.5 Better access to justice for women through increased gender awareness and sensitivity in the sector as well as enhanced laws, protection mechanisms and support services for GBV/domestic survivors	<p>GAP III indicator: % of referred cases of gender-based and sexual violence against women and children that are investigated and sentenced</p> <p>Number of people reached out through the gender awareness campaign (disaggregated by gender)</p> <p>Number of public officials trained on gender sensitization within the sector (disaggregated by gender and by professional status) + qualitative perception from the beneficiaries</p> <p>Number of individuals benefiting from EU-funded programmes to counter sexual and gender-based violence (indicator to be integrated into the EU RF)</p>	<p>TBC (data exist for the number of DV/GBV cases submitted for prosecution: quarter 3 fo 2020: 3% according to the Ministry of Gender)</p> <p>0</p> <p>0</p> <p>0</p>			
<b>Output 1</b> <b>relating to Outcome 2</b>	2.1 Improved legal frameworks to combat corruption	Number of laws/regulations/procedures elaborated/reviewed	0			
<b>Output 2</b> <b>relating to Outcome 2</b>	2.2 Strengthened capacity of oversight institutions to carry out their mandate efficiently	<p>Number of ACC staff trained and/or mentored + qualitative perception by the beneficiaries</p> <p>Number of ACC initiatives related to anti-corruption and pulic accountability</p>	<p>0</p> <p>0</p>			

		<p>supported by the EU (including whether or not in partnership with civil society)</p> <p>Situation in the ACC as regards staff vacancy and staff turnover rate</p> <p>Number of joint operations/investigations between the ACC, the PGO and the police</p> <p>Set-up of digital case management and M&amp;E systems within the ACC</p> <p>Number of ICOM staff trained + qualitative perception by the beneficiaries</p> <p>Number/% of Right to Information (RTI) requests and appeals responded to</p>	<p>TBC</p> <p>TBC</p> <p>TBC</p> <p>0</p> <p>TBC</p>			
<p><b>Output 3</b></p> <p><b>Relating Outcome 2</b></p>	<p>2.3 Enhanced awareness and capacity of the population, civil society and the media to hold public institutions and officials accountable</p>	<p>Number of people reached out through the various awareness-raising/campaign/advocacy activities (disaggregated by gender)</p> <p>Number of people/organisations trained + qualitative perception by the beneficiaries</p> <p>Number of CSO-led initiatives supported</p> <p>Number of articles published in the media related to alleged corruption cases/public accountability-related issues</p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p>			

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the partner country.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement. Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

#### 4.3.1 Indirect Management with a pillar assessed entity

This action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria: technical expertise in the targeted sectors (justice/ rule of law, anti-corruption/accountability, gender equality); knowledge of the political context and experience in Asia (ideally in the Maldives); close connection/networks (or demonstrated ability/willingness to develop them) with the relevant Maldivian public institutions, professional associations and civil society organisations active in these fields; close connection and conveyor role (or demonstrated ability/willingness to develop it) among the donor community in the Maldives; implementation/absorption capacity (including in terms of M&E) and; willingness to accept EU's leading role in policy/political dialogue with the government, to promote a Team Europe approach and to provide adequate visibility to the EU as per the EU visibility guidelines. The implementation by this entity entails the whole action as described under section 3, with the possibility to outsource/subgrant the implementation of some activities (to be decided at a later stage) to selected NGOs and/or research centres.

#### 4.3.2 Changes from indirect to direct management mode due to exceptional circumstances

If negotiations with the selected entity under indirect management fail, the whole action may be implemented in direct management through procurement. Procurement will contribute to achievement of the two specific objectives as described in section 3.1.

### 4.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

### 4.5 Indicative Budget

Indicative Budget components	EU contribution
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	(amount in EUR)
Indirect management with a pillar assessed entity- cf. section 4.3.1	5 000 000
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	The financing of the evaluation may be covered by another measure constituting a Financing Decision
<b>Contingencies</b>	0
<b>Totals</b>	5 000 000

## 4.6 Organisational Set-up and Responsibilities

A Project Steering Committee/Project Board will be established and co-chaired by the EU, relevant Maldivian counterparts and the selected implementing partner(s), which will provide the secretariat. This committee, which may also be joined by other development partners if contributing to the same overall objective, will meet twice a year and will be instrumental to ensure policy dialogue and sector coordination and high-level strategic steering and oversight of the project. It will also be used as a forum to stimulate exchange of information and coordination among cooperating partners active in these sectors. Further technical committees might be set up as required to ensure efficient implementation and monitoring of the project. The final organisational set up will be confirmed and further detailed during the inception of the project.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission will participate in the above governance structures set up for governing the implementation of the action.

## 4.7 Pre-conditions

N/A

# 5 PERFORMANCE MEASUREMENT

## 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support). The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring: It is envisaged that systemic data collection will be undertaken by the entrusted entities and shall be done based on methodologies/questionnaires agreed in consultation with the EU. The data will be to the maximum extent disaggregated by sex, age and disability/social group, and type of case: criminal, civil or administrative – as applicable/relevant. To ensure a participatory approach prior and during data collection, the methodology and a clear understanding of the purpose of data collection shall be shared with key stakeholders, including incorporating any inputs on the methodologies/questionnaires that will be developed.

Studies/surveys to set baseline data and targets will be conducted by the entrusted entities during the inception phase of project implementation.

## 5.2 Evaluation

Having regard to the nature of the action, mid-term and final evaluation(s) may be carried out for this action or its components via independent consultants contracted by the Commission.

A mid-term evaluation may be carried out for problem solving and learning purposes, in particular with respect to possible adjustments to country political changes/new sector priorities and needs and/or for possible replication/expansion of pilot activities (for instance as regards decentralization and digitalisation of access to justice). A final evaluation may be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the sector is very sensitive and volatile and that the action is pretty innovative for the country.

The Commission shall inform the implementing partner at least 90 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.

The financing of the evaluation may be covered by another measure constituting a Financing Decision.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

## Appendix 1 REPORTING IN OPSYS

An Intervention (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: 'a given contract can only contribute to one primary intervention and not more than one'. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a 'support entities'. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

The present Action identifies as

<b>Action level</b>		
<input checked="" type="checkbox"/>	Single action	Present action: all contracts in the present action
<b>Group of actions level</b>		
<input type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#):
<b>Contract level</b>		
<input type="checkbox"/>	Single Contract 1	
<input type="checkbox"/>	Single Contract 2	
	(...)	
<input type="checkbox"/>	Group of contracts 1	



## Appendix 2 COMMISSION DECISION & TECHNICAL and ADMINISTRATIVE PROVISIONS

*Please delete this appendix before submitting the document.*

The template of the AD is used selectively depending on the type of financing and step of the procedure.

The table below illustrates which sections of the AD need to be used

- in the annex to the COM Decision and,
- when applicable, in the Financing Agreement to create the Technical and Administrative Provisions (TAPs)
- The following table presents an overview of the use of the sections of the Action Document template for the Commission Decision and for the TAPs.

	Project modality (Incl. thematic and regional programmes, as well as calls for proposals)		Budget support		No activities to be implemented by, and no funds to be transferred to, the Partner country, with signature of a Financing Agreement based of the 'simplified' template	
Action Document	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)
<b>1. SYNOPSIS</b>						
1.1. Action Summary Table	Yes	Yes	Yes	Yes	Yes	N/A
1.2. Summary of the Action	Yes	Yes	Yes	Yes	Yes	Yes
<b>2. RATIONALE</b>						
2.1. Context	Yes	N/A	Yes	N/A	Yes	N/A
2.2. Problem Analysis	Yes	N/A	Yes	N/A	Yes	N/A
2.3. Additional Areas of Assessment [For Budget Support Actions only]	N/A	N/A	Yes	N/A	N/A	N/A
2.3.1. Pre-condition on Fundamental values (for a SDG contracts only)	N/A	N/A	Yes	N/A	N/A	N/A
2.3.2. Public Policy	N/A	N/A	Yes	N/A	N/A	N/A
2.3.3. Macroeconomic Policy	N/A	N/A	Yes	N/A	N/A	N/A
2.3.4. Public Financial Management	N/A	N/A	Yes	N/A	N/A	N/A
2.3.5. Transparency and Oversight of the Budget	N/A	N/A	Yes	N/A	N/A	N/A
<b>3. DESCRIPTION OF THE ACTION</b>						
3.1. Objectives and Expected Outputs	Yes	Yes	Yes	Yes	Yes	N/A
3.2. Indicative Activities	Yes	Yes	Yes	Yes	Yes	N/A

	Project modality (Incl. thematic and regional programmes, as well as calls for proposals)		Budget support		No activities to be implemented by, and no funds to be transferred to, the Partner country, with signature of a Financing Agreement based of the 'simplified' template	
Action Document	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)
3.3. Mainstreaming	Yes	Yes	Yes	Yes	Yes	N/A
3.4. Risks and Lessons Learnt	Yes	N/A	Yes	Yes	Yes	N/A
3.5. The Intervention Logic	Yes	Yes	Yes	Yes	Yes	N/A
3.6. Logical Framework Matrix	Yes	Yes	Yes	Yes	Yes	N/A
<b>4. IMPLEMENTATION ARRANGEMENTS</b>						
4.1. Financing Agreement	Yes	N/A	Yes	N/A	Yes	N/A
4.2. Indicative Implementation Period	Yes	N/A	Yes	N/A	Yes	N/A
4.3. Implementation of the Budget Support Component (and subsections)	N/A	N/A	Yes	Yes	N/A	N/A
4.4. Implementation Modalities (and subsections)	Yes	Yes	Yes	Yes	Yes	N/A
4.5. Scope of geographical eligibility for procurement and grants	Yes	Yes	Yes	Yes	Yes	N/A
4.6. Indicative Budget	Yes	Yes	Yes	Yes	Yes	N/A
4.7. Organisational Set-up and Responsibilities	Yes	Yes	Yes	Yes	If applicable and relevant	If applicable and relevant
4.8. Pre-conditions [only for project modality]	Yes	Yes	Yes	N/A	Yes	If relevant and applicable
<b>5. PERFORMANCE MEASUREMENT</b>						
5.1. Monitoring and Reporting	Yes	Yes	Yes	Yes	Yes	N/A
5.2. Evaluation	Yes	Yes	Yes	Yes	Yes	N/A
5.3. Audit and Verifications	Yes	Yes	Yes	Yes	Yes	N/A
<b>6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY</b>						
6. Strategic Communication and Public Diplomacy	Yes	Yes	Yes	Yes	Yes	N/A
<b>APPENDICES</b>						
Appendix 1 Reporting in OPSYS	N/A	N/A	N/A	N/A	N/A	N/A
Appendix 2 Commission Decision and TAPs	Delete and replace with Appendix for	N/A	N/A	Delete and replace with Appendix for Budget	N/A	N/A

	Project modality (Incl. thematic and regional programmes, as well as calls for proposals)		Budget support		No activities to be implemented by, and no funds to be transferred to, the Partner country, with signature of a Financing Agreement based of the 'simplified' template	
Action Document	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)	Annex Commission Decision	Technical and Administrative Provisions (TAPs)
	Blending if applicable			Support if applicable		
Other: Appendix only for Blending: List Lead Finance Institutions	To be added	N/A	N/A	N/A	N/A	N/A
Other: Appendix only for Budget Support (Disbursement Arrangements, Conditions and Performance Indicators)	N/A	N/A	N/A	To be added	N/A	N/A