



UNIT 5: The Legal Framework on Anti-Corruption Law: A Mauritian Perspective

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Chapter Outline

*Overview of the
situation on corruption
in Mauritius*

*Review of legislations
pertaining to combating
corruption*

*Guidelines and policies on
corruption in Mauritius*

Conclusion

Thank you

The background features a light grey area on the left with a faint, stylized palm tree silhouette. To the right, there are large, overlapping organic shapes in shades of olive green and light grey. A prominent, thick white line curves across the bottom right portion of the image.

The legal framework
on Anti-Corruption
Law: A Mauritian
Perspective

Introduction

- Mauritius received a score of 46 out of 100 on the Corruption Perceptions Index for the public sector in 2021, ranking it 50th globally, indicating an average level of corruption compared to other nations.
- While there was a slight decline in corruption compared to the previous year, the issue remains a concern.
- The passing of the Financial Intelligence and Anti-Money Laundering Act 2002 and the Prevention of Corruption Act 2002 marked significant steps in combating corruption and money laundering.
- The Independent Commission Against Corruption (ICAC) was established to investigate, prevent, and educate on corruption.
- A study conducted in May 2020 highlighted corruption as a pressing challenge in Mauritius, with two-thirds of respondents perceiving corruption as high or extremely high.

Introduction

- Despite this, there is significant hesitation to report corruption due to fear of repercussions and a perception that concerns may not be taken seriously.
- The Corruption Prevention and Education Division of the ICAC aims to inform and mobilize the public against corruption, supported by specialist branches such as the Community Relations Branch and the System Enhancement Branch.
- The Prevention of Corruption Act 2002 outlines provisions for public campaigns, education initiatives, collaboration with NGOs and trade unions, research studies, and international cooperation to prevent and eradicate corruption.
- Additionally, it mandates the establishment of model codes of conduct for public organizations to adopt.

Conducting Corruption Prevention Reviews

- Key changes in the public sector aimed at reducing corruption include improving ethics, transparency, and accountability frameworks, simplifying systems, and ensuring compliance with best practices.
- The Prevention of Corruption Act 2002 mandates the Independent Commission Against Corruption (ICAC) to supervise integrity systems and procedures in public bodies to prevent corruption.
- The ICAC conducts Corruption Prevention Reviews (CPRs) to assess government institutions' policies and practices, resulting in recommendations for enhancements or changes to prevent irregularities and corrupt activities.
- These recommendations, which totaled 967 from 27 CPRs conducted by December 2010, may include revisions to laws to incorporate corruption prevention safeguards.
- Focus group discussions with management aid in implementing these recommendations promptly and effectively.
- Follow-up activities are conducted six months after the report's release to assess and monitor the implementation status of anti-corruption measures suggested by the ICAC.

Public Sector Anti-Corruption Framework

- The Public Sector Anti-Corruption Framework (PSACF), created by the ICAC, enables public organisations to build the necessary competence to prevent and combat corruption in their area of responsibility.
- The Framework will make it possible for public bodies to assume responsibility for fostering anti-corruption efforts within their individual organisations.
- The idea is being piloted in four public organisations before being implemented nationwide.

Best Practices and Guidelines

- The Independent Commission Against Corruption (ICAC), in collaboration with relevant organizations, has developed several anti-corruption tools over the past five years to address and control corruption effectively in Mauritius. These resources, designed as self-assessment tools for public entities, include:
- Total Integrity Management Handbook for Head Teachers: A guide to maintaining integrity management in schools.
- Charter for Vehicle Owners: A checklist of vehicle standards in partnership with the National Transport Authority.
- Handbook on Managing Conflict of Interests: Assists organizations in promoting and managing conflict of interest situations.

Best Practices and Guidelines

- **Guide on Good Governance for the Co-operative Sector:** Developed to promote integrity and probity in the cooperative sector.
- **Public Sector Anti-Corruption Framework Manual:** Helps public institutions establish effective controls against corruption.
- **Best Practice Guide on “Building Integrity in NGOs”:** A handbook for NGOs to conduct themselves ethically.
- **Model Code of Conduct for Parastatal Bodies:** Provides guidelines for creating codes of conduct.
- **Code of Conduct for Public Officials Involved in Procurement:** Aims to ensure oversight and vigilance in public procurement.
- **Best Practice Guide - Inspection Works for Public Bodies:** Helps combat corruption opportunities in the inspection function.

Best Practices and Guidelines

- **Best Practice Guide – Recruitment and Selection in Parastatal Bodies:** Addresses corruption risks in hiring procedures.
- **Model Internal Audit Charter:** Establishes guidelines for efficient internal audits.
- **Procurement of Goods and Services -Best Practice Guide for Public Bodies:** Outlines control processes in procurement.
- **Contract Works - Best Practice Guide for Public Bodies:** Provides a checklist to evaluate corruption risks in contract employment.
- **Guide on Management of Funds by Parent Teachers Associations:** Helps PTAs understand good governance and accountability.
- Additionally, regulatory bodies like the Financial Services Commission (FSC) and the Bank of Mauritius have released codes, rules, and guidelines to promote transparency and accountability in the financial sector.

A Review of Related Legislations

- Mauritius has undertaken legislative reviews and enacted new laws to enhance its fight against corruption and strengthen regulatory frameworks.
- This includes amendments to existing laws like the Companies Act and the Banking Act, as well as the enactment of new legislation such as the Public Procurement Act 2006 and the Mutual Assistance in Criminal and Related Matters Act 2003.
- The Mutual Assistance Act facilitates international cooperation in investigations and prosecutions of serious offenses by enabling Mauritius to provide and receive mutual legal assistance swiftly and comprehensively.
- It covers cooperation with foreign states and international criminal tribunals.

A Review of Related Legislations

- The Public Procurement Act 2006 aims to modernize public procurement systems by establishing contemporary standards for transparency, accountability, and competitive bidding.
- It introduces new bodies like the Procurement Policy Office, the Central Procurement Board, and the Independent Review Panel to enforce these principles effectively.
- The Banking Act 2004 includes enhanced provisions for combating corruption and money laundering, thereby strengthening measures to ensure the integrity of the financial sector.

Anti-Corruption Initiatives at Regional and International Levels - Involvement of Mauritius

- The Independent Commission Against Corruption (ICAC) of Mauritius actively participates in regional and global anti-corruption initiatives.
- Mauritius is engaged in the Southern African Forum Against Corruption (SAFAC), fostering regional cooperation and the exchange of best practices within the Southern African Development Community (SADC) area.
- Additionally, Mauritius is involved in the International Association of Anti-Corruption Authorities (IAACA), participating in its Annual Conferences and General Assembly Meetings since 2006.
- It also regularly attends the Annual Conference of States Parties to the UN Convention Against Corruption.

Anti-Corruption Initiatives at Regional and International Levels - Involvement of Mauritius

- Mauritius has collaborated with various anti-corruption organizations worldwide, including ICAC Hong Kong, ICAC NSW, CPIB Singapore, ACA Malaysia, BIANCO Madagascar, CBI/CVC India, and the Serious Fraud Office, UK. Official partnerships have been established with BIANCO, Madagascar's national anti-corruption agency.
- The ICAC has hosted representatives from anti-corruption agencies such as the Zimbabwe Anti-Corruption Commission and "L'Observatoire de Lutte Contre La Corruption du Benin." It has also received training from specialists from the Financial Enforcement Office of Technical Assistance (OTA) of the US Department of Treasury.
- Moreover, Mauritius has actively participated in regional workshops on anti-corruption organized by entities like the Commonwealth Secretariat, demonstrating its commitment to combating corruption at both regional and international levels.

Thank you

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