

Survey on the Effectiveness of Anticorruption Authorities

Background Information

1. Please enter country name in the space below

MAURITIUS

2. Name of the agency

INDEPENDENT COMMISSION AGAINST CORRUPTION

3. Date of establishment

2002

4. Contact Information

Mr A.K Ujoodha, Director-General

Tel: 230 206 6600 Email: icacoffice@intnet.mu

5. Website

www.icac.mu

Legal Framework

6. What are the main anti-corruption laws in your country?(please include year of entry into force)

Prevention of Corruption Act (PoCA), 2002 as subsequently amended

7. Does your Government have a single or primary anti-corruption strategy?

Primary – As spelt out at Section 20 and 30 of the PoCA 2002

8. Does your country have freedom of information legislation?

Yes No

This is provided for at Article 12 of the written Mauritian Constitution

9. Does your country have conflict of interest legislation?

Yes No

10. Does your country have a financial disclosure system to help prevent conflicts of interest?

Yes No

11. Does your country have immunity protection legislation?

Yes No

12. Is your agency protected from political interference by law?

Yes No

Institutional Framework

13. What are the main functions and operations of your agency? Please check all that apply

Research Prevention Investigation Prosecution Forensics Accounting Policy

14. Is there one agency in charge of coordinating AC efforts across agencies?

Yes No

If yes, please specify: The Independent Commission Against Corruption

15. Does your agency have the ability to share information or data with

(a) Other agencies within your Government, and

Yes No

(b) Government partners from other countries?

Yes No

16. Please enter the current size of permanent staff in the space below.

104	+	50 Contractual
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17. Number of prosecutors (if applicable)

Five

18. Number of investigators (if applicable)

83

19. Number of support staff (if applicable)

47

20. Number of cases handled annually (if applicable)

(a) Number of complaints received

1650 complaints received

(b) Number of investigations conducted

870

(c) Number of cases handled in court

150

(d) Other please specify

21. Please state the number of complaints received for which your agency did a follow up

648

22. Please state the prosecution to conviction ratio of your agency (if applicable)

Prosecuted and disposed: 39 cases
Convicted: 19 cases
Prosecution to conviction ratio = 39:19

23. Please state the number of learning activities and outreach events organized by your agency (if applicable)

350 learning activities/outreach events touching some 25,000 participants

24. Please state the amount of assets recovered by your agency (if applicable)

£800,000 recovered and returned and forfeiture of Rs 50,450,000

25. Please enter the names of other agencies with similar functions as this ACA

ICAC is the only agency with such functions concerning the fight against corruption.

26. Does your agency have a system to monitor performance of staff?

Yes No

27. Are human resource management actions, i.e recruitment, promotion, and termination based primarily on staff integrity and professionalism?

Yes No

28. Are new vacancies for your own agency announced publically?

Yes No

29. Are the results of these recruitment processes announced publically by your agency?

Yes No

30. Who appoints the head of your agency?

Prime Minister after consultation with the Leader of the opposition

31. Who has the authority to remove the head of the ACA?

The Parliamentary Committee, set up under the Section 59 of the PoCA 2002 – Please see annex A for details.

32. To whom does the head of your agency report to?

The Director General does not report to anybody as far as operations are concerned. However, he reports to the Parliamentary Committee in respect of utilization of resources.

33. Is there any term limit for the head of the ACA?

Yes No

If yes, please specify: *He shall be appointed for a term not less than 3 years and not more than 5 years and shall be eligible for re-appointment.*

34. Is the agency subject to judicial review?

Yes No

35. Is the agency subject to expenditure reviews?

Yes No

36. Does your agency measure "performance"?

Yes No

If yes, against which indicators?

- Number of investigations conducted
- Number of investigations concluded
- Ratio of number of investigations/staff
- Percentage of total budget allocated to outreach activities and communication.

- Number of outreach activities delivered

Others, please specify: *No of Convictions, No of acquittals, Impact of Corruption Prevention Reviews, Improvement in systems, procedures and practices*

37. In practice is your agency protected from political interference?

- Yes No

38. Does your agency keep a comprehensive skill list of its staff?

- Yes No

39. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?

- Yes No

40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle blowing)?

- Yes No

41. Does your agency have a communication strategy?

- Yes No

42. Does your agency have a comprehensive corporate plan?

- Yes No

43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?

- Yes No

44. Is there a strategy for dealing with the media?

- Yes No

45. In practice does your agency has sufficient powers to carry out its mandate?

- Yes No

Resource Mobilization

46. Does your agency have budgetary autonomy?

- Yes No

47. What is the annual budget of your agency?

For the year 2013,

Rs 161.5 Million - Recurrent

Rs 94 Million - Capital [for the construction of new building]

48. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)

<input checked="" type="checkbox"/>	Number of staff
	Number of investigations
	Budget is constitutionally mandated
<input checked="" type="checkbox"/>	Other, please specify: The budget is statutorily mandated. The estimates are debated and approved by the Parliamentary Committee but the Ministry of Finance has the final say.

49. How much does it roughly cost to (please enter the dollar amount per stated activity)?

\$	File a case	\$	Manage a paper case	\$	Analyze a case
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50. Is there any donor involvement in your agency in term of budget?

Yes No

51. Does your agency use a computerized system to handle cases?

Yes No

Social Framework

52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?

Yes No

53. Does your agency or government provide a hotline to report corruption?

Yes No

54. Does your agency produce regular and annual public reports of its activities?

Yes No

Innovation

55. Does your agency use any IT tools to

- a. Facilitate reporting of corruption and fraud by citizens (like www.Ipaidabribe.org) ✓ **Yes**
- b. Share information with citizens about its own activities ✓ **Yes**
- c. Share and/or obtain information for its own investigations ✓ **Yes**
- d. Other – please explain – Computerised information management systems. ✓ **Yes**

56. Does your agency use social media to raise awareness on corruption among the public?

Yes No

23. Termination of appointment

(1) Where-

(a) the Parliamentary Committee has reason to believe that the Director-General has been guilty of such gross negligence, irregularity or misconduct that his appointment ought to be terminated; or

(b) the Director-General is unable to discharge the functions of his office, whether such inability arises from infirmity of body or mind or any other cause,

the Parliamentary Committee may, by the majority decision of its members, suspend the Director-General from office.

(2) Where the Parliamentary Committee suspends the Director-General under subsection (1), it shall forthwith refer the matter to the Attorney-General.

(3) Where a matter is referred to the Attorney-General under subsection (2), the Attorney-General shall advise the Parliamentary Committee whether disciplinary proceedings or such other action as he thinks fit should be taken against the Director-General under this section.

(4) Where the Attorney-General does not, within 7 days of the date on which the Director-General was suspended, advise that proceedings be taken against the Director-General, the suspension shall be lifted and the Director-General reinstated forthwith in his office.

(5) Where the Attorney-General advises that proceedings be taken against the Director-General -

(a) (a) the Attorney-General shall forward to the Parliamentary Committee the charge which the Director-General will be required to answer, and designate a law officer to sustain the charge;

(b) the Attorney-General shall, on such terms and conditions as he may determine, appoint any person who holds or has held judicial office to hear and determine, without delay, whether the charge has been established.

- (6) The person appointed to hear and determine the charge under subsection (5)(b) shall, within 7 working days of the date on which the hearing is completed, forward his findings and the record of all his proceedings and evidence adduced before him to the Parliamentary Committee.

- (7) Where the charge has been found established, the Parliamentary Committee shall, within 7 working days of the receipt of the findings and record referred to in subsection (6), examine the findings and record and decide whether the appointment of the Director-General ought to be terminated.

- (8) Where the Parliamentary Committee decides that the appointment of the Director-General ought to be terminated, it shall communicate its decision to the Director-General forthwith.