PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS

MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES ET DES AUTRES ORGANISATIONS INTERNATIONALES

No. 176/2013 (MMG/CONF/5)


The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the United Nations Office on Drugs and Crime the assurances of its highest consideration.

Geneva, 2 July 2013

United Nations Office on Drugs and Crime
Division of Treaty Affairs
Vienna International Centre
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A. INFORMATION SUBMITTED BY THE MASTER AND REGISTRAR, SUPREME COURT

Article 11 (1) - Measures relating to the judiciary and prosecution services

Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

1. Has your country adopted and implemented article 11 of the UNCAC?

- The Constitution and our domestic laws already provide for procedures and offences to sanction cases of misbehaviour or corruption by members of the Judiciary, be it by removal from Office or by public prosecution or by disciplinary action being envisaged against them as the case may be. Our laws have until now proved to be effective deterrents, and our Judiciary has also set up its own internal control and audit systems to monitor Judicial performance. Domestic laws also provide for efficient appellate and review processes to ensure adequate supervision over the whole judicial process.

- Detailed monthly and quarterly returns of judicial decisions are submitted to central judicial administration and all judgments are posted on the official and free public Supreme Court Website.

- Members of the legal profession and the public in general can file written complaints at the Supreme Court against Judicial Officers and internal enquiries are conducted and explanations sought whenever required under the supervision of the Office of the Chief Justice.

- Guidelines for Judicial Conduct based on the Bangalore Principles have been published and circulated to all members of the Judiciary under the recommendation of the Chief Justice. These Guidelines are currently being discussed at Supreme Court level in order to consider recent developments in the area since new principles for conducting public life are emerging.

- All the above measures help to maintain public confidence in the Judiciary.

- Our Judiciary acknowledges that it is only by maintaining high standards of conduct that its Officers can continue to uphold public confidence in the Institution and discharge their judicial duties serenely and independently.

- Members of the Judiciary are also conscious that Mauritius media operate freely and independently within our democracy and that judicial misconduct can be easily and publicly exposed.

2. Please cite, summarise and, if possible, provide copies of the applicable policy(ies) or measure(s):
• Chapter VIII of the Constitution of Mauritius provides for an independent Judicial and Legal Service Commission chaired by the Chief Justice and responsible for the appointment of all Judicial Officers, together with the power to exercise disciplinary control over persons holding such Offices (Sections 85 & 86). Chapter VII of the Constitution makes provision for security of tenure of Office of Supreme Court Judges and for their removal from Office after referral to the Judicial Committee of the Privy Council (Section 78).

• Part II of the Prevention of Corruption Act makes provision for offences related to corruption of "public officials". Judges come under the definition of "public officials" under the said enactment.

• Sub-Part III of the Courts Act provides that every Magistrate shall, for administrative purposes, be subject to the direction and control of the Chief Justice, who may, where he thinks fit to do so, require any Magistrate to furnish him in such form as he may direct, a report on any case, civil or criminal, brought before the Magistrate and may call for the record of any such case.

• The Criminal Code also contains provisions relating to offences by public officers and applicable to Judicial Officers.

• Our Judiciary has undergone major reforms in its case-management system and Court procedures. Laws relating to procedure have been reviewed and simplified to give faster and better access to justice and all Courts are now fully computerised. In April 2013, the first phase of the e-Judiciary filling scheme was launched, thereby creating a more efficient case-assignment system within the Judiciary.

• All Court records and Judgments are public documents and all Court decisions are accessible on the free Supreme Court Website.

• All Court proceedings are held in public, save and except where it is considered necessary or expedient in circumstances where publicity would prejudice the interests of justice or of public morality, or in order to protect the privacy of persons concerned in the proceedings (Section 161[A] Courts' Act). All media therefore have access to Court proceedings and report freely on litigation.

3. Please provide examples of the successful implementation of domestic measures adopted to comply with article 11 of the Convention:

• In the light of all the information supplied above, including appellate and review procedures, cases of breach of judicial conduct calling for disciplinary measures are extremely rare. Judicial Officers undergo frequent training sessions at the Institute for Judicial and Legal Studies of Mauritius. They are called in by the Head of the Judiciary for explanations whenever minor cases of alleged misbehaviour arise and they are given the opportunity to adopt corrective measures for self-improvement.

• All reported cases of alleged misbehaviour are subject to internal enquiries conducted by an Internal Control Unit and no acts of corruption by Judicial Officers in Mauritius have been reported in recent years.
• The recent launch of Phase I of the e-judiciary filing system and the creation of Specialised Divisions at the Supreme Court provide for more effective and specialised case-allocation and have enabled substantial reduction in waiting times for the hearing of cases at the Family, Commercial, Mediation and Criminal Divisions of the Supreme Court.

• With the enactment of the Institute for Judicial and Legal Studies Act 2011, the new Institute has been given the function of conducting and supervising Initial and Continuing Education for all Judicial Officers, as approved by the Judicial and Legal Service Commission. Since its official launch in 2012 the Institute for Judicial and Legal Studies has successfully conducted a number of training sessions for all Judicial Officers.

4. Have you ever assessed the effectiveness of the measures adopted to implement article 11? Please outline (or, if available, attach) the result of such an assessment including methods, tools and resources utilised.

• No dedicated survey on the effectiveness of the above measures with regard to the implementation of article 11 has been conducted by the Judiciary until now. Nonetheless, all the means of control and supervision highlighted above have resulted in the margin for corrupt practices by Judicial Officers remaining extremely narrow.

• The Judiciary acknowledges the need to keep abreast of international best practices in order to ensure effective implementation of article 11. In that respect, the Institute for Judicial and Legal Studies of Mauritius is currently engaged in conducting Training Needs Analyses and research in the latest developments in that area so as to ensure that our Judiciary is in line with international standards. Questionnaires and survey forms have been circulated among members of the legal profession in order to compile initial data in relation to the performance and effectiveness of the Judiciary in maintaining high standards and to avoid undermining public confidence in the Institution.

5. Which challenges and issues are you facing in (fully) implementing article 11 of the Convention?

• The Judiciary recognises that classic performance appraisal methods may be outdated and need review. In line with Government Policy, new assessment processes and benchmarks are being identified and tailor-made to meet the needs and challenges facing the Judiciary.

• The Mauritius Supreme Court Website and the Institute for Judicial and Legal Studies are effective communication tools to promote new policies and practices within the Institution and also assist in promoting improved transparency.
6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

- Our Judiciary requires skilled resource persons to provide assistance in relation to updated Rules and Guidelines for Judicial Conduct, and for the setting up of improved methods of supervision and monitoring of judicial behaviour.

B. INFORMATION SUBMITTED BY THE INDEPENDENT COMMISSION AGAINST CORRUPTION

(II) Public education, in particular the engagement of children and young people and the role of mass media and the internet (Art. 13)

1. Has your country adopted and implemented article 13 of the Convention against Corruption?

Yes, since Mauritius has signed the UNCAC in December 2003 and ratified it on 15 December 2004 no efforts were spared in complying to the provisions of the UN Convention against Corruption.

The Republic of Mauritius adopted the Prevention of Corruption Act (PoCA) in 2002. The PoCA 2002 provides for the setting up of the Independent Commission Against Corruption (ICAC), with the mandate to fight corruption through Investigation, Prevention and Education. Public education is one of the core activities of the ICAC and is discharged by the Corruption Prevention and Education Division.

In its programme for 2012 - 2015, Government of Mauritius reiterated its firm commitment to fight corruption and projected an intensification of anti-corruption education for the youth as a measure to build a corrupt-free generation.

a) Public information activities engaging young people in the efforts to combat corruption

- Education Programmes

The youth who are the future leaders, remain a crucial target group for the Corruption Prevention and Education Division of the ICAC. A host of anti-corruption projects and empowerment programmes are organized to maximize youth involvement and participation in the promotion of a culture of integrity. They aim at engaging their active participation and gearing them with the right mindsets and attitudes.

A wide range of anti-corruption programmes for children and the youth as listed below have been developed by the ICAC to raise awareness on the evils of corruption as well as empower members of the civil society in the fight against corruption. These programmes have been implemented in collaboration with our main stakeholders.

These programmes focused on sensitisation, empowerment of our stakeholders and creating their engagement in anti-corruption initiatives.

They comprise:

- Empowerment seminars for educators;
- A training of trainers programme for vocational trainers;
- A training programme for educational administrators;
- A Life Skills programme for lower secondary students;
- An empowerment programme for secondary school rectors;
- A training programme for NGO's;
- A four-phased youth empowerment programme;
- A programme for new recruits in the public service;
- Values week in primary and secondary schools;
- Door to door community programme;
- Anti-corruption programme for tertiary students and would be professionals;
- Anti-corruption programme for young professionals; and
- A variety of anti-corruption competitions organized with the approval of the Ministry of Education for primary and secondary students.

Following ICAC's representations, as from 2012, corruption has been included as a theme in the General Paper at the Higher School Certificate Examinations of the University of Cambridge. Moreover, the Model UN is an activity for upper secondary school students.

- Mass Communication Campaigns

Effective communication remains the tool par excellence in the fight against corruption. For the past 10 years, more and more emphasis has been on mass communication and production of anti-corruption materials to reach a larger population. Various channels of communication have been used to sensitise the public on the damaging effects of corruption.

The following media, among others, have been used to raise public awareness and enlist public support:

(i) Billboard campaigns;
(ii) TV programmes on corruption offences;
(iii) TV clips on corruption;
(iv) Radio (Public and private) programme on corruption offences;
(v) Anti-corruption radio programmes;
(vi) Anti corruption poster campaigns;
(vii) Adverts on rear of buses;
(viii) Pull out for the Press;
(ix) Press adverts linked with international and national days;
(xi) Publication of ICAC Newsletters;
(xii) Brochures for the general public;
(xiii) Mass SMS and emails containing anti-corruption messages to citizens;
(xiv) Anti corruption messages on ICAC outgoing emails;
(xv) Regional exhibitions on corruption;
(xvi) A short anti-corruption film entitled "Kal Fami";
(xvii) A short film titled "Fighting Corruption Through Education";
(xviii) A short documentary film on good governance in the public sector;
(xix) An interactive value-based CD for primary school children; and
(xx) Dissemination of anti-corruption messages through public forums.
2. Please cite, summarize and, if possible, provide copies of the applicable measure(s) or policy(ies):

In relation to article 13, it is useful to note the following:

Since July 2002 the Corruption Prevention and Education Division is fully operational with a full fledged staffing under a Director and two Assistant Directors. The Prevention of Corruption Act 2002 makes provision for the establishment of a Corruption Prevention and Education Division of the ICAC with a clear mandate to educate the public against corruption and enlist and foster public support in combating corruption. The Corruption Prevention and Education Division of the ICAC operates through two specialized Branches, the Community Relations Branch and the System Enhancement Branch.

- The mandate of the Commission with respect to Education as per Section 30 of the Prevention of Corruption Act 2002 is as follows:

   The Director of the Corruption Prevention and Education Division shall -

   (c) under the directions of the Commission -

   (i) conduct public campaigns to alert the public on the dangers of corruption;

   (ii) assist in enhancing the school curriculum so as to educate children on the dangers of corruption;

   (iii) inform the general public on the manner in which complaints of acts of corruption should be made;

   (iv) conduct campaigns to encourage the formation and strengthening of non-governmental organizations to fight corruption;

   (v) liaise with private sector organizations and trade-unions for the setting up of anti-corruption practices;

   (vi) conduct workshops and other activities to promote campaigns for the prevention and elimination of corruption;

   (ix) enhance education on the dangers of corruption.

- Curriculum enhancement through the development and servicing of tailor-made modules

The ICAC designed several tailor-made corruption-related modules with a view to enhance the curriculum at different levels. The following modules were developed and run successfully:

   ➢ A module entitled "Moral Values and Good Governance" for students of the University of Mauritius;

   ➢ A "Corruption and Ethics" module for students of the former Swami Dayanand Institute of Management;
A corruption module for trainees of the former Institut Supérieur de Technologie
A corruption module for students of the University of Technology, Mauritius;
A "Work Ethics" module for students of the Mauritius Institute of Training and
Development;
A corruption module for new recruits of the Mauritius Police Force;

These modules were initially serviced by ICAC officers and are now being reviewed and
undertaken at the level of respective institutions.

- **Use of Internet and Social Media**
  
  - Facebook: The popularity of social media among the youth cannot be ignored and
    as such the ICAC has developed a Facebook page to encourage discussions on anti-
    corruption issues.
  - Mass SMS and Emailing System: These are used for direct interaction with
    stakeholders for information, education and communication purposes.

3. **Please provide examples of the successful implementation of domestic measures
   adopted to comply with Article 13 of the Convention.**

- **Anti-Corruption Campaigns in Primary and Secondary Schools**

  Anti-corruption campaigns are conducted in either all primary or all secondary schools
every year. Such campaigns target around 26,000 to 45,000 students and are conducted
during the first semester. Such campaigns aim at creating greater awareness on corruption,
motivating youngsters and youth towards building a culture of integrity and transmitting
our anti-corruption messages to their families/homes. This creates the required
interactions and reflections at the level of the family.

  Anti-corruption materials in the form of notebooks, comic strips, bookmarks, rulers,
stickers, etc., containing short messages on corruption and integrity are distributed to the
students. Posters, newsletters and the souvenir magazines are also handed over to head
teachers and rectors. This creates the required interaction and reflections at the level of
the family also.

- **Raising Awareness and Seeking Engagement Against Corruption through
  Competitions**

  Competitions are highly effective in the promotion of an anti-corruption culture, and anti-
corruption competitions have emerged as an effective means to comply with these
instruments and have become an integral part of our anti-corruption strategy in the fight
against corruption. Several anti-corruption competitions are organized in the course of the
year to encourage public participation and the triggering research and reflection on
corruption. The activities are as follows:
  - Inter-college debate competitions for secondary school students;
  - Essay writing competition for secondary school students;
  - Poster competitions for lower secondary school students;
  - Slogan competition for vocational trainees;
  - Public speaking competitions for secondary and vocational students;

- **National Anti-Corruption Youth Working Group:** It comprises of youth leaders
  from different sectors of the society and nine Youth Action Teams,

- **Community Based Integrity Circles (CBICs):** 4 CBICs have been set up to
  strengthen community solidarity and disseminate anti-corruption messages through
the organization of anti-corruption activities by the local community groups. This is being reviewed.

- **Newsletters**

The newsletter "Teenagers" provides a portal to disseminate facts, updated statistics on corruption and relevant information to secondary students. It aims to disseminate information in the secondary/vocational education sector for the current year. It also informs stakeholders in the secondary education sector of past, ongoing and future anti-corruption activities.

Newsletter "Rainbow" aims at promoting anti corruption values among pupils of 10 to 12 years of age in Mauritius. The newsletter also serves as a teaching aid in class and exposes pupils, educators and parents to living values which are an anti-dote to corrupt practices.

- **Youth Empowerment Programme**

With a view to involve youth in the fight against corruption, a Youth Empowerment Programme entitled 'Fighting Corruption with Youth Leaders' was designed and a four phased programme spreading over a period of five years was devised. The core objective of such an initiative was to facilitate the advocacy for the formulation and implementation of youth-orientated anti-corruption/pro-social projects on a regional basis. The programme resulted in greater participation of the youth and the setting up of a National Anti-Corruption Youth Working Group (NAYWG). On account of feedback from stakeholders, the terms of reference of the NAYWG will be reviewed shortly.

- **Anti-Corruption Materials**

Anti-corruption educational material is an effective means of disseminating anti-corruption messages to the community at large. These not only help in raising awareness on the dangers of corruption but also serve as reminders on the need to adopt good practices. The ICAC has produced a number of anti-corruption materials bearing value-based messages or focusing on the dangers of corruption. These include:

  - Newsletters for various target groups;
  - Brochures;
  - Stickers;
  - Flyers for students;
  - Posters highlighting anti-corruption values;
  - Pocket calendars;
  - Desk calendars;
  - Wall calendars;
  - Value-based note books and rulers; and
  - Bookmarks.

All the above mentioned materials carry value-based/anti-corruption messages.

- **Empowerment Workshops with stakeholders in the Education Sector**
In line with our mandate to conduct public campaigns to alert the public on the dangers of corruption and conduct workshops and other activities are organized every year with educators, rectors, head teachers and senior officials in the education sector to promote campaigns for the prevention and elimination of corruption.

The aims of the workshops are to empower educators in the fight against corruption; facilitate the transmission of the right knowledge, skills and values for the development of students, develop capacities necessary for educators to promote values at school and enlist educators support and participation as influential stakeholders in the national fight against corruption.

- **TV Programme on Corruption offences**

A set of 10 clips on corruption offences was developed by the ICAC and aired on TV. The clip was aired on a weekly basis at peak time that is just after French News to reach a maximum number of viewers. Impact of the programme was tangible as participants in interactive sessions commented positively on the programme and the number of complaints being reported was on the higher trend. The various offences under the Prevention of Corruption Act 2002 were explained in the local language – Creole.

- **Press Adverts**

Press adverts were used to trigger reflection and enlist support of citizens in the national fight against corruption. Adverts were placed on widely distributed newspapers to coincide with National and United Nations International Days.

- **Bulk Short Message Service and e-mails to citizens and anti corruption messages on ICAC PABX and outgoing mails**

It is vital that Mauritian citizens participate in the fight against corruption. Accordingly, a short message service ‘SMS’ was initiated at the ICAC to communicate with volunteers on a regular basis. To sustain participation of the youth in our activities, regular SMS and emails containing strong anti corruption messages are sent to the latter regularly. The number of individuals wishing to receive ICAC messages is on the increase.

The dissemination of our anti corruption messages to our citizens have been reinforced through:

- the ICAC PABX phone where every person calling the ICAC is exposed to an anti corruption message; and
- outgoing emails containing anti corruption slogans which help to sensitize and remind our stakeholders on the need to fight corruption and participate in its elimination.

4. *Have you ever assessed the effectiveness of the measures adopted to implement article 13? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.*

- Yes. Various surveys and informal assessments with regards to our activities were conducted.
• Evaluation of our mass communication campaign 2010.
• Gaps in national school curriculum.

The ICAC commissioned the Mauritius Research Council (MRC) in 2009 to conduct a study on "The Secondary Educational System in Promoting Knowledge and Awareness of Anti-corruption Values in Mauritius". The aim of this research was two-fold:

i. to assess the extent to which the current education system is promoting knowledge and awareness of anti-corruption values

ii. to examine the current status of students' knowledge and attitudes towards corruption. The general picture which emerges is not an encouraging one.

For the purpose of the study, the term “anti-corruption values” refers to personal thoughts, beliefs, actions and behaviour that are desirable. These are principles that help to distinguish between right and wrong and can be generally recognized as standing against corruption. In short, these values are integrity, honesty, respect of the law, responsibility and a sense of justice and fairness.

The report was launched in May 2010 and was referred to the Ministry of Education and Human Resources for appropriate actions.

5. Which challenges and issues are you facing in (fully) implementing article 13 of the Convention?

• Engagement and participation of the media to play a more constructive role in the fight against corruption.
• Mass communication campaigns are very costly.

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

• Capacity building for media people to empower them to play an effective role in the fight against corruption.
• The running of mass communication campaigns and the production of anti-corruption materials require considerable financial resources. As such, projects are implemented on a priority basis.
• The dynamic nature of the fight against corruption calls for continuous development of our human resource through capacity building.
MINISTRY OF EDUCATION AND HUMAN RESOURCES

1. The document "Empowering the Nation’s Children – Towards A Quality Curriculum – Strategy for Reform" published by the Ministry of Education and Human Resources in September 2006 emphasized a national Vision of Education which would "fully empower the young people of Mauritius to become rationally autonomous individuals, capable of constantly adapting to changes in all spheres of life, while maintaining their moral integrity and sense of caring for all the other members of the society." It thus proposed the:

(i) provision of guidelines for a Pre-Primary Education Programme which would cater, among others, for the “spiritual development of the child”;

(ii) inclusion of values in the subjects to be taught at the Primary level as from standard I and of Citizenship Education as from Standard III;

(iii) the integration of Anti Corruption Values and Human Rights across the curriculum for the Pre-Vocational as well as for mainstream secondary school level students (see relevant extracts from the above document and the National Curriculum Framework (Primary) and (Secondary) at Annex A).

3. In line with the above, the primary school textbooks have been rewritten to integrate the teaching of values such as honesty, patience, fairness etc. (samples at Annexes B and C) while at secondary school level various activities have been included in the Ministry’s Calendar of Co & Extra Curricular activities for 2013 ICAC to sensitize students as well as school staff (Rectors, Deputy Rectors, Educators, Ushers) (see sections 3.18-3.21, 5.16-5.18, 20.2-10.5, 10.9 of Annex D). The Ministry has also discussed with the Mauritius Revenue Authority the possibility of including, in its Calendar of Co & Extra Curricular Activities for 2014, talks to sensitize Standard V and VI pupils on taxation.

4. Although it is considered not advisable to have Corruption as a separate subject, issues on Corruption are being addressed in Teacher Education through special training sessions at the level of the MIB at the request of ICAC.
MINISTRY OF TERTIARY EDUCATION, SCIENCE, RESEARCH AND TECHNOLOGY

The Ministry has set up an Anti-Corruption Committee to look at the Public Sector Anti-Corruption Framework and to detect weakening in the system that can lead to corruption.

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<th>UNIVERSITY OF MAURITIUS</th>
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<tr>
<td>Faculty of Law and Management</td>
<td>Business Ethics and Good Governance covers causes of corruption-cultural (National &amp; Corporate), types of corruption, Ethics philosophies, why some countries have a culture of corruption.</td>
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<td>BA Hons Legal Studies &amp; Management Top-Up Programme-Anti-Corruption Laws as module</td>
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<td>Faculty of Engineering</td>
<td>Lectures of code of ethics which include demonstration of integrity and honesty and trustworthy, non-engagement in fraudulent, corrupt and criminal conduct</td>
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<td>Faculty of Science</td>
<td>Ethics being addressed as part of modules:</td>
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<td>- Diploma/BSc (Hons) Biomedical Sciences - Professional Practice for the biomedical scientist Ethics and professionalism.</td>
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<td>- BSc (Hons) Occupational Therapy: Occupational Therapy for Practice - Professional ethics</td>
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<td>- Bachelor of Pharmacy: Health research methods and biostatistics - ethics in research</td>
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<td>Bachelor of Pharmacy: Pharmacy Practice II (Forensic pharmacy and ethics)</td>
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<td>Faculty of Social Studies &amp; Humanities</td>
<td>Courses in journalism including investigative journalism;</td>
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<td>- The FSSH runs the BA (Hons)/MA Public Policy which aims amongst others to make students master concepts like accountability and power</td>
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<td>- History and Political Science Department offers modules on Public Policy Making and on Public Administration relative to good governance</td>
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- MSc Social Development and MA Development Studies with modules on good governance where issues relative to corruption are discussed and analysed.

| Centre for Professional Development and Lifelong Learning | Corporate Finance - risk management and internal control; Financial Accounting Theory and the need for regulation  
Ethics, CSR and HRM - Ethical decisions in HRM, discriminatory HR practices and policies, social audit |
---|---|
| The Mauritius Research Council | A Study of the Secondary Educational System in promoting Knowledge and Awareness of Anti-Corruption Values in Mauritius  
- Study of the Extent, Nature and Costs of Domestic Violence to the Mauritian Economy  
- Study on Crime and Violence in the Republic of Mauritius  
- Gender-Based Violence Indicators Project  
- HIV Project  
- Suicide  
  - Recommendations made: e.g. that anti-corruption education be implemented in an interdisciplinary and indirect approach to prevent any further compounding of the curricula;  
  - the development of teaching and learning material with an explicit emphasis on anti-corruption education.  
  - way forward for ICAC in terms of its anti-corruption education initiatives. |
| Université des Mascareignes | Students are encouraged to participate in Anti-Corruption Public Speaking Competitions;  
Lectures are given by ICAC on a regular basis at the Université |