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 upkeep 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(a):
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 official" under the said enactment.

Sub-Part II/ 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 eludidary filing 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 1.1 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 1 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.