LAW REFORM COMMISSION

2009 Report on the Activities of the Commission

(Under section 17 of the Law Reform Commission Act)

[Period 1 July 2008 to 31 December 2009]

[January 2010]

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About the Commission

The functions of the Commission are to –

(a) keep under review in a systematic way the law of Mauritius;

(b) make recommendations for the reform and development of the law of Mauritius;

(c) advise the Attorney-General on ways in which the law of Mauritius can be made as understandable and accessible as is practicable.

The Commission consists of –

(a) a Chairperson, appointed by the Attorney-General;

(b) a representative of the Judiciary appointed by the Chief Justice;

(c) the Solicitor-General or his representative;

(d) the Director of Public Prosecutions or his representative;

(e) a barrister, appointed by the Attorney-General after consultation with the Mauritius Bar Council;

(f) an attorney, appointed by the Attorney-General after consultation with the Mauritius Law Society;

(g) a notary, appointed by the Attorney-General after consultation with the Chambre des Notaires;

(h) a full-time member of the Department of Law of the University of Mauritius, appointed by the Attorney-General after consultation with the Vice-Chancellor of the University of Mauritius; and

(i) two members of the civil society, appointed by the Attorney-General.

The Chief Executive Officer has responsibility for all research to be done by the Commission in the discharge of its functions, for the drafting of all reports to be made by the Commission and, generally, for the day-to-day supervision of the staff and work of the Commission.

The Secretary to the Commission is also responsible, under the supervision of the Chief Executive Officer, for the administration of the Commission.

LAW REFORM COMMISSION

Chairperson	:	Mr. Guy OLLIVRY, QC, GOSK
Chief Executive Officer	:	Mr. Pierre Rosario DOMINGUE
Secretary	:	Mrs. Saroj BUNDHUN
Members	:	Mr. Satyajit BOOLELL
		Mr. David CHAN KAN CHEONG
		Mr. Rashad DAUREEAWO
		Mr. Pazhany RANGASAMY
		Mr. Roland CONSTANTIN
		Ms. Odile LIM TUNG
		Ms. Juliette FRANÇOIS
		Dr. Sheila BUNWAREE

Introductory Note to this Report

1. This is the Third Report of the Law Reform Commission [LRC] to the Honourable Attorney-General, under section 17(1) of the Law Reform Commission Act 2005. This Report concerns the activities of the Commission during the period 01 July 2008 to 31 December 2009.

The Commission: its Resources, Working Method and Law Reform Strategy

Membership of Commission

6. During the period extending from 1 July 2008 to 31 December 2009, the Commission was constituted as follows:

(a) Mr. G. Ollivry, QC, GOSK	[Chairperson]
(b) Mr. S. Boolell	[as Parliamentary Counsel and as representative of Solicitor General; then as DPP as from 30 July 2009] [1]
(c) Mr. D. Chan Kan Cheong	[as Parliamentary Counsel and as representative of Solicitor General as from 23 June 2009]
(d) Mr. R. Daureeawo	[Barrister-at-Law]
(e) Mr. P. Rangasamy	[Attorney-at-Law]
(f) Mr. R. Constantin	[Notary]
(g) Ms O. Lim Tung	[Law Academic at University of Mauritius]
(h) Ms J. François	[Civil Society Representative]

[1] Section7 (1) of the Law Reform Commission Act, which provides for the membership of the Commission was amended by Finance (Miscellaneous provisions) Act No. 14 of 2009 by inserting, after paragraph(c), the following paragraph "(ca) the Director of Public Prosecutions or his representative".

(i) Dr. S. Bunwaree [Civil Society Representative, as from 1 September 2008]

7. During that period, the Commission held 18 meetings.

8. Following a request from the Secretary to Cabinet and Head of the Civil Service, the Commission has established in October 2009 a Committee, under section 8 of the Law Reform Commission Act, to advise Government on the setting-up of an International Arbitration Centre. The Committee is chaired by Mr. S. Boolell (in his capacity as ex-officio Member of the Commission) and is composed of members of the Commission and persons with knowledge in the subject-matter (representatives of Prime Minister's Office, Ministry of Finance and Economic Empowerment, and Board of Investment). The Committee has already held two meetings.

Funding of the Commission

8. During the fiscal year 2008-2009, the Commission was afforded a grant of Rs 6,500,000, appropriated by the National Assembly for meeting the operating expenses linked with the fulfillment of its mission. A grant of Rs 4,700,000 was afforded during fiscal year 2009 [1 July -31 December 2009]

Human Resources of the Commission

9. The Chief Executive Officer has responsibility for all research to be done by the Commission in the discharge of its functions, for the drafting of all reports to be made by

the Commission and, generally, for the day-to-day supervision of the staff and work of the Commission.

10. The Secretary to the Commission is responsible, under the supervision of the Chief Executive Officer, for the administration of the Commission and taking the minutes of all the proceedings of the Commission.

11. The Commission employs administrative support staff and has recourse on a casual basis to the services of Research Assistants to assist it in the carrying out of its functions.

Office Premises and Facilities of the Commission

12. The Office of the Commission is located on the 4th Floor of Cerné House and occupies an office space of about 250 square meters. The Commission has a conference room and a documentation centre.

Working Method & Law Reform Strategy

13. The Commission considers our laws should reflect best international practices, meet the exigencies of globalization, and be adapted to the changing needs of the people. The Commission is thus committed to comparative legal research in order to evaluate the merits and demerits of our law in the light of the experience of other jurisdictions. The Commission also holds the view that, where possible, any proposed solution must be tested against empirical evidence.

14. Consultations with all the relevant stakeholders are regarded as crucial for the performance of the Commission's functions and have invariably been resorted to in order to develop greater awareness of legal issues and contribute to capacity building of those called upon to apply the law.

15. The Commission co-operates with other law reform agencies. It is a member of the Commonwealth Association of Law Reform Agencies [CALRAs] and the Association of Law Reform Agencies of Eastern and Southern Africa [ALRAESA].

16. The Commission also provides an opportunity to law students to do an internship at the Commission. From 12 August to 5 November 2009, two students from the University of Pretoria reading an LLM in Human Rights and Democratization in Africa carried out research work at the Commission, under the supervision of the Chief Executive Officer, on human rights issues.

17. The Commission has prepared a Strategic Plan 2010-2012, which would enable it to achieve its vision of a world-class high-quality research law reform agency, responsive to the legal needs of society.

The Work of the Commission and Its Achievements

18. In accordance with its 2008 and 2009 Annual Programs of Review, Reform and Development of the Law, the Commission has reviewed various aspects of the law.

19. The Commission has, time and again, asserted that its primary function is of ensuring our laws and practices are in conformity with the Constitution. The Commission has studied the issue of communal representation in the electoral system.

The background to the Office of Director of Public Prosecutions has been examined and the Commission has formed the opinion that its operational autonomy is a constitutional imperative, which must be given effect to. In March 2009, an **Issue Paper on 'The Office of Director of Public Prosecutions and the Constitutional Requirement for its Operational Autonomy"** was thus submitted to Government, which has implemented LRC's recommendations.

20. The Commission has also reviewed the legislative framework for affording protection to equality and has submitted in November 2008 an **Issue Paper on "Equality/Anti-Discrimination Legislative Framework (Re Equal Opportunities Bill No. XXXVI of 2008)"**. Observations were made about the structure of the anti-discrimination provision, the need for positive action measures to foster equality and a public sector equality duty on public bodies.

21. The Commission has also conducted research work on the need to afford constitutional protection to economic, social and cultural rights. The manner in which gender equality

and the rights of vulnerable persons (children, persons with disabilities) can be better secured has been examined, as well as the mechanisms for securing human rights (including operation of national human rights institutions and police complaints systems).

22. The manner in which human rights, as afforded protection by the Constitution and various international instruments, have a bearing on the criminal process has also been considered. In September 2008, the Commission has submitted to the Hon. Attorney-General a **Review Paper on the Criminal Justice System and the Constitutional Rights of an Accused Person** [under section 10 of the Constitution].

Work on the rights of witnesses and victims, as well as the rights of the child in the administration of justice, has been carried out as these may not be sufficiently safeguarded. The impact of the constitutional requirement of a fair hearing on the rules of evidence has also been studied. The admissibility of confessions and the voir dire procedure have retained attention.

23. The Commission has examined the policy issues relating to the forensic use of DNA and the establishment of a DNA Database:
    (a) The taking of DNA samples and the retention of DNA profiles: powers and safeguards;
    (b) The fate of samples: retention or destruction;
    (c) The permissible uses of the DNA samples and profiles, and safeguards against improper use;
    (d) Quality control of the DNA database and DNA analysis processes;
    (e) The admissibility and value of DNA evidence.

In April 2009, the Commission submitted a **Discussion Paper on the Forensic Use of DNA**.

24. The Commission has also reflected further on the law and practice relating Bail.[2] In August 2009, a **Report on Bail and other Related Issues** was submitted to the Hon. Attorney-General. In this Report, the concerns about the law on bail were examined, as well as the Issues Calling for Legislative Reform and our Proposals for Reform of the Law (which are contained in the Bill attached to the Report as an Annex). The Commission has recommended that:

(a) Grounds for refusing bail be clearly distinguished from factors/considerations to be taken into account when determining whether or not a defendant or detainee is to be released;

(b) It be laid down in greater detail the factors to be taken into account by a Court when assessing the risks involved in deciding whether or not to release a defendant or detainee (as these would assist bail decision-makers);

(c) It be laid down in what circumstances bail would exceptionally be granted;

(d) Some of the conditions, including curfew and electronic monitoring mechanism, that should or could be imposed by a Court for release on bail be expressly laid down;

(e) That a person released on bail is liable to be arrested for breach, or anticipated breach, of a bail condition;

(f) Harsher penalty be imposed for breach of conditions of bail; and

(g) The time spent in custody prior to sentence, by a person to whom bail has been refused, be fully taken into account when assessing the length of the sentence that is to be served from the date of sentencing.

The recommendations flowed from the need to strike a proper balance, in accordance with human rights principles, between the right to liberty of the individual and the protection of society

[2] In April 2008, the Commission released a Discussion Paper on the "Law and Practice relating to Criminal Investigation, Arrest and Bail"

25. The rules as to disclosure in criminal proceedings have been further examined[3] by the Commission, in the light of developments in other parts of the Commonwealth. In December 2008, the Commission submitted its **Report on Disclosure in Criminal Proceedings** (to which was attached a draft Bill). The proposals contained in the report are meant to give effect to the right to equality before the courts, which also ensures equality of arms. Our proposals call for greater professionalism on the part of all criminal justice professionals.

26. It was announced in the 2005-2010 Government Program that "Government will put in place a system of *Juge d'Instruction* in order to ensure greater transparency and professionalism in the conduct of criminal investigations in the light of the recommendations of the Law Reform Commission" [para. 250].[4] The Commission has thus been researching on the role and functions of the '"juge d'instruction" (including his powers, duties and accountability) in the French criminal justice system [and the shortcomings of this institution as disclosed by "l'affaire Outreau"].

The Commission has examined the report of two French experts [Messrs Jean-Pierre Zanoto, Inspecteur des Services Judiciaires, and Samuel Laine, Chef du Bureau de l'Entraide Pénale Internationale à la Direction des Affaires Criminelles et des Grâces] who visited Mauritius, from 25 June to 1 July 2006, on a « mission d'assistance technique » and submitted a Report on « Propositions pour la Réforme du Système Judiciaire Mauricien ». Zanoto and Laine were of the view that the difficulty lies in the "rôle prépondérant de la police dans la conduite de l'enquête pénale" and that "à la différence de ce qui existe au Royaume-Uni (avec le 'Crown Prosecution Service' et, plus

[3] In December 2007, the Commission, as part of its Criminal Justice Reform Program, released an Issue Paper on 'Disclosure in Criminal Proceedings' in which it made provisional proposals for a statutory regime for disclosure in criminal proceedings by prosecution and defence, on lines similar to those in force in UK.

[4] In the 2000-2005 Government Program it was announced that "Government will introduce a system of "Juges D'instruction" based on the French model in each police district with a view to assisting the police to instruct cases, especially the more serious ones." [para. 21].

récemment, le 'Serious Organized Crime Agency'), le contrôle de l'activité policière est quasi inexistant ». They concluded that the introduction of the system of « juge d'instruction » is one option; another option is « some form of control by DPP over criminal investigations, as is the case increasingly in England and Wales":

> "L'introduction de la fonction du juge d'instruction permettrait de mieux encadrer les forces de police pendant la phase de l'enquête, tout en respectant les droits fondamentaux prévus par la Constitution de la République de Maurice. Mais, la réalisation de cette réforme, dans un pays fortement imprégné de la procédure anglo-saxonne, à la fois dans les textes et dans les pratiques professionnelles, ne peut s'opérer sans entraîner une modification de la Constitution et des règles procédurales en vigueur …
>
> L'attribution au DPP d'un droit de regard sur le déroulement des enquêtes constitue une autre solution possible, au demeurant mieux adaptée au droit mauricien et à l'équilibre des pouvoirs de la société mauricienne. L'évolution du DPP pourrait s'inspirer de celle que connaît, en Angleterre et au Pays de Galles, le Crown Prosecution Service qui désormais décide du principe de la poursuite ou non, des chefs s'accusation à retenir et conseille la police sur les investigations à accomplir, même si celle-ci demeure indépendante pour enquêter ».

The Commission has also considered:

(a) The Background to the adoption of a Police and Criminal Evidence Act [PACE] in UK, which then was regarded as an innovative attempt to regulate the investigation of crime;

(b) Evolution of PACE since then – although the basic structure of PACE has survived, almost continual revision and amendment has resulted in a markedly different creature than that which was originally enacted;

(c) Current Impact of PACE in UK - whilst legal advice has become established as a basic right of those arrested and detained by the police, the police service has become increasingly professionalized but also increasingly driven by government objectives and targets [such as the further review of PACE in 2007 to 're-focus the investigation and evidence gathering process (to deliver) 21st century policing powers to meet the demands of 21st century crime'; the Crown Prosecution Service, originally established to separate prosecution from investigation, is now becoming involved in the investigative process with the power to make charge decisions].

The outcome of the research work is that the adoption of the system of "juge d'instruction" in Mauritius would not necessarily achieve the objective sought. The Commission has formed the opinion that the 2nd option proposed by Zanoto and Laine is to be preferred, viz. some form of control by DPP over criminal investigations, as is the case increasingly in England and Wales. Our research confirms the view expressed by the Hon. Prime Minister at the National Assembly in April 2007, viz. adoption of legislation and Codes of Practice for police and other law enforcement officers, on same line as the 1984 UK PACE [Police and Criminal Evidence Act], is the way forward for greater professionalism and transparency in the conduct of criminal investigations. The Commission is about to submit an Issue Paper on the matter.

27. The Road Traffic Act and other aspects of the criminal law, such as the protection of the sexual integrity of children and the constitutionality of the provisions of the Dangerous Drugs Act, have also been studied.

28. The Commission has reviewed the law relating to NGOs and has submitted in November 2008 a **Report on NGO Law**, which contains proposals for a new legal and regulatory framework.

The proposals are meant, inter alia, to:

(a) Affirm the right of informal (non-registered) associations to exist and carry out activities, in accordance with human rights guaranteed by the Constitution and international law;
(b) Improve the registration process, in compliance with best international regulatory practices;
(c) Ensure the register of associations is genuinely and speedily accessible;
(d) Clarify the rights and duties incurred by an association prior to incorporation;

(e) Ease the operation of associations;
(f) Improve the process for the transformation of associations;
(g) Improve the process for the winding up of associations;
(h) Improve the legal requirements for internal governance, in accordance with best international regulatory practices, by clarifying the duties and liabilities of officers and expressly prohibiting the distribution of profits and benefits, and self-dealing;
(i) Clarify the duties of officers and committee members;
(j) Streamline the procedures for reporting and auditing, inspection and monitoring;
(k) Clarify the concept of 'charitable'/'public benefit' status, the fiscal benefits it gives rise to, the procedure and requirements for obtaining such a status, as well as the accountability standards .

The proposals for change have stemmed from two strategic objectives: (a) that the Law should be in line with best international practices; (b) that the Law should be responsive to the needs of NGOs and challenges of society, in particular the imperatives of a new Social Partnership between Government/International Donors, the business community and the NGO sector.

29. The Commission has submitted in November 2009 an **Issue Paper on Social Partnership Framework**, being of the opinion there is a need for an institutionalized platform for dialogue and partnership amongst the sectors (government, international donors, business and civil society) which goes beyond the mere setting-up of a committee to administer the CSR Fund. Such a partnership would help achieve economic progress in a spirit of social inclusiveness.

30. At the request of the Ministry of Local Government, the Commission has reviewed the local government legislative framework. In December 2008, a **Working Paper on "Reform of Local Government Legislative Framework"** was made available, in which

was highlighted issues calling for reform and the policy options. In June 2009, a **Report on Reform of Local Government Framework**, containing our final recommendations for reform of the law (a draft Local Government Bill was attached to the Report), was submitted.

The Commission has recommended that the law relating to local government be reformed in accordance with best international practices.

The law should make provision for-

(a) The establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area;

(b) Local authorities to provide services and facilities which would ensure the economic and social well-being of their local communities in an ecologically sustainable manner so as to meet the present and future needs of their communities;

(c) An effective, efficient, inclusive and accountable system of local government;

(e) The management and governance of local authorities;

(f) The roles of councillors and officers; and

(g) The participation of local communities and local stakeholders in the affairs of local government, and the accountability of local authorities to local communities and local stakeholders.

31. The Commission has also studied our law on postal legislation, in the light of our obligations under the Universal Postal Union [UPU] Convention and from a comparative perspective. A preliminary conclusion that has been drawn from the research work so far undertaken is that our current postal legislation may be incomplete. For instance, there are no express provisions about environmental issues in the Postal Services Act 2002 [cf. section 43 UK Postal Services Act].

32. With a view to better strengthening the rule of law, the Commission has examined the law on judicial review and has assessed its effectiveness as a means for controlling governmental action. A **Discussion Paper on Judicial Review** was submitted in November 2009.

In this Discussion Paper, the nature of judicial review, which stems from the supervisory jurisdiction of the Supreme Court, has been examined, as well as the relationship between the constitutional jurisdiction of the Supreme Court and judicial review. The relevance of English principles in matters of judicial review was also analyzed. The procedure for judicial review, its availability and scope, have also been examined. The grounds for review, the remedies available, as well the validity of unlawful administrative action, were considered.

The Commission has concluded that reform is necessary; reforms that have been either instituted or recommended elsewhere can provide useful alternatives upon which we can base our proposed options for change to the judicial review of administrative decisions.

33. The law on public interest litigation has been examined. The law relating to freedom of information and the regulation of the media has also been considered, as well as the need for regulatory impact assessment legislation. Attention has also been paid to the law on contempt of court proceedings.

34. As the Commission is of the view that justice systems that are remote, unaffordable, slow, or incomprehensive to ordinary people effectively deny them legal protection, the Commission has examined the scheme for legal aid and assistance in Commonwealth jurisdictions.

The provisions of the Code de Procédure Civile have also been reviewed from a comparative perspective.

35. The Commission has also reviewed, at the request of the Hon. Attorney-General under section 6 of the Law Reform Commission Act, the law on mediation and conciliation in commercial matters.

The Commission has formed the opinion that:

(a) The UNCITRAL Model Law on International Commercial Conciliation (2002) could be incorporated in our law so that Mauritius can emerge both as an 'International Arbitration and Mediation Centre' for international commercial disputes [in line with para. 254 of 2005-2010 Government Program][5];

(b) 'Mediation and Conciliation' could, in the context of the current judicial reforms, be integrated in our civil justice system;[6]

(c) If mediation and conciliation are to become integral processes in the civil justice system, they must be approached on a voluntary basis. Without this essential principle of voluntariness other underlying principles of ADR, notably, party empowerment, flexibility, and confidentiality cannot ensue. From the outset, parties must be free to voluntarily choose the form of dispute resolution they wish to pursue and must be educated on the full spectrum of ADR processes which are

[5] At para. 254 of Government Program 2005-2010, the following was stated:

> "Government will introduce legislation with a view to promoting Mauritius as a centre for international commercial conciliation and arbitration. For that purpose, Government will ensure that adequate training is given to local professionals to act as arbitrators, counsel and to service the centre."

[6] At para. 248 of the Government Program 2005-2010, the following was stated:

> "Government is alive to the existence of procedural complexities, which are formidable barriers to the obtention of justice by the citizens. Such complexities may contribute to undermine confidence in the justice system. Government will take appropriate measures with a view to reducing delays in completing pre-trial procedures and Court proceedings."

available to them to resolve their dispute. They must not be forced into mediation, for example, simply because they cannot afford another option;

(d) Some form of compulsion may nonetheless be introduced into the ADR process as there may always be a difficulty for disputants taking the first step towards ADR as this may be perceived as a sign of weakness, but an important distinction must be made between mandatory *attendance* at an information session about ADR processes or at a mediation session and mandatory *participation* in an ADR process;

(e) For ADR to develop as a workable dispute resolution option within the court system, it may be appropriate to mandate that parties to a dispute attend an information session on ADR;

(f) Courts should be permitted, either on their own motion initiative or at the request of a party to such claims, to make an order requiring the parties to consider resolving their differences by mediation or conciliation;

(g) A court-annexed scheme could make engagement in the mediation process procedurally mandatory in that the Court would have the power to recommend mediation and to impose cost sanctions if the parties unreasonably refuse to consider attempting mediation; such procedural requirements are consistent with the concept that court-annexed mediation should remain a wholly consensual process;

(h) The mediator should play no advisory or evaluative role in the outcome of the process, but may advise on or determine the process (the conciliator should not have the authority to impose on the parties a solution to the dispute but may make recommendations to the parties for the settlement of the dispute, which the parties may or may not accept);

(i) There should be training and accreditation of mediators [it is abundantly clear that in all States where mediation is practised, the need for appropriate training and accreditation of mediators is an essential foundation for a fully functioning system of mediation]; and

(j) Practice Standards must be laid down, which set out the fundamental guiding principles about mediation that mediators must adhere to. These include: procedural fairness, competence, confidentiality, and impartial and ethical practice.

The Commission is about to report on this matter to the Hon. Attorney-General.

36. The Commission has been examining the law and practice of international arbitration, as well as the operation of international arbitral centers and the capacity-building requirements for Mauritius to emerge as an international Arbitration and Mediation Centre.

37. The Commission has reviewed the law on Divorce, in particular the grounds for divorce. In December 2008, a **Report on Law on Divorce** was submitted, in which the Commission reiterated the view that our law is inadequate: the law on divorce must be adapted to the realities of conjugal life. The concept of 'divorce by mutual consent', which had existed in our civil code from 1808 to 1884, should be reintroduced.

38. The implementation of Hague Conventions [Convention of 5 October 1961 Abolishing the requirement of Legalisation for Foreign Public Documents; Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations; Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages] has also been considered.

39. The legal framework for land transfer and property registration, as well as taxes linked with property transfer, has been studied from a comparative perspective.

The legal and regulatory framework for doing business and the impact of laws on ease of doing business have also been generally examined, as well as global initiatives for the legal empowerment of the poor through reform of business and labour rights.

The law on copyright has been reviewed and our views conveyed to MASA [Mauritius Society of Authors] about its reform proposals.

The Commission has studied, from a comparative perspective, the law as to review of tax assessment by an aggrieved tax payer, as well as the income tax liability of agents of corporate bodies.

40. The law on consumer protection has also been reviewed from an international and comparative perspective. The UN Guidelines for Consumer Protection [adopted by the UN General Assembly on 9 April 1985, and expanded in 1999], which provide a framework for Governments to use in elaborating consumer protection policies and legislation, have been examined.

Special attention has being paid to the manner in which our consumer laws and policies can be improved in order to better respond to the interests and needs of consumers: their protection from hazards to their health and safety; the promotion and protection of their economic interests; their access to adequate information to enable them to make informed choices according to individual wishes and needs, whilst paying attention to the environmental, social and economic impacts of consumer choice; the availability of effective consumer redress; the freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them; and the promotion of sustainable consumption patterns.

The current legal and policy framework has also been looked at in the context of the changes that have taken place in the global market place. The globalization of financial markets and liberalization of trade, the growing interdependence among countries, the emergence of borderless economic spaces and de-regulation in many areas of economic activity have transformed the world economy, and are creating new dynamics in the functioning of the international markets that directly affect the consumer and calls for greater international co-operation. We have paid heed to the standards and consumer policy strategies evolved by the European Union, the OECD Consumer Policy Committee, the International Marketing Supervision Network, Consumers international, the International Society of Consumer Affairs Officials (ISCAO) and the Society of Consumer Affairs Professionals in Business.

The laws and practices in other jurisdictions, such as India, Australia, Canada, UK, France, South Africa, Jamaica, Malaysia and Hong Kong, have been examined with a view to identifying emerging international trends and bench-mark best practices. The foreign laws and practices have been viewed in the light of the economic, social and environmental circumstances of those countries, and the needs of their population.

The reflections of other law reform agencies on reform of this aspect of the law have also been considered.

Appendix: LRC Reports/Papers on aspects of the law reviewed

(1) Discussion Paper on "Judicial Review" [November 2009];

(2) Issue Paper on "Social Partnership Framework" [November 2009];

(3) Report on 'Bail and other Related Issues' [together with draft Bail (Amendment) Bill] [August 2009];

(4) Report (together with draft Local Government Bill) on "Local Government Reform" [June 2009];

(5) Discussion Paper on "Forensic Use of DNA" [April 2009];

(6) Issue Paper on "The Office of Director of Public Prosecutions [DPP] and its Operational Autonomy" [March 2009];

(7) Report (together with draft Bill) about "Law on Divorce" [December 2008];

(8) Report (together with draft Bill) on "Disclosure in Criminal Proceedings" [December 2008];

(9) Working Paper on 'Reform of Local Government Legislative Framework" [December 2008];

(10) Issue Paper on "Equality/Anti-Discrimination Legislative Framework (*Re* Equal Opportunities Bill No. XXXVI of 2008)" [November 2008];

(11) Report (together with draft legislation) on "Law relating to NGOs" [November 2008];

(12) Review Paper on "The Criminal Justice System and The Rights of an Accused Person" [September 2008];

(13) Report (together with draft Bill) on "Access to Justice and Limitations of Actions against Public Officers and the State" [May 2008];

(14) Discussion Paper on "Law and Practice relating to Criminal Investigation, Arrest and Bail" [April 2008];

(15) Issue Paper on "Disclosure in Criminal Proceedings" [December 2007];

(16) Issue Paper "Commentary on some of the Human Rights dimensions of the Sexual Offences Bill No. VI of 2007" [June 2007];

(17) Discussion Paper on "Access to Justice and Limitations of Actions against Public Officers and the State" [June 2007];

(18) Report (together with draft Bill) on "Relationship of Children with Grand Parents and Other persons under the Code Civil Mauricien" [June 2007];

(19) Report (together with draft Bill) on "Opening Mauritius to International Law Firms and Formation of Law Firms/Corporations" [May 2007].