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## **EXECUTIVE SUMMARY**

The Ministry of Justice and Constitutional Affairs is honoured to present its Annual Performance Report for the Financial Year 2018/9.

The Ministry is a unique one because it coordinates different Departments and Commissions, which are mostly independent in their nature. The report being presented comprises of inputs from these Departments and Commissions which includes the Ministry Administration, Director of Public Prosecutions, Attorney-General, Judiciary, Commission on Human Rights, Elections & Boundaries Commission, Anti-Corruption Commission and His Majesty's Correctional Services.

The financial performance for most Departments indicate an overall expenditure that is within budget. There are some items within the various activities that indicate under or over expenditures due to various challenges faced, including the late release of funds, limited cash flows resulting in non-payments of transactions, limited human resources to effectively deliver on the mandate and late processing of transactions. In some cases, the funds that were released were too little hence same could not be committed and used. Where there is under expenditure, it anticipated that transactions will be normalized before the financial year ends. It is worth noting that some capital projects especially under His Majesty's Correctional Services were suspended due to prevailing financial constraints.

The report also outlines the activities carried out and the statistics therein, wherever quantifiable. Each of the Departments and Commissions also highlight their achievements and flag their challenges.

The Ministry remains committed in its endeavor to promote and facilitate effective & efficient machinery for the administration of justice through its various Departments and Commissions.

# **CHAPTER 1**

## **INTRODUCTION**

The Ministry of Justice and Constitutional Affairs is responsible for the administration of justice through the various courts; the drafting of all legislation; administration of estates; the conducting of national elections in the country; the fight against and prevention of corruption; provision of safe custody and rehabilitation of offenders; the promotion and protection of human rights and enforcement of the leadership code of conduct.

The operations of Swaziland Association for Crime Prevention & Rehabilitation of Offenders (SACRO), whose responsibility is to rehabilitate offenders. This organization receives a subvention annually from Government through the Ministry to further its mandate.

### **1.2 MANDATE**

“To promote and facilitate effective and efficient machinery capable of providing a legal framework for good governance and delivering legal advice and services to the Government, its allied institutions and the general public”.

### **1.3 THE ROLE OF THE MINISTRY**

- Coordinating, advising on, and providing support in the implementation of policies which will foster the effective administration of law and justice as well as constitutional governance.
- Facilitating the development and enactment of appropriate legislation.
- Initiating and facilitating the revision and reform of the laws of Swaziland and providing an effective mechanism for their change.
- Advising the Government and its allied institutions on legal matters.
- Drafting all proposed laws and legal documents.

- Instituting or defending civil suits in which Government and/or its allied institutions are party and ensuring that court decisions are satisfied.
- Overseeing the training of lawyers.
- Promoting and fostering adherence to the rule of law and natural justice.
- Promoting and protecting human rights.
- Fighting and preventing corruption in society
- Managing the conduct of National and local government elections
- Providing safe custody of inmates and offering rehabilitation services

**1.4 THE SUMMARY OF THE INSTITUTIONS COVERED BY THIS REPORT IS AS HEREUNDER:**

1. The Administration
2. Attorney General's Office
3. Commission on Human Rights and Public Administration
4. The Anti-Corruption Commission
5. The Director of Public Prosecutions
6. The Elections and Boundaries Commission
7. The Judiciary
  - High Court and Magistrates Courts
  - Master of the High Court
8. His Majesty's Correctional Services

## **CHAPTER 2**

### **ADMINISTRATION**

#### **2.1 OBJECTIVES**

The main role of the administration Department is to provide effective administration, finance, human resources management and other support services to all departments of the Ministry. In order to ensure the effective operation of the Ministry, the objectives of the Department are:

- a) To co-ordinate the preparation of the Ministry's budget, in consultation with the Ministry's Heads of Department and central agencies.
- b) To provide effective support to the Minister, during budget debates and Parliamentary Portfolio Committee meetings.
- c) To co-ordinate the preparation and submission of the submission of the budget and budget performance reports to the central agencies and Parliament as required.
- d) To develop and implement internal systems of control for the budget, in line with Finance and Accounting Institutions and the new procurement procedures.
- e) To develop effective mechanisms for the review and monitoring of the overall performance of the Ministry in implementing its performance targets, policies and programs.
- f) To co-ordinate the preparation of job descriptions and schemes of service for all cadres in the Ministry, in consultation with the Ministry of Public Service.
- g) To work with Heads of Department to ensure the availability of properly trained human resources, through the development of comprehensive human resources development plan.
- h) To develop effective communication and transport management system, including the acquisition of equipment, servicing and use of equipment and transport fleet.
- i) To review the Filing and Registry Systems, in consultation with the National Archives and the Ministry of Public Service.
- j) To provide secretarial support to the Ministry's Internal Promotions Board and the meetings of Heads of Departments.

## 2.2 BUDGET PERFORMANCE REPORT

### A. Activity 10 – Minister's office

ITEM		ESTIMATED BUDGET (E)	RELEASED BUDGET	EXPENDITURE TO DATE (E )	VARIANCE (E)	VARIANCE %
00	CTA Charges	194,000	80,830	116,953	(36,123)	44.6
01	Personnel Costs	2,898,274	2,485,922	1,350,212	1,135,710	45.6
02	Travel, Transport and Com.	71,763	29,895	0	29,895	100
04	Professional services	19,600	8,160	1,315.00	6844	83.8
06	Consumables	357	145	145	145	100

#### Comments:

##### Item 00 – CTA Charges

This item reflects a budget overrun of 44.6% due to under release of funds.

##### Item 01 – Personnel costs

The expenditure on this item is within budget.

##### Item 02 – Travel and Communications

This item reflects a non-expenditure due to fact that funds released were too meager to be spent. Invoices were paid from Centre 1102.

##### Item 04 – Professional services

The item reflects an under expenditure, funds will be utilized before year ends.

##### Item 06 – Consumables

This item reflects a non-expenditure due to fact that funds released were insufficient to be spent, hence invoices were paid from Centre 1102.

## B. Activity 1102 – Administration

ITEM		ESTIMATED BUDGET (E)	RELEASED BUDGET	EXPENDITURE TO DATE (E )	VARIANCE (E)	VARIANCE %
00	CTA Charges	4,630,569	1,428,327	3,438,060	(2,009,733)	140.7
01	Personnel Costs	4,765,590	5,001,288	5,028,204	(26,916)	0.5
02	Travel, Transport and Com.	73,890	2,101,577	132,187	1,958,669	93
04	Professional services	849,465	455,022	414,462	2,948	0.6
06	Consumables	119,226	271,963	78,504	193,459	71
10	Local transfers	546,750	546,748	546,748	0	100

### Comments:

#### Item 00 – CTA Charges

This item reflect a budget overrun of 140.7% due to an under release of funds.

#### Item 01 – Personnel Costs and allowances

The item reflects a budget overrun of 0.5%. This is due to payment of exit packages for the former Minister and his staff.

#### Item 02 – Travel and Communication

This item reflects a favourable variance of 93%. Funds were relocated from other centres to pay for arrears for this item.

#### Item 04 – Professional Services

The expenditure is within budget.

#### Item 06 – Consumables

This item shows a favourable variance of 71%. Funds were relocated from other items to meet the high demand for office demands.

#### Item 10 – Local Transfers

The expenditure is within budget and the subvention to SACRO has been paid in full for the financial year.

## **2.3 HUMAN RESOURCES MANAGEMENT**

This section co-ordinates the human resource activities of the Ministry which include, staff development, labour relations, promotions and staff welfare.

During the period under review:

- Internal promotions were held and these saw the upwards mobility of staff as posts of Principal Crown Counsel were filled and there was subsequent movement of Crown Counsel to Senior Crown Counsel; and the resultant recruitment of Crown Prosecutors.
- Two officers were sent for training in Legislative Drafting which was prioritized due to dire need of drafting skills in the Attorney General's office;
- Staff participated in various educational sessions under the Wellness programme.

## **2.4 CHALLENGES**

- Insufficient Budget allocation;
- Lack of key positions in the Administration (Principal Accountant, Planner, Legal Advisor and Storekeeper);
- Shortage of transport due to delays in maintaining fleet by CTA.



## **CHAPTER 3**

### **DIRECTORATE OF PUBLIC PROSECUTIONS**

#### **3.1 INTRODUCTION**

The Directorate of Public Prosecutions is established in terms of section 162 of the Constitution of the Kingdom of Swaziland read together with the Public Prosecutions Order of 1973 which vest all prosecutorial powers upon the Director of Public Prosecutions and has authority to delegate his powers and duties to subordinates.

#### **3.2 STRUCTURE**

The office of the Director of Public Prosecutions has ten (10) specialized units. These are:

- i. The General Crimes Unit
- ii. The Anti-Corruption Unit
- iii. The Fraud and Transnational Crimes Unit
- iv. The Domestic and Sexual Offences Unit
- v. The Computer and Cyber Crimes Unit
- vi. The Stock, Theft, Wildlife and Flora Unit
- vii. Extradition and mutual Legal Assistance Unit
- viii. The Organized Crime Unit
- ix. The Drug Enforcement Unit
- x. The Asset Forfeiture Unit

#### **3.3 BUDGET REPORT**

<b>ITEM</b>		<b>ESTIMATED BUDGET (E)</b>	<b>RELEASED BUDGET</b>	<b>EXPENDITURE TO DATE (E )</b>	<b>VARIANCE (E)</b>	<b>VARIANCE %</b>
00	CTA Charges	223,119	92,965	66,838	11,126	11.9
01	Personnel Costs	18,023,866	18,023,864	22,617,673	(4,593,809)	25,5
02	Travel, Transport and Com.	74,703	254,238	247,323	6,915	2.7
04	Professional services	12,602,636	3,599,414	2,389,478	1,093,783	30.3
06	Consumables	1,896	790	0	790	100

**Comments:****Item 00- CTA Charges**

The expenditure is within budget.

**Item 01- Personnel Costs and allowances**

The item reflects an over expenditure of 25%. This was as a result of new posts which were created yet the budget was not adjusted.

**Item 02- Travel and Communication**

The expenditure is within budget.

**Item 04 – Professional Services**

The expenditure is within budget.

**Item 06- Consumables**

Funds were too little to be committed.

**3.4 COURT PERFORMANCE STATISTICS – 1<sup>st</sup> April to 31<sup>st</sup> December 2018**

<b>Name of Court</b>	<b>Registered Cases</b>	<b>B/F from the previous quarter</b>	<b>Completed Cases</b>	<b>Pending</b>
<b>Supreme Court</b>	18	4	13	9
<b>High Court</b>	283	19	166	136
<b>Mbabane Magistracy</b>	2781	111	2357	535
<b>Manzini Magistracy</b>	5122	864	3718	2268
<b>Lubombo Magistracy</b>	946	377	695	628

<b>Shiselweni Magistracy</b>	1970	175	1479	666
<b>Piggs Peak Magistracy</b>	654	108	624	138

### **3.5 ACHIEVEMENTS**

The office of the DPP has continued with its mandate of prosecuting all crimes in the various courts and through the establishment of the various units there has been focused prosecution resulting in improvement of the quality of work done.

### **3.6 CHALLENGES**

- Limited allocation of matters on the High Court roll;
- Inadequate functioning of the electronic case management system to track movement of cases;
- Lack of accommodation for staff members;
- Shortage of support staff.

## **CHAPTER 4**

### **ATTORNEY GENERAL'S OFFICE**

#### **4.1 INTRODUCTION**

The office of the Attorney General was established in terms of section 77 of the Constitution of the Kingdom of Eswatini Act, 2005 and Law Officers Act, 1966. The Attorney General is the Principal Legal Advisor to the Swaziland Government.

#### **4.2 FUNCTIONS OF THE ATTORNEY GENERAL**

- Draft all government bills to be presented in Parliament;
- Draw or peruse agreements, contracts, treaties, conventions and documents, by whatever name called, to which the Government is a party or in respect of which the government has an interest;
- Represent the Government in the courts or in the legal proceedings to which the Government is a party;
- Advise the king on matters of law or any matter relating to any function vested in the King;
- Advise king's Advisory bodies or Emabandla
- Be available for consultations with the Director of Public Prosecutions in certain matters;
- Assist Ministers in piloting bills in Parliament and provide guidance in legal matters in Parliament.

#### **4.3 STRUCTURE OF THE ATTORNEY GENERAL'S OFFICE**

The office of the Attorney General has two Sections. These are: the Legislative Drafting and Litigation, Agreements and Opinion.

##### **a) Legislative Drafting Section**

This section is responsible for drafting Bills and subsidiary legislation. The section is also responsible for statutory interpretation, advising on legislative process and legal issues. And, it is also responsible for drafting:

- i. Legal Notices; and
- ii. General Notices

b) **Litigation and Agreements and Opinions Section**

This section is responsible for civil litigation of cases and rendering advice and opinions to different Ministries, departments and Chiefs. It is also responsible for vetting and drafting agreements between Government and other organizations. The Civil cases that the litigation section deals with are as following:

- i. Actions Proceedings for or against Government
- ii. Applications proceedings for or against Government.

**4.4 BUDGET ALLOCATION PERFORMANCE**

ITEM		ESTIMATED BUDGET (E)	RELEASED BUDGET	EXPENDITURE TO DATE (E )	VARIANCE (E)	VARIANCE %
00	CTA Charges	263,107	109,625	128,710	(28,153)	25.6
01	Personnel Costs	12,754,988	12,778,536	10,920,740	1,857,795	14.5
02	Travel, Transport and Com.	227,347	1,139,900	398,520	156,586	13
04	Professional services	300,132	125,035	88,634	31,400	25.1
06	Consumables	68,558	28,560	-	28,560	100

**Comments**

**Item 00- CTA Charges**

The item reflects an over expenditure of 25.6%.

**Item 01- Personnel Costs and allowances**

The expenditure is within budget.

**Item 02- Travel and Communication**

The expenditure is within budget.

**Item 04 – Professional Services**

The expenditure is within budget.

**Item 06- Consumables**

The item reflects 100% savings, however the funds will be utilized before the end of financial year.

## 4.5 PERFORMANCE STATISTICS

### a) Litigation Section (1<sup>st</sup> April to 31<sup>st</sup> December 2018)

NEW CASES	STATISTICS
i) Action proceedings (Letter of demands/Summons)	132
ii) Application Proceedings (Notice of Motions/ Applications to Court)	487
Completed Cases	257
Pending Cases in different courts <ul style="list-style-type: none"> <li>• Awaiting hearing/trial dates</li> <li>• Awaiting Judgments</li> </ul>	351
Request for Opinions	31
Agreements Vetted	69
<u>Petitions</u>  Admission for Right of Audience ( <i>Ad Hoc</i> Admission)	6
Endorsement of Articles of Clerkship and Issuance of Certificate of Audience	48

### **SUMMARY OF NEW CASES -**

Type of Court	No. of Cases
Supreme Court	5
High Court	483

Industrial Court	56
Industrial Court of Appeal	4
Magistrate's Court	69
<b>TOTAL</b>	<b>617</b>

#### **b) Legislative Drafting Section**

<b>LEGISLATION</b>	<b><u>STATISTICS</u></b>
Legal Notices	246
General Notices	61
Acts of Parliament	24
Bills – Published in the Gazette	9
Bills – Pending	38

\*List of Acts of passed by Parliament in 2018 – See Schedule A

#### **4.6 ACHIEVEMENTS**

- Total of 24 Acts were enacted
- Two legislative drafters trained;
- Successfully drafted legal opinions;
- Successfully vetted agreements brought by various ministries to the Chambers;

- Successfully defended government in civil litigation.

#### **4.7 CHALLENGES**

- Slow legislative drafting process;
- Delays in receipt of instructions from government ministries and departments;
- The lack of a law reform body under the ministry;
- Shortage of legislative drafters;
- Shortage of working tools for legal research i.e. law reports, law books and laptops, computers and printing paper.



## **CHAPTER 5**

# **COMMISSION ON HUMAN RIGHTS AND PUBLIC ADMINISTRATION/INTEGRITY (CHRPA)**

### **5.1 INTRODUCTION**

The Commission on Human Rights and Public Administration (CHRPA) is established in terms of Section 163 Constitution of the Kingdom of Eswatini. The Commission has a multi-pronged mandate as articulated in Section 164 and 243 of the Constitution. To this end, the Commission is a hybrid institution which not only performs the functions of a National Human Rights Institution and a Public Administration (Ombudsman) but also performs an Integrity Commission.

### **5.2 FUNCTIONS OF CHRPA**

The functions of the Commission are articulated in Sections 164 and 243 of the Constitution and are as follows:

- Prevention, promotion, and monitoring of human rights violations through promoting and fostering the rule of law and good governance. Where the violation has occurred, the Commission has a duty to take steps to ensure that there is remedy in that situation;
- Ensuring that human rights and freedoms are respected and that the leadership code of conduct is implemented, which includes processing of declarations and assets;
- Investigating complaints of injustice, corruption, abuse of power in office and unfair treatment of any person by a public officer in the exercise of official duties.

### **5.3 STRUCTURE OF THE CHRPA**

As prescribed in the Constitution, the Commission is made up of Commissioner and 3 Deputy Commissioners. The Constitution also provides that the Commission shall be staffed with adequate staff to discharge the Commissions mandate. Currently there are only 8 staff members a far cry from the ideal staff compliment necessary for the functions.

## 5.4 BUDGET PERFORMANCE

ITEM		ESTIMATED BUDGET (E)	RELEASED BUDGET	EXPENDITURE TO DATE (E )	VARIANCE (E)	VARIANCE %
01	Personnel Costs	2,124,749	2,394,202	1,745,181	649,020	27
04	Professional services	4,814,806	3,047,006	1,746,744	1,166,531	38.2

### Comments

#### Item 01- Personnel costs

Expenditure is within budget.

#### Item 04- Professional services

Expenditure is within budget.

## 5.5. IMPLEMENTED ACTIVITIES FOR PERIOD 1<sup>ST</sup> APRIL TO 31<sup>ST</sup> DECEMBER 2018

### 5.5.1 Complaints handling

In fulfilment of its protection mandate, the Commission receive and investigate complaints from members of the public which includes complaints of injustice, corruption and abuse of power.

The table illustrates a summary of how the complaints were dealt with during the period under review:-

COMPLAINTS HANDLED	NUMBER#
1. Total complaints received	45
2. Investigations done from Commission's own accord	7
3. Complaints referred to other agencies	11
4. Legal opinions/ advice offered	5
5. Complaints investigated, finalised and closed	10
6. Complaints under investigation ( pending)	12

The Commission notes that the most complaints are related to the right to fair hearing, access to Justice, and deprivation of property (predominantly land). Most of the complainants are those who cannot afford services of an attorney or have not been getting the necessary assistance from their attorney.

Further, the cases sometimes fall outside the jurisdiction of the Commission or the Commission does not have a comparative advantage in dealing with the nature of that case. Where necessary, the Commission will give the client appropriate legal advice or refer them to an agency or institution with the comparative advantage on the matter.

The Commission acknowledges that access to legal services is key to the promotion of human rights; it is for this reason that members of the public are urged to use the Commission's free services whenever they witness or experience violations.

#### **5.5.1.1 Recommendations:**

- The Commission recommends that there be interventions to strengthen Criminal Justice Stakeholder Forum in order to identify bottlenecks in the justice system and come up with solutions to improve same.
- An immediate intervention is necessary to address the issue of evictions of people from privately owned land as it appears that the current legislation does not adequately address the situation, particularly it does not take cognizance of the Human rights implications of evictions. The Commission noted that most of the evicted people are not necessarily squatters; the majority settled through the Swazi law and custom way of *kukhonta*.
- The need for a Legal Aid legislation and a legal aid system is put in place to realize the justiciability of the Bill of rights provided by the Constitution.

#### **5.5.2 Stakeholder Partnership Engagements**

The Commission has engaged with international agencies whose mandates also include the promotion and protection of human rights and the Rule of Law:-

- The Institute of Justice Sector Development whose agenda was to identify challenges that face human rights actors in ensuring human rights and the Rule of Law prevail.
- The Commonwealth Lawyers Association who also deal with human rights, the Rule of Law and Constitutional Law.

- The United Nations Human Rights Committee delegation in collaboration with COSPE and government entities on round table discussion aimed at assisting the government in fulfilling her reporting obligations under the International Covenant on Civil and Political Rights (ICCPR) and to ensure the country's compliance with her reporting obligations to the Treaty Bodies.

### **5.5.3 Promote the respect for human rights in public institutions**

In order to achieve this objective, the Commission implemented actions to ensure that human rights principles are integrated in the processes (operations and training) of the Eswatini Royal Police and the Correctional Services. The Commission trained about 246 Police Officers and 86 Correctional Officers on their human rights responsibilities within security processes and operations. The Commission also sensitised High level Police officials about the human rights issues in the application of the Sexual Offences and Domestic Violence Act of 2018 in December 2018.

### **5.5.4 Support training requests from partners**

Human Rights Education is a crucial requirement for the development of human rights awareness and ultimately for the realization of human rights. In line with its strategic objective on training and awareness raising, the Commission partnered with government departments and Civil Society Organizations to promote the understanding of human rights in the country.

During the period under review, the Commission participated in eighteen (18) training workshops where the main focus was on building the capacities of participants about the role of the Commission and its constitutional mandate and providing understanding of the human rights principles and the framework of the country.

### **5.5.5 Monitoring and Reporting**

In order to ensure the full implementation of human rights standards, the Commission monitors public institutions and national processes. During the period, the Commission conducted inspections in the country's correctional centres to assess the state of trail awaiting detained persons. Following this process, the Commission was able to engage relevant stakeholders and produced a report which was widely circulated and published in the local newspapers.

### **5.5.6 Capacity strengthening for Commission**

As a result of the high demand for the services offered by the Commission, professional development is very critical. In order to maintain and enhance the knowledge and skills needed to deliver professional services to our clients, the Commission's personnel (staff and Commissioners) participated in seminars and meetings.

During this reporting period, the Commission was able to receive orientations/ training through the support of the government and development partners in the following fields:

- Monitoring of Elections- from a Human Rights institution perspective;
- Monitoring Implementation of Sustainable Development Goals (SDGs);
- The role of NHRI's in implementation of AU Commission's decisions;
- Children's Rights;
- Economic Social and Cultural Rights;
- Sexual and Reproductive Health Rights;
- Business and Human Rights;

The results are significant for the Commission as the expertise generated is used to implement activities towards achieving our strategic objectives.

## **5.6 CHALLENGES**

- Inadequate human and financial resources against a massive mandate of the Commission. The budget of the Commission has not increased despite that there is now a Secretariat in place and the broad mandate of the Commission which requires a lot of resources;
- The delays in obtaining the separate head and subsequently accreditation for the Commission has also stalled some of the benefits that the Commission could be enjoying as part of the international and regional forums;
- Overlap in mandate with Anti-Corruption Commission. This needs to be addressed as a matter of urgency;
- The lack of the Legal Aid system in the country is still a huge challenge given the fact that legal services are very expensive which then makes access to justice impossible for destitute clients.

## **5.6 CONCLUSION**

As illustrated, the Commission has made significant strides towards implementing its mandate despite the highlighted challenges. There is a great need for resource mobilization given the limited resources allocated so. The Commission remains committed to support the aspirations and priorities as set out by the Government. With the support necessary, we hope that the aforementioned challenges will be addressed.

## **CHAPTER 6**

### **ELECTIONS AND BOUNDARIES COMMISSION**

#### **6.1 INTRODUCTION**

The Elections and Boundaries Commission was established in terms of the Constitution of the Kingdom of Eswatini Chapter VII Part 1(c) Section 90 mainly to oversee and supervise the registration of voters and ensure fair and free elections at primary, secondary or other level. Over and above this mandate the commission entrusted with the review of tinkhundla boundaries every fourth year of Parliament in preparation for elections.

#### **6.2 FUNCTIONS OF THE COMMISSION**

- oversee and supervise the registration of voters and ensure fair and free elections
- facilitate civic and voter education in between elections
- review and determine tinkhundla boundaries for the purposes of elections
- Perform such other functions as may be prescribed
- Produce periodic reports in respect of work done.

#### **6.3 BUDGET PERFORMANCE REPORT**

The commission's budget for the year 2018/19 was increased from the normal budget to cover the election project. It includes transport (CTA) charges, personnel cost, travel and communications, consumables and professional services. Considering the sensitivity and nature of election materials and equipment the budget and procurement of these items does result in over expenditure or under expenditure. The table below and comments reflects the budget performance.

#### **Activity 11**

<b>Item</b>	<b>Budget Allocated</b>	<b>Released</b>	<b>Actual Expenditure</b>	<b>variance</b>	<b>variance %</b>
00	738,890	738,890	765,797	26,907	4
01	3,907,899	3,485,963	4,368,491	-882,528	-25

02	132,356	132,356	0	132,356	100
04	8814	8814	0	8814	100
G61970	3,125,000	0	0	0	0

### **01 Salaries and Allowances**

There is a 26% over expenditure on this item caused by the back pay of commissioners' allowances from 2008 to 2018, which were erroneously not paid over the years.

### **02 Travel and Communications**

There is an under expenditure of 100% caused by the suspension of external trips during the election period.

### **04 Professional Services**

Funds released under this item are significantly low and cannot be utilized for these services. The Commission is engaging the Ministry of Finance on the same.

## **Activity 12**

<b>Item</b>	<b>Budget Allocated</b>	<b>Released</b>	<b>Actual Expenditure</b>	<b>Variance</b>	<b>variance %</b>
00	46,138,130	21,138,130	12,605,573	8,532,557	40
01	69,308,003	43,767,936	90,071,048	20,763,045	-30
02	2,489,768	3,989,767	2,977,902	1,011,865	25
04	17220849	62,220,848	51,991,363	10,229,485	16
06	1,755,379	5,255,379	4,438,078	817,301	15
07	8,250	8,250	0	8,250	100
11	530,350	530,350	0	530,350	100



**Item 00 - CTA charges**

There is a 40% under expenditure was caused by the commission's request to the Ministry of finance to release of all funds budgeted for 2018/2019 financial year at once, to cater for the 2018 National Elections conducted between April 2018 and December 2018 yet the budget year ends in April. It should be noted that twenty five million from this item was re-allocated to professional services and other services (item 04) to cater for operational activities of the national Elections.

**Item 02 - Travel and Communications**

There is an under expenditure of 25%. The Funds on this item were budgeted for payment of service providers for the electronic transportation of data from chiefdoms to the main server where it is hosted and stored during elections. Due to the contract agreement which demand payment to be made in stages some of the providers' payments have not been done.

**Item 04- Professional and or other Service**

There is a 16% under expenditure caused by the commission's request to the Ministry of finance to release of all funds budgeted for 2018/2019 financial year at once, to cater for the 2018 National Elections conducted between April 2018 and December 2018 yet the budget year ends in April. It should be noted that fifty million, was released from 002 and 001 and re-allocated to this item and item 04 to cater for operational activities of the national Elections.

**Item 06 - Consumables**

There is a 15% under expenditure. Funds under this item were committed by 30<sup>th</sup> September 2018. Whilst most suppliers had been paid, others could not be paid because of noncompliance with stores regulations. However, these have since complied and their payments are being processed.

**Item 07 Durables**

Funds released under this item are significantly low and could not be utilized for these services. The Commission is engaging the Ministry of Finance on the same.

### **Item 11 Statutory International Subscriptions**

There is a 100% under expenditure as a result of subscriptions to ECF which is due on the third and fourth Quarter.

## **6.4 ACHIEVEMENTS**

- Voter Registration - Over 90% voters from the estimated voter participants was recorded; recruitment and training of staff was successfully done; registration equipment and process performed efficiently.
- Complaints and disputes based on voters' validity were amicably sorted in time for the elections.
- Participation in elections- Over sixty percent of registered voters also participated in the secondary elections. These include special voting.
- The report writing process has started and most departments have made their submissions save for the financial report which is still under process.

## **6.5 CHALLENGES**

- The budget limitation and lack of resources led to over expenditure.
- The management of elections funding and procurement of election materials is a challenge due to the nature and sensitivity of elections.
- The management of election's transport through Central Transport Administration is a challenge especially public transport and rentals. This has serious expenditure gaps which are difficult to properly account for.

## **6.6 CONCLUSION**

The country's election has grown tremendously over the years. Participation, the use of technology and the effort meet international standards requires a significant improvement on the election budget. Polling personnel allowances have remained the same for the last three elections. The use of rented cars should be avoided in the future and allow the use of government to significantly reduce transport costs.

## **CHAPTER 7**

# **ANTI-CORRUPTION COMMISSION**

## **7.1 INTRODUCTION**

The Anti-Corruption Commission (ACC) is a law enforcement established by the Prevention of Corruption Act, 2006. The current ACC was re-established into operation in 2008. The institution strived to achieve its objectives and strategies for the period under review within constrained resources. A number of activities were undertaken while there were also challenges.

## **7.2 BUDGET PERFORMANCE**

For the fiscal year 2018/2019 the Commission was allocated a budget of E21 696 907. The total year released budget to date by the close of the third quarter was E19 009 996.00 which is 87.61% of the budget. A total of E15 741 044.17 was spent leaving a variance of E3 155 626.29 which is 20.98%

The following shows the actual expenditure against each reporting item;

<b>Activity</b>	<b>Estimated (E)</b>	<b>Released</b>	<b>Actual (E)</b>	<b>Variance (E)</b>	<b>Variance in %</b>
<b>002</b>	788 536.80	809 388.0	902 735.93	-99520.36	-12.29
<b>01</b>	9 447 538.80	14 174 406.0	11,433 497.89	2 740 908.11	19.33%
<b>02</b>	220 789.80	1 056 508.0	727 623.08	244 935.14	23.18%
<b>04</b>	11 132 388.70	2 924 844.0	2 628 400.07	278 715.00	9.5%
<b>06</b>	107 653	44850.0	48787.20	-9 411.60	20.98
<b>Total</b>	21 696 907.10	19 009 996.00	15 741 044.17	3 155 626.29	16.59%

**NB: The figures of most items on the released budget are greater than the estimates. This is due to reallocations made across most items.**

## **Item 002**

The total released budget for CTA charges by the end of the third quarter was E809 388 while the total amount spent and committed was E902,735.93 causing variance of –E99 520.36 which is -12.29%.

## **Item 01**

The total released budget for personnel costs by the close of the third quarter was E14 174 406 and the total expenditure was E11 433 498 for same time period causing a variance of E2 740 908 which is 19.33%. This variance will be managed upon filling up of vacant posts as the commission continues with the recruitment personnel.

## **Item 02**

The total released budget for communication and travel by the close of the third quarter was E1 056 508.0 and the total expenditure was E727, 623.08 leaving a variance of E244, 935.14 which is 23.18%. This item caters for communication and travel.

## **Item 04**

The total released budget for professional services in the third quarter is E2 924 844.00 and the total spent and committed is E2 628 400.07 leaving a variance of E278 715.00 which is 9.5%.

## **Item 06**

The total released budget for consumables and office supplies is E44 850.00 and the total expenditure is E48 787.20 leaving the variance of 9 411.60 which 20.98%.

## **Item 07**

The total expenditure under this item is E0.00, with a projected under-expenditure of 100%.

## **7.3 IMPLEMENTED ACTIVITIES**

### **7.3.1 INVESTIGATION SECTION**

This Section investigates any alleged or suspected cases of corruption, any other offences disclosed during such investigation and contraventions of any of the provisions of the fiscal and revenue laws of the country as set out in the Prevention of Corruption Act

(POCA) of 2006. The ACC is also mandated with the investigation of money laundering and financing of terrorism in accordance with the Money Laundering and Financing of Terrorism Prevention Act of 2011 as amended.

5.2.1 Below is a table reflecting the statistics of investigations and complaints received and processes this period under review:

	<b>Description</b>	<b>No.</b>
1	Investigations b/f from previous years	300
2	Newly opened investigations	10
3	Total cases under investigations	310
4	Complaints received from April to Dec 2018	62
5	Referred to other Agencies	2

The delay in the filling of the Commissioner's position including that of the Deputy Commissioner Operations had an effect in the progress of investigations as the Commissioner is by law mandated to authorise investigations.

### **7.3.2 PREVENTION AND EDUCATION AND PUBLIC RELATIONS**

The Prevention and Education Section completes the three-pronged mandate of the institution.

#### **7.3.2.1 Prevention**

The key objective under this aspect of the strategy is to examine practices, procedures or work methods with a view to determine weaknesses or discover loopholes conducive to corruption. This is an area where corruption risk assessments are undertaken. The results of these assessments are compiled and given as advice to public and private institutions on ways and means of preventing corruption. There were no such

assessments undertaken during the period under review mainly due to the fact that the prevention officer was supporting the elections.

### **7.3.2.1 Education**

The objective of this strategic initiative is to sensitize, create awareness to members of the public of the dangerous effects of corruption and associated ills.

During the period under review, the following activities were undertaken:

#### **a. Participation at Trade Fair**

During the recent trade fair, ACC had a stand where over 1000 leaflets on anti-corruption messages were disseminated. The Commission also received third prize 'Eswatini International Trade Fair Stand Excellence award under the category of Government Departments.

#### **b. Educational Workshops**

Over sixteen (16) various educational interactive meetings on issues of corruption were held with many groups including the following: Register of deeds office; lectures at SIMPA; FSE-CC organized workshops; presentation to Government Accounts Department on fraud and corruption; presentation at schools; presentations in companies such as Eswatini Sugar Association and SWADE just to mention a few.

#### **c. Radio programmes**

Twelve radio programmes were hosted with Eswatini Broadcasting Information Services during the reporting period. These are anti-corruption educational meetings and phone-ins.

#### **d. Future Leaders Against Corruption (FLAC) Campaign**

The ACC in partnership with Multimedia Communications, MTN Eswatini, Times of Swaziland, Swaziland Maize Corporation and the Bible Society sponsored an anti-corruption campaign titled 'Future Leaders Against Corruption' (FLAC). Under this campaign:

- ✓ **Print Media:** 30 anti-corruption educational articles were written and published in the times of Swaziland.
- ✓ **Response:** The FLAC campaign attracted over 50 000 responses confirmed through the entries that were received prior to the draws.
- ✓ **Duration of Campaign:** The FLAC Campaign was for duration of 81 days.
- ✓ **Publication of campaign:** The campaign was the first of its kind and most visible as it was published seven times a week in all of the Times Group publications i.e. Times of Swaziland, The Swazi News and Times Sunday;
- ✓ **Outreach:** there were over 140 000 daily print media readers and T.V. audience who experienced the campaign promotions. There were three television educational shows during the campaign.
- ✓ **Participation Build Up:** the first draw attracted 2 470 responses building up to 12 035 people qualifying for the draw.
- ✓ **Draws:** Draws were every two weeks and there were six (6) draws throughout the campaign.
- ✓ **Winners:** There were over twenty three (23) readers winning every two weeks sharing a sum of E20 000.00 for each draw. This translates to 266 winners and over E220, 000 prizes were won for the whole duration of this campaign.
- ✓ **Consolation Prizes:** There were 20 consolation prizes each wining E500 attracting more awareness and participation in the campaign.
- ✓ **Ambassadors:** There were 138 winners who became anti-corruption ambassadors.

The prizes came from Multi-Media through sponsorships from Swaziland Maize Corporation, MTN Eswatini and Bible Society. The Times of Swaziland offered free space for the campaign.

- e. Dissemination of Corruption Perception Survey:** The survey results were partially disseminated to the business, private and public sectors but there is need for the finalization of the National Anti-Corruption Policy that will compel sectors to translate the results into Natonal anti-Corruption Strategy and sector action plans.
- f. Attachment of Prevention Officer;** one officer was attached to the Elections & Boundaries Commission (EBC) on request from EBC to the Anti-Corruption Commission for the National elections (Primary & Secondary) stages for vetting of candidates and compliance purposes.

### 7.3.3. HUMAN RESOURCE SECTION

This section co-ordinates the human resource activities of the Commission that include; employee resourcing, development, labour relations and employee welfare. By 31 December 2018 the staff complement was 43 out of a staff establishment of 65 with 22 vacant positions.

**EMPLOYEE DEVELOPMENT;** A total of twenty five (25) officers from both the Administration and Operations departments were trained in partnership with the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), ILEA and CAAC under the period under review. Trainings were as follows:

<b>Participating Section</b>	<b>Institution</b>	<b>Programme</b>	<b>Date</b>
Operations	Eastern & Southern Africa Anti Money Laundering Group (ESAAMLG)	ESAAMLG Anti-Money Laundering and Combating of Terrorist Financing Procurement Corruption in the Public and Private Sector Typology Meeting	6-7 April 2018
Operations	Eastern & Southern Africa Anti Money Laundering Group (ESAAMLG)	ESAAMLG Assessors Second Round of Mutual Evaluation Meeting	15 to 19 April 2018
Operations	American Embassy in collaboration with the International Law-Enforcement Agency (ILEA)	Public Corruption Course	16-20 April 2018
Operations	Commonwealth Africa Anti-Corruption Centre (CAACC)	Effective Monitoring and Evaluation of Corruption Prevention Strategies Course (2 <sup>nd</sup> Module)	23-27 April 2018
Administration	Africa Association of Anti-Corruption Authorities (AAACA)	3 <sup>rd</sup> Annual General Meeting of the Africa Association of Anti-Corruption Authorities	4-5 May 2018
Administration	8 <sup>th</sup> Commonwealth Review Meeting of Heads of Anti-	The Commonwealth	14-18 May 2018



	Corruption Agencies in Africa		
Operations	American Embassy in collaboration with the International Law-Enforcement Agency (ILEA)	Financial Investigations for Public Corruption Course	21-25 May 2018
Operations	Economic Commission for Africa (ECA-SA)	Regional Conference on Corruption and the Challenge of Economic Transformation in Southern Africa and the Consultative Meeting of National Anti-Corruption Institutions in Southern Africa	18-22 June 2018
Operations	Commonwealth Africa Anti-Corruption Centre (CAACC)	Intelligence Gathering and Analysis Course	20-24 August 2018
Administration	Commonwealth Africa Anti-Corruption Centre (CAACC)	High Level Leadership and Management Course	27-31 August 2018
Operations	Eastern & Southern Africa Anti Money Laundering Group (ESAAMLG)	18 <sup>th</sup> Eastern and Southern Africa Anti-Money Laundering Group Council of Ministers Meeting, the 36 <sup>th</sup> Task Force of Senior Officials Meeting and the 4 <sup>th</sup> AML/CTF Public/Private Sector Dialogue	2-8 September 2018
Administration\ Operations	Botswana Directorate on Corruption and Economic Crime	Inter Anti-Corruption Agencies Exchange Programme	28-30 September, 2018
Administration\ Operations	African Union Advisory Board	Annual African Anti-Corruption Dialogue	2-4 October 2018
Operations	African Union Southern Africa Regional Office (AU-SARO)	Media Capacity Building Workshop on Reporting Corruption through Investigative Journalism	8-12 October 2018

Operations	Commonwealth Africa Anti-Corruption Centre (CAACC)	Anti-Money-Laundering and Illicit Financial Crime Course	26-30 November 2018
Administration	Anti-Corruption Academy of Nigeria	Corruption Risk Assessment Training	10-12 December 2018

#### **7.4 CHALLENGES**

Major bottlenecks impeding the delivery of major results included the following;

- Significant decline in financial resources and persistent release of inadequate quarterly budgets as per appropriated budget not released in full.
- There was minimal procurement activity during the reporting period due to constrained release of procurement authorities from the Ministry of Finance aggravated by prevailing stringent economic conditions.
- Lack of secure standalone offices which compromise security and integrity of operations of the Commission.
- ACC depreciated fleet.

#### **7.4 CONCLUSION**

Despite the constraints as indicated above, the Commission has been able to work and deliver results owing to the absence of a head for an extended period.

## **CHAPTER 8**

### **JUDICIARY**

#### **8.1 INTRODUCTION**

The Judiciary is responsible for the administration of justice through the various courts and the administration of estates.

#### **8.2 STRUCTURE OF THE JUDICIARY**

The Judiciary is responsible for the administration of Justice, upholding of the rule of law and the administration of estates. The Judiciary carries out its constitutional responsibilities through the following departments:-

- i) The Supreme Court which is the final appellate court in the land and hears appeals from the High Court.
- ii) The High Court which has both original review and appellate jurisdiction, i.e. it tries and review cases from magistrates courts and from the Industrial Court. The High Court hears appeals from magistrates' courts.
- iii) The Office of the Master of the High Court, which is responsible for the administration of deceased people's estates, liquidation of companies and insolvent estates.
- iv) The Industrial Court of Appeal, which hears appeals from the Industrial Court.
- v) Industrial Court which is responsible for the hearing of Labor disputes
- vi) The Magistracy, which constitutes the Courts of first instance in all matters, both civil and criminal, but not those which are the exclusive preserve of Swazi National Courts, Industrial Court and the High Court.
- vii) The office of the Judicial Commissioner which is responsible for the Swazi National Courts.

### 8.3 BUDGET PERFORMANCE REPORT

#### 8.3.1 Revenue

		2018/19	THIRD QUARTER	SECOND QUARTER	FIRST QUARTER
ITEM NO	DESCRIPTION	ACTUAL COLLECTED	ACTUAL COLLECTED	ACTUAL COLLECTED	ACTUAL COLLECTED
20901	JUDICIAL FINES	13 099 948,62	1 495 522,18	5 992 935,04	5 611 491,40
20902	TRAFFIC FINES	63 080,00	3 800,00	24 740,00	34 540,00
21990	SUNDRY FEES	13 540,08	-	3 400,00	10 140,08
21920	MASTERS FEES	154 409,00	9 887,00	24 074,75	120 447,25
TOTAL		11 821 768,52	1 509 209,18	6 045 149,79	5 776 618,73

#### 8.3.2 Summary for budget performance 1<sup>st</sup> April to 31<sup>st</sup> December 2018

CONTROL ITEM	DESCRIPTION	ANNUAL BUDGET	RELEASED	ACTUAL EXPENDITURE	VARIANCE	VARIANCE %
00	CTA CHARGES	1,597,347.00	532,440.00	2,141,966.42	(1,609,526.42)	(302.29)
01	PERSONNEL COSTS	33,080,668.23	21,328,926.00	28,608,015.95	(7,279,089.95)	(34.13)
02	TRAVEL & COMMUNICATION	6,821,536.90	3,465,575.00	2,919,546.45	546,028.55	15.76
04	PROFESSIONAL & SPECIAL SERVICE	16,684,275.50	8,148,200.00	9,394,298.23	(1,246,098.23)	(15.29)
06	CONSUMABLES	585,817.00	219,810.00	138,313.50	81,496.50	37.08
07	DURABLES		2,236,974.00	1,601,257.00	635,717.00	28.42
TOTAL		58,769,644.63	35,931,925.00	44,803,397.55	(8,871,472.55)	

**ACTIVITY 11**

<b>CONTROL ITEM</b>	<b>DESCRIPTION</b>	<b>ANNUAL BUDGET</b>	<b>RELEASED</b>	<b>ACTUAL EXPENDITURE</b>	<b>VARIANCE</b>	<b>VARIANCE %</b>
00	CTA CHARGES	1,408,554.00	469,516.00	1,993,246.78	(1,523,730.78)	(324.53)
01	PERSONNEL COSTS	13,242,203.00	9,199,832.00	13,621,025.05	(4,421,193.05)	(48.06)
02	TRAVEL & COMMUNICATION	3,572,500.90	2,385,591.00	1,853,336.56	532,254.44	22.31
04	PROFESSIONAL & SPECIAL SERVICE	9,806,373.20	6,595,269.00	7,643,237.04	(1,047,968.04)	(15.89)
06	CONSUMABLES	363,360.00	205,696.00	138,313.50	67,382.50	32.76
07	DURABLES	-	2,236,974.00	1,601,257.00	635,717.00	28.42
<b>TOTAL</b>		28,392,991.10	21,092,878.00	26,850,415.93	(5,757,537.93)	

**ACTIVITY 12**

<b>CONTROL ITEM</b>	<b>DESCRIPTION</b>	<b>ANNUAL BUDGET</b>	<b>RELEASED</b>	<b>ACTUAL EXPENDITURE</b>	<b>VARIANCE</b>	<b>VARIANCE %</b>
00	CTA CHARGES	188,793.00	62,924.00	148,719.64	(85,795.64)	(136.35)
01	PERSONNEL COSTS	19,838,465.19	12,129,094.00	14,986,990.90	(2,857,896.90)	(23.56)
02	TRAVEL & COMMUNICATION	3,249,036.00	1,079,984.00	1,066,209.89	13,774.11	1.28
04	PROFESSIONAL & SPECIAL SERVICE	6,877,902.30	1,597,931.00	1,751,061.19	(153,130.19)	(9.58)

06	CONSUMABLES	222,457.00	14,114.00	-	14,114.00	100.00
<b>TOTAL</b>						

#### 8.4 COURTS PERFORMANCE – 01<sup>ST</sup> APRIL – 31<sup>ST</sup> DECEMBER 2018

<b>Name of Court</b>	<b>Registered Cases</b>	<b>B/F from the previous quarter</b>	<b>Completed Cases</b>	<b>Pending /Backlog Cases</b>
<b>Supreme Court</b>				
Civil Jurisdiction	95	17	90	22
Criminal Jurisdiction	18	4	13	9
<b>High Court</b>				
Civil Jurisdiction	1463	339	780	1022
Criminal Jurisdiction	283	19	166	136
<b>Appeals</b> from the Magistrates' Court	394	35	252	177
<b>Reviews</b> from the Magistrates' Court	774	50	200	594
<b>Industrial Court</b>	250	18	84	184
<b>Mbabane Magistracy</b>				
Civil Jurisdiction	1293	946	1441	798
Criminal Jurisdiction	2781	111	2357	535
<b>Manzini Magistracy</b>				
Civil Jurisdiction	2781	198	4726	1064
Criminal Jurisdiction	5122	864	3718	2268
<b>Lubombo Magistracy</b>				
Civil Jurisdiction	274	29	126	177

Criminal Jurisdiction	946	377	695	628
<b>Shiselweni Magistracy</b>				
Civil Jurisdiction	461	35	436	60
Criminal Jurisdiction	1970	175	1479	666
<b>Piggs Peak Magistracy</b>				
Civil Jurisdiction	142	-	142	-
Criminal Jurisdiction	654	108	624	138

## 8.5 HUMAN RESOURCES MANAGEMENT

The Department of human Resources provides human Resources Leadership to ensure a high performing Judiciary workforce. It provides strategic direction and advice related to the broader Government human resources policies and initiatives such as employee development and training, recruitment, pension benefits and organisational health. The Judiciary has a staff complement of 398 permanent employees.

## 8.6 ACHIEVEMENTS

During the period under review,

- Reduction of backlog of cases due to engagement of Judges on an acting basis;
- Repairing of recording systems in courts;
- Capacitation of the workforce as two Senior officers has obtained Masters Degrees;
- Conversion of 10 posts of Part-time Cleaners to Permanent posts.

## 8.7 CHALLENGES

- There is a shortage of staff - Following the Establishment Circular No.3 of 2018 wherein the vacant posts were frozen by Government the Judiciary has not been able to fill vacant posts as a result of promotions and resignations of officers. These are the vacant posts:
  - Assistant Human Resources Officer
  - 3 positions of Registrar 1
  - 3 positions of Assistant Registrar II
  - 6 Court Clerks/ Interpreter
  - 2 posts of Estate Examiners
  - 1 post of Cleaner in Pigs Peak

- There is a need for the creation of the post of Deputy Registrar of the Industrial Court, which is provided for by the Industrial Relations Act 2000 (as amended), as the volume of cases and administrative work has increased.
- The increase in the number of Judges and Magistrates requires an addition of complementary staff such as Assistant Registrars, Court Clerks, Personal Secretaries and Typists.
- The shortage of court rooms and office space at the High Court is another challenge faced by the Judiciary.



## **CHAPTER 9**

### **MASTER OF THE HIGH COURT**

#### **9.1 INTRODUCTION**

The Master of the High Court is a creature of statute and various Acts that regulate the duties and powers of the Master of the High Court. The office exists to supervise the winding up of estates, liquidation of Companies and also protects properties of deceased persons, minors, mentally challenged persons, absent persons, and insolvent estates.

#### **9.2 FUNCTIONS OF THE OFFICE**

The Master of the High Court guided by the Administration of Estates Act of 1902 and other pieces of legislation is responsible for;

- The Administration of estates of deceased and insolvent persons in accordance with the applicable statutory laws.
- The protection of the interest of minors and legally incapacitated persons.
- The protection and Administration of the funds of minors, contractually incapacitated, undermined and absent heirs, which has been paid into the Guardian's Fund.
- The supervision of the administration of Companies and close corporations in accordance with the relevant statutory laws.
- The safeguarding of all documentary material received by the Master in respect of estates, insolvencies, liquidations, trusts, etc.
- The processing of queries by executors, attorneys, beneficiaries and other interested parties.
- The appointment of impartial and capable persons as executors, trustees, curators and liquidators.

#### **9.3 IMPLEMENTED ACTIVITIES**

Below are the activities for the period under review.

##### **(a) Estates reported**



Increase

E 11,822,427.97

The increase in balance by E11, 822,427.97 (Eleven Million Eight Hundred and Twenty Two Thousand Four Hundred and Twenty Seven Emalangeneni Ninety Seven cents) to E183,692,683.97 (One Hundred and Eighty Three Thousand Six Hundred and Ninety Two Thousand Six Hundred and Eighty Three Emalangeneni Ninety Seven cents), is caused by an increase in receipts collected from Estates compared to payments made from the General Account made to beneficiaries.

(ii) Payments from the Treasury General Account No. 48/1201/61121

(a) Payments as at 1<sup>st</sup> April to 31<sup>st</sup> December 2018 E28, 943,718.03

The payments above have been made in respect of beneficiaries of estates using the Treasury General Account.

(iii) Master's fees collected on concluded estates:

Collection from 1<sup>st</sup> April to 31<sup>st</sup> December 2018 - E493, 538.76

## **9.4 ACHIEVEMENTS**

The office of the Master of the High Court continued with its mandate of supervising winding up of estates and has ensured the speedy issuance of letters of appointments.

## **9.5 CHALLENGES**

- Lack of an Electronic Documentation and Records Management System (EDRMS)/ Computerization for the office;
- Outdated pieces of legislation i.e. the Administration of Estates Act, Intestate Succession Act and others need to be reviewed for the office to operate efficiently.
- Shortage of personnel which hinders service delivery;
- Dilapidated Offices.

## **CHAPTER 10**

### **HIS MAJESTY'S CORRECTIONAL SERVICES**

#### **10.1 INTRODUCTION**

His Majesty's Correctional Services is a government department mandated by the Constitution of Eswatini, Act of 2005 as well as The Correctional Services Act of 2017.

#### **10.2 FUNCTIONS OF THE DEPARTMENT**

The department's responsibilities include but not limited to the following;

- Administration of sentences imposed by legal courts of the country;
- Safe containment of all persons committed to custody by the courts;
- Facilitating the administration of justice by the production of offenders to courts for trial;
- Rehabilitating and reformation of offenders through education, training and counselling;
- Promoting offender's opportunities for social reintegration through after care programme;
- Actively participating in National Security activities together with other security services; and
- Taking part in Royal Close Protection Unit

Currently the department has an average of 3400 inmates and 2609 officers in twelve (12) centres, the Correctional Staff College, and the Headquarters. The department budget is inadequate, to cater for daily operations cost saving projects were introduced such as the bakery unit, in house sewing of officers' and inmates' uniform, milling machine and the Trading Account which consist of the poultry, dairy, and the broiler production sections. The department has three farms, namely Big Bend, Matsapha, and Bhalekane Correctional farms.

Inmates undergo several programmes as a means to facilitate their rehabilitation and enhance their social reintegration. These programmes include formal and non-formal education, vocational skills, psychosocial, and farming.

### 10.3 BUDGET PERFORMANCE REPORT

Control Item	Estimated budget	Releases	Actual Expenditure	Variance E	Percentage (%)
00- CTA Charges	E19,339,880	E6,213,258	E22,430,643	-E16,217,385	-261%
01- Personnel Cost	E387,716,640	E288,246,540	E348,760,559	-E60,514,019	-21%
02- Communications & Travel	E2,302,547	E6,111,753	E7,375,205	-E1,263,452	-21%
03- Drugs	E1,802,556	E1,351,899	E331,883	E1,020,016	75%
04- Utility Services	E15,074,392	E14,804,848	E27,938,841	-E13,133,993	-89%
06- Consumables	E37,015,271	E15,846,387	E13,227,622	E2,618,765	17%

#### Explanatory notes:

##### 00 CTA Charges

A budget of E19, 339,880.00 was allocated to cater for CTA charges. The released amount was E6,213,258.00. The expenditure was E22,430,643.00 leaving a negative variance of –E16,217,385.00,(-261%) of the released budget. The reason for this over expenditure is that this item was insufficiently allocated funds whereas the scope of the department's responsibilities has increased.

##### 01 Personnel Costs

Personnel costs are allocated a budget of E387, 761,640.00. E288,246,540.00 was released and E348,760,559.00 was spent. The resultant over expenditure was - E60,514,019.00 (-21%). The reason for this over expenditure is that some funds were

reallocated from this item to boost item 022(external travel). This situation will be normalized as soon as the supplementary budget request is approved.

## **02 Travel and Communication**

Under this item, the allocated budget is E2,302,547.00 and E6,111,753.00 was released. The amount spent is E7,375,205.00. A variance of -E1,263,452.00 (-21%) of the released budget has been realized. The over expenditure was caused by the fact that this item was insufficiently allocated funds while there were more trips under this activity level. A supplementary budget has been requested.

## **03 Drugs and Medicine**

A budget of E1, 802,556.00 was allocated for this item. A sum of E1, 351, 899.00 was released and the actual expenditure was E331, 883.00. A variance of E1, 020,016.00 (75%) of the released budget has been realized. The under expenditure is caused by the fact that some of the requisitioned drugs are not available at the Central Medical Stores. Another factor is that the Ministry of Finance delayed to award the authority to commit funds.

## **04 Utility Services**

An amount of E15, 074,392.00 was budgeted for and E14, 804,848.00 was released. The actual expenditure was E27, 938,841.00 resulting to an over-expenditure of -E13, 133,993.00 (-89%) of the released budget. The reason for this over-expenditure is that this item was insufficiently allocated funds while outstanding bills from the previous year were paid this financial year. A supplementary budget has been requested.

## **06 Consumables**

An Estimated budget of E37,015,271.00 was allocated for this item. An amount of E15,846,387.00 was released and actual expenditure amounted to E13,227,622.00. A positive variance of E2,618,765.00 was realized, which is 17% of the released budget. The reason for the under expenditure being that the Ministry of Finance delayed in awarding authority to commit funds for the procurement of all consumables, thus grounding all our operations.

### 10.2.2 CAPITAL PROJECTS REPORT FOR 2018/19

Control Item	Estimated budget	Releases	Actual Expenditure	Variance E	Percentage (%)
<b>P315/99 – Rehabilitation of Prisons</b>	E5,000,000	E0.00	E0.00	E0.00	0%
<b>P338/99 - Irrigation of Infrastructure</b>	E3,000,000	E446,000	E226,876	E219,124	49%
<b>P441/99 - Digging of boreholes</b>	E1,500,000	Suspended	Suspended	Suspended	Suspended
<b>P312/99 – Improvement of prison Facilities</b>	E5,000,000	Suspended	Suspended	Suspended	Suspended
<b>P442/99 – Installation of water Hydrants</b>	E275,000	E275,000	E0,00	E275,000	100%
<b>P445/99 – Procurement of Park Homes</b>	E4,000,000	Suspended	Suspended	Suspended	Suspended
<b>P313/99 – Radio Communication System and Remote Remand</b>	Suspended	Suspended	Suspended	Suspended	Suspended

#### 10.2.2.1 PROJECT NUMBER AND TITLE: P315/99 – Rehabilitation of Prison

This project was allocated E5,000,000 and no funds were released because the department could not obtain authority to commit funds in the quarter under review.

#### **10.2.2.2 PROJECT NUMBER AND TITLE: P338/99 – IRRIGATION INFRASTRUCTURE FOR BIG BEND AND MATSAPHA CORRECTIONAL FARMS**

This project was allocated E3,000,000 whereas E446,000 was released, and E226,876 have been spent resulting to E219,124 (49%) under expenditure. The project is hampered by the ongoing heavy rains.

#### **10.2.2.3. PROJECT NUMBER AND TITLE: P441/99 DIGGING OF BOREHOLES**

This project was allocated E1,500,000. There was no activity since the project has been suspended.

#### **10.2.2.4 P312/99 – IMPROVEMENT OF PRISON FACILITIES**

The project was allocated E5,000,000. There was no activity since the project has been suspended.

#### **10.2.2.5 P442/99 – INSTALLATION OF WATER HYDRANTS**

The project was allocated E275,000. There was no activity since we obtain authority to commit funds from the Ministry of Finance very late. The tendering process is nearing completion.

#### **10.2.2.6 P445/99 – PROCUREMENT OF PARK HOMES**

The project was allocated E4,000,000. There was no activity since the project has been suspended.

#### **10.2.2.7 P313/99 – RADIO COMMUNICATION SYSTEM AND REMOTE REMAND**

This project was suspended.

### **10.4 ACHIEVEMENTS**

- The department successfully trained 173 offenders on trade.
- The department produced uniform valued at E304,642.00 (383 green safari, 36 khakhi safaris, and 100 green 2 piece)
- A total of 306 inmates received training on intensive farming practices
- A 50% self-sufficiency was achieved on vegetable production.
- There were no escapes in the period under review.
- The department was self-sufficiency in broilers, bread and dairy production.



## **10.5 CHALLENGES**

- Insufficient budget allocation on priority items such as uniform for both officers and inmates, utilities, CTA Charges, cleaning chemicals, and travel and communication.
- Unable to maintain our structures as P312/99 (minor Improvement to Prison Facilities) was suspended. Water and electricity bills are too high as a result of maintenance related leakages.
- Structures are old and dilapidated.
- Continued delay of acquiring authority to commit funds from the Ministry of Finance resulting to delays in procurement of consumables;
- Delays in printing of purchase orders and payment of suppliers by the Treasury Department.
- Delay in releasing funds by the Ministry of Finance hinders our operation.

## **SCHEDULE A - ACTS PASSED BY PARLIAMENT IN 2018**

<b><u>ACTS OF PARLIAMENT</u></b>	<b>Act No.</b>	<b>Gazette No.</b>
The Appropriation Act, 2018	1	61
The Supplementary Appropriation Act, 2018	2	62
The Public Service Act, 2018	5	37
Sectional Titles (Amend) Act, 2108	6	35
The University of Swaziland (Amend) Act, 2018	7	46
The Courts (Remote Participation) Act, 2018	8	83
The Election of Women Members to the House of Assembly Act, 2018	9	86
The Witness Protection Act, 2018	10	87
The Prevention of Organised Crime Act, 2018	11	88
The WBHO-AG Thomas Joint Venture (Rehabilitation and Upgrading of MR 16 (Lukhula-Big Bend) Road and MR7 (Lonhlupheko- Siteki) Road Public-Private Partnership Act, 2018	13	90
The Probase Eswatini (Upgrading of Unpaved Roads) Loan Act, 2018	14	91
The Criminal Procedure and Evidence (Amendment) Act, 2018	12	92
The African Development Bank of Credit Loan Guarantee (Swaziland Development Finance Corporation) Act, 2018	21	107
The European Investment Bank Loan (Lower Usuthu Smallholder Irrigation Project "LusipII") Act, 2018	20	108
The Persons with Disabilities Act, 2018	16	109
The Sexual Offences and Domestic Violence Act, 2018	15	111
The Dairy (Amendment) Act, 2018	17	112
The Eswatini Intellectual Property Tribunal Act, 2018	18	113
The Patents Act, 2018	19	114
The Police Service Act, 2018	22	116

The Eswatini National Agricultural Research Authority Act, 2018	23	136
The Eswatini Electricity Company Guarantee (Lower Maguduza Hydro Power-Scheme) Act, 2018	24	149

## **BILLS**

	<b>Bill No.</b>	<b>Gazette No.</b>
The Appropriation Bill, 2018	1	23
The Supplementary Appropriation Bill, 2018	3	24
Finance Bill, 2018	4	25
The Election of Women Members to the House of Assembly Bill, 2018	2	27
The Swaziland Competition Bill, 2018	5	71
The Eswatini National Pension Fund Bill, 2018	6	81
The African Development Bank of Credit Loan Guarantee (Swaziland Development Finance Corporation) Bill, 2018	7	84
The European Investment Bank Loan (Lower Usuthu Smallholder Irrigation Project "Lusip II") Bill, 2018	8	85
The Eswatini National Pension Fund Bill, 2018	9	136

## **PENDING BILLS**

1. The Alcohol and Tobacco levy Bill, 2016
2. The Plant Health Bill, 2017
3. The Eswatini Electricity Guarantee Bill, 2017
4. The Farm Dwellers (Amendment) Bill, 2017
5. The Bio Safety Amendment Bill, 2017
6. The Data Protection Bill, 2017
7. The Computer and Cyber Crime Bill, 2017
8. The Electronic Communication and Transactional Bill, 2017
9. The Finance Bill, 2018
10. The Eswatini Competition Bill, 2016
11. The Gaming Control Bill, 2015
12. The Trade Marks Bill, 2015

13. The leadership Code of Conduct Bill, 2015
14. The Citizens Economic Empowerment Bill, 2015
15. The Workman Compensation (Amendment Bill) 2015
16. The Revenue Appeals Tribunal, 2015
17. The Crime Prevention Bill, 2015
18. The Council of Educators Bill, 2016
19. The Eswatini Revenue Authority (Amendment) Bill, 2016
20. The Eswatini Community Development Agency Bill, 2016
21. The Copy write Amendment Bill, 2018
22. The World Bank (Eswatini) Private Sector Competitiveness Project Loan Bill, 2016
23. The Fair Trading and Consumer Bill, 2017
24. The Fair Trading Consumer Regulations, 2017
25. The Eswatini National Trust Commission (Amendment Bill), 2015
26. The International Trade Administration Bill, 2016
27. The Archives Bill, 2015
28. The National Food and Nutrition Bill, 2016
29. The Online Regulations, 2015
30. The Swazi National Land Commercialization Bill, 2016
31. The Swaziland Telecommunications Corporation Bill, 2017
32. The Infrastructure Corporation Bill, 2016
33. The Eswatini Postal Corporation Bill, 2016
34. The Small Claims Court Bill, 2016
35. The Fire and Rescue Services Bill, 2017
36. The Cooperative Societies (Amendment) Bill, 2017
37. The Electronics Communications (Amendment) Bill, 2018
38. The Teaching Services Commission Bill, 2017