



SWAZILAND

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

Following the promulgation of the Constitution of the Kingdom of Swaziland, including a Bill of Rights, in 2005, the onus is now on the Swazi Government to create an enabling environment within which all citizens can fully enjoy the inalienable human rights of the constitutional dispensation. From a media perspective, this involves reforming a battery of 32 media-restrictive laws which a 2003 Media Law Audit found to be inconsistent with the Constitution. This also involves enacting new media laws to easily and faultlessly implement the provisions of the supreme law of the land.

In accordance with Chapter 3 of the Constitution, which provides for the Protection and Promotion of Fundamental Rights and Freedoms, the then Ministry of Public Service and Information, (now the Ministry of Information, Communications and Technology) went on to formulate an Information and Media Policy aimed at eradicating information poverty within the estimated 1.2 million Swazi population. Only a free flow of information enables citizens to make informed choices and decisions about critical social, economic, political and cultural development issues.

Following the introduction of the 2005 Information and Media Policy, another important legislative development occurred aimed at easing access to public information- information in the custody of public officials who often withhold it, forgetting they hold such information on behalf of the public. To this end, the then Ministry of Public Service and Information crafted six media bills. One of them was the 2007 Freedom of Information and Protection of Privacy Bill which sought to foster openness and transparency through access to information. It was well received by media practitioners.

However, ten years down the line, accessing public information remains extremely difficult in the Kingdom. Worse still, the 2007 Freedom of Information and Protection of Privacy Bill is collecting dust on the shelves in an office in the ICT Ministry. There seems to be no political will whatsoever to promulgate a freedom of information legislation even before the dissolution of Parliament¹ in the build up to the 2018 Elections.

Swazi citizens continue to be deprived of critical information through the lack of a right to access public information. This state of affairs is in gross violation of Article 24 of the Constitution which states that a person has the 'freedom to receive ideas and information'. MISA Swaziland has mounted an access to information campaign in a strong bid to push for the passage of the Freedom of Information and Protection of Privacy Bill into law.

RATIONALE AND RESEARCH PARAMETERS

The aim of this particular study is to evaluate the openness and transparency of Swazi public institutions since the adoption of

the Constitution in 2005. It is hoped that this will support an on-going access to information campaign which MISA Swaziland has embarked upon for the last three years.

Its findings are expected to convince the lawmakers to enact the Freedom of Information and Protection of Privacy Law, which allows access to public information. Conducted between July and August 2017, this study focused on four ministries and four public companies in the Kingdom.

The following public institutions were surveyed:

1. Ministry of Home Affairs
2. Ministry of Information, Communications and Technology
3. Ministry of Justice and Constitutional Affairs
4. Ministry of Tourism and Environmental Affairs
5. Small Enterprises Development Company
6. Swaziland Energy Regulatory Authority
7. Swaziland Railway
8. Swaziland Tourism Authority

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All four ministry websites surveyed are hosted by the government website (gov.sz) and the only distinguishing factor is the set of pictures shown in the upper section.
- Of the eight institutions surveyed, only three public institutions have social media pages such as Facebook and Twitter.
- Of the eight websites surveyed, only one had a professional organisational structure (Swaziland Railway).
- All the eight websites did not feature their budgets; their budgets are found in the National Budget.
- Only the Swaziland Tourism Authority's website did not focus on its internal operations but served as a marketing tool.

Category 2: Requests for information

- Of the eight surveyed public institutions, only three managed to answer the information requests which were hand delivered.
- Two ministries and one public institution provided answers to the questions.
- Despite re-submitting the request for information to Swaziland Railway upon request, the institution failed to answer the questions.
- None of the eight public institutions acknowledged receipt of the information requests.
- When called three times, five public institutions promised to give answers to the questions at a later stage but claimed to be busy with other things in the meantime. All of these institutions failed to provide answers to the requests for information.

¹ The King dissolves the Parliament prior to the parliamentary elections held every 5 years.

DETAILED FINDINGS

1. Ministry of Home Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=220&Itemid=95

Like most ministry websites hosted by the main government website, the Ministry of Home Affairs' website is up-to-date in as far as information on its operations is concerned. But the section of news and events is not frequently updated.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Its news and events section has stale news.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	Administrative details not available on website
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?			•	
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Opening hours of border posts made available
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	No email address provided

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Home Affairs:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. Who are eligible for Swazi identity cards and diplomatic passports?
5. What is the Ministry doing to ensure that there is no more shortage of passports?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?		•		
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		

n = 20	Yes	No	Partial	Additional Information
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 0/20

2. Ministry of Information, Communications and Technology

CATEGORY 1: WEBSITE

[http://www.gov.sz/index.php?option=com_content&view=article&id=213 &Itemid=303](http://www.gov.sz/index.php?option=com_content&view=article&id=213&Itemid=303)

Linked to the government website, the website of the Ministry of Information, Communications and Technology has, to a certain extent, up-to-date information on its operations. Worth noting is the updated information on the appointment of the Acting Principal Secretary. However, the major let down for this Ministry, which is responsible for ICT, is that the news and events section is not updated and its latest story is from 2014 but still has old stories dating back to 2014.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	News & events section had stale news
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?			•	Information on where one can find the appropriate Acts
c) Reports, policies, programmes?	•			
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not available
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Information, Communications and Technology:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. Following the public outcry about poor standards of journalism, what is the Ministry really doing to address this problem?
5. What are benefits of having a Royal Technology Park in the country?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			The Communications Officer
2. Did the institution reply within 21 days?		•		

n = 20	Yes	No	Partial	Additional Information
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

3. Ministry of Justice and Constitutional Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=337&Itemid=323

The website of the Ministry of Justice and Constitutional Affairs is up-to-date and covers each department and its functions. However, unlike other sites, the website does not have a news and events section.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	No news or events section
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?		•		
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not available
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Justice and Constitutional Affairs:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. What makes it difficult for the legal fraternity to take some cases of the indigent on a pro bono basis?
5. Prohibitive legal costs continue to deny the poor access to justice. Who regulates legal fees?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			The Communications Officer
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 12/20

4. Ministry of Tourism and Environmental Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=257&Itemid=207

The website of the Ministry of Tourism and Environmental Affairs has up-to-date information on its operations. But it does not have the contact numbers and email address of the incumbent Minister.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	No news or events section
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?			•	
c) Reports, policies, programmes?		•		
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not available
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Tourism and Environmental Affairs:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. What is the Ministry doing to ensure that rural communities understand the effects of climate change?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?		•		
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 10/20

5. Small Enterprises Development Company

CATEGORY 1: WEBSITE

<http://www.sedco.bz>

The Small Enterprises Development Company's website has very up-to-date information and a section of the latest news. It also has a social media account, Facebook, as well as a map to guide its customers to its location.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			News and events updates
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?			•	
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not available
h) The contact details of specific public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Small Enterprises Development Company:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between SEDCO and media?
4. What is SEDCO doing to promote entrepreneurship nationwide?
5. What is SEDCO doing to encourage small and medium enterprises to graduate to the level of big business?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?		•		
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 0/20

6. Swaziland Energy Regulatory Authority

CATEGORY 1: WEBSITE

<http://www.sera.org.sz/index.php/licensing-and-compliance>

The Swaziland Energy Regulatory Authority's website is not only attractive with its flashing slides, but it is also the most informative with its up-to-date information detailing its operations. In terms of social media sites, it has both Facebook and Twitter. It also has an electronic form for enquiries.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?			•	
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?	•			
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?			•	Working hours not mentioned

n = 20	Yes	No	Partial	Additional Information
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Energy Regulatory Authority:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between SERA and media?
4. What can be done to bring down the high tariffs in order to make electricity more affordable for the poor?
5. What is SERA doing to ensure that Swaziland abides by the Paris Agreement, by not generating power from coal?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?		•		
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 0/20

7. Swaziland Railway

CATEGORY 1: WEBSITE

<http://www.swazirail.co.sz>

The Swaziland Railway website is up-to-date and informative; it contains relevant and comprehensive information, however, it does not display its budget. Its news and events section has the latest news and press releases; the latest dated July 2017. It also has social media pages on Facebook and Twitter.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?	•			

n = 20	Yes	No	Partial	Additional Information
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?	•			
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?			•	
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Railway:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Swaziland Railway and media?
4. What is the Swaziland Railway doing to reduce the number of railway accidents?
5. Why is it taking longer than expected to start building the rail link between Swaziland and South Africa?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?		•		
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 0/20

8. Swaziland Tourism Authority

CATEGORY 1: WEBSITE

<http://www.thekingdomofswaziland.com>

The Swaziland Tourism Authority's website does not provide any information on its internal operations but serves as the marketing tool of the organisation. It has up-to-date information on tourism in the Kingdom targeting tourists. It is also the only website that has a blog.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Yes; it is the only website surveyed that had a blog.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?		•		
d) Budget and expenditure?			•	Budget is available in the National Budget
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?		•		
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Tourism Authority:

- How often is your website updated?
- Who is in charge of your website?
- How would you describe the relationship between STA and media?
- What is being done to help the communities provide limited accommodation facilities to meet the demand from the ever increasing number of tourists?
- What measures are being put in place by the STA to ensure that the enforcement of the law against drunk-driving does not kill the tourism industry?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?	•			
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 14/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
Ministry of Home Affairs	8	0	8
Ministry of Information, Communications and Technology	11	2	13
Ministry of Justice and Constitutional Affairs	8	12	20
Ministry of Tourism and Environmental Affairs	9	10	19
Small Enterprises Development Company	9	0	9
Swaziland Energy Regulatory Authority	16	0	16
Swaziland Railway	14	0	14
Swaziland Tourism Authority	7	14	21

RESEARCH CONCLUSIONS

Results of this 2017 study are little different from those of the previous years. There is still a lot of reluctance from officials responsible for providing public information to both members of the public and media practitioners. Worse still, there are no clear lines of communication in most of these public institutions. Government ministries have hired information or communication officers but these public officers are paid for doing little in terms of providing information; they do not have the authority to respond to the queries brought to them. Only the Principal Secretaries in the government ministries are authorised to respond to the questions directed at the ministries. Unfortunately, these people seem to have no time for information seekers as they always claim to be busy with national duties.

Information on the officials designated to liaise with the public and the media is not even communicated through the websites. The situation is the same in public institutions—they do not have officials designated to provide information to information seekers.

It takes a lot of perseverance and time to get public information from public institutions. All this underscores the urgent need for the promulgation of the Freedom of Information and Protection of Privacy Bill which is going to encourage public institutions to timeously release information to the public and media.

THE MOST SECRETIVE PUBLIC INSTITUTION IN SWAZILAND

Of the eight public institutions that were assessed and evaluated for this particular study, the poorest performing institution and hence the winner of the 2017 Golden Padlock Award for the most secretive public institution in Swaziland is the **Ministry of Home Affairs**.

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

The best performing institution and winner of the 2017 Golden Key Award for the most open public institution in Swaziland is the **Swaziland Tourism Authority**.

RECOMMENDATIONS

The study results underscore the need for easing access to public information. It is high time that public institutions go an extra mile and prioritise information dissemination to the public and through the media. Government ministries should give the information and communication officers the authority to communicate information to the public and media because access to information is key to social, economic, political and cultural development.

There should be a reasonable turnaround time for answering questions considering the public need for information to make informed decisions on issues affecting their lives, while the media has deadlines to meet. Ministries should be allowed to have independent websites and social media pages which they can update in-house. Names and contact details of the officials occupying the position of public relations officers should be provided on the website to facilitate contact.