SWAZILAND

2016 Report on Open & Secretive
Public Institutions in Swaziland

INTRODUCTION

Understanding that access to information (ATI) and economic development are inter-twined, the Swaziland government has put in place three legal instruments that promote the free-flow of information. Adopted in 2005, the Constitution provides for freedom of expression, the press and other media. The Information and Media Policy of 2005 also requires the media to eradicate information poverty through the provision of information. Meanwhile, the National Development Strategy (NDS) of 1999, popularly known as Vision 22, locates information at the heart of sustainable socio-economic development, social justice and political stability.

In an attempt to realise the dream of free-flow of information, the then Ministry of Public Service and Information crafted the Freedom of Information and Protection of Privacy Draft Bill in 2007. It provides for access to information held by the public and private bodies. However, the process of passing it into law has taken much longer than expected. Presently, there is no freestanding law for accessing public information in the hands of public and private bodies. Worse still, public officials have secrecy obligations under the Official Secrets Act of 1968. This outdated law is inconsistent with the Constitution that provides for freedom of expression, making it even more difficult for citizens to access information held by public institutions.

Swaziland needs to accelerate the process of passing the Freedom of Information and Protection of Privacy Draft Bill of 2007 into law, after review and consultation with stakeholders. Essentially, information is needed to make decisions – on individual matters, on community issues and matters of state. Media experts warn that openness, transparency and accountability will remain empty promises if access to information is not guaranteed. Christel and Hendrik Bussiek (2004) argue that custodians of public information must know that they hold it on behalf of the citizens. They should, therefore, avoid withholding information from them. The more information citizens have, the more their motivation for change will spur on development.

RATIONALE AND RESEARCH PARAMETERS

The main aim of this study is to assess the level of openness and transparency of public institutions in the country in support of the ongoing Access to Information (ATI) campaign of the Media Institute of Southern Africa (MISA) - Swaziland Chapter (MISA Swaziland). The expected outcome from this ATI campaign is the enactment of an ATI legislation. This study involves eight public institutions drawn from government ministries and public bodies. It was conducted for a period spanning one month between July and August 2016.

The following public institutions were surveyed:

1. Ministry of Commerce, Industry and Trade
2. Ministry of Health
3. Ministry of Housing and Urban Development
4. Ministry of Labour and social Security
5. Central Statistics Office
6. Financial Services Regulatory Authority
7. Swaziland Communications Commission
8. Swaziland Royal Insurance Corporation

SUMMARY OF KEY FINDINGS

Category 1: Website analysis
- All the eight public institutions surveyed are accessible online, but ministries and government departments do not have separate websites as theirs are all linked to the national government website (gov.sz.).
- Five of the eight public institution websites surveyed, particularly those belonging to the government ministries and department (namely: the Ministries of Commerce, Industry and Trade; Health; Housing and Urban Development; Labour and Social Security; and the Central Statistics Office) rely on the national government website (gov.sz).
- The websites for the government ministries and department were not updated frequently and did not have other relevant information on news and events. For example, of the ministries' websites that actually had a "news" and/or "events" section, only the Ministry of Housing and Urban Development had information, whereas the Ministry of Commerce, Industry and Trade did not even have a news section.
- All the websites of the three public institutions (Financial Services Regulatory Authority, Swaziland Communications Commission and Swaziland Royal Insurance Corporation) contained recent information.
- Compared to public company websites, most of the websites of government ministries and departments performed poorly.

Category 2: Requests for information
- All the eight public institutions failed to respond within seven days to the questionnaires delivered.
- Other public institutions asked the researcher to re-send the questionnaires because they had misplaced them.
- All of the eight public institutions had to be reminded more than three times before they would provide responses electronically.
- Most of the public officials who were supposed to give responses claimed to be busy with other assignments and did not have time to respond to the questionnaires.

DETAILED FINDINGS

1. Ministry of Commerce, Industry and Trade

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&view=article&id=228&Itemid=306

The website does not have up-to-date information; it does not contain information on what the Ministry does on a daily basis. It also says nothing about news and events.

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?			●	Does not have the organisational structure.
b) A list of laws, Acts etc. issued within the scope of its powers?	●			
c) Reports, policies, programmes?		●		
d) Budget and expenditure?		●		
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 are not indicated on the website.
h) The contact details of specific public officials?	●			Minister, Principal Secretary & Under-Secretary
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 Ministry of Commerce, Industry and Trade:
1. Do you have a communication strategy as a Ministry?
2. Does your Ministry have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Ministry doing to ensure that Swaziland become the number one destination for foreign investors in the SADC Region?
6. What is the Ministry doing to promote consumers' rights in the country?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	●			Information 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. Did the institution provide written reasons for the refusal of information?	●			
7. Did the institution disclose information about its operations, budgets, structure etc.		●		

n = 20	Yes	No	Partial	Additional Information
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

2. Ministry of Health

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=267&Itemid=403

The website is up-to-date as it contains more information on the operations, programmes and achievements. It has a section dedicated to news and events.

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?		•		
e) Information about procurement procedures, signed contracts?			•	No information on 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: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Health:
1. Do you have a communication strategy as a Ministry?
2. Does your Ministry have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. Due to shortages in the government hospitals and clinics, sick people get some of their prescribed medication from pharmacies. What is the Ministry doing to overcome this health challenge?
6. What strategies does the Ministry have in place to deal with the long queues in the hospitals and clinics?

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

n = 20	Yes	No	Partial	Additional Information
4. Does the authority publish their procedures for dealing with information requests?		●		
5. Did the institution provide all of the information requested?	●			
6. Did 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

3. Ministry of Housing and Urban Development

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=274&Itemid=429

The website contains up-to-date information and also has news and events which makes it more informative.

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?			●	Not all the information is available.
b) A list of laws, Acts etc. issued within the scope of its powers?	●			
c) Reports, policies, programmes?			●	Not all the information is available.
d) Budget and expenditure?		●		
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.
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 Housing and Urban Development:

1. Do you have a communication strategy as a Ministry?
2. Does your Ministry have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Ministry doing to ensure that the elderly or pensioners do not lose their homes due to their inability to pay rates?
6. The Malkerns Valley is known for its arable land in the country but it is now turned into a town; what is the criterion used by the Ministry for designating a farmland to a town?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	●			Principal Secretary
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. Did 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 Labour and Social Security

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=242&Itemid=311

The website does not contain up-to-date information and it does not have a news and events section.

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?			●	Policies and programmes.
d) Budget and expenditure?		●		
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.
h) The contact details of specific public officials?	●			Minister, Principal Secretary & Under-Secretary
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 Ministry of Labour and Social Security:

1. Do you have a communication strategy as a Ministry?
2. Does your office have a website?
3. If so, how often is your website updated? Who is in charge of your website?

4. How would you describe the relationship between the Ministry and media?
5. How does the Ministry ensure that the Human Resources Development Plan addresses the needs of the labour market in the country?
6. What is the Ministry doing to ensure that all employers abide with the Industrial Relations Act so that all workers can enjoy their right to freedom of association in the workplace?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	●			Principal Secretary
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. Did 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

5. Central Statistics Office

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&view=article&id=687:central-Statistics-office

The website contains up-to-date information but its design and layout do not look very professional.

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?		●		
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.
h) The contact details of specific public officials?	●			Director
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 Central Statistics Office:

1. Do you have a communication strategy as a Central Statistics Office?
2. Does your office have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Central Statistics Office doing to ensure that Swazi citizens understand the effects of inflation on their purses?
6. Why doesn't the Central Statistics Office conduct a survey of the people's perceptions of Tinkhundla political system?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	●			Information 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. Did the institution provide written reasons for the refusal of information?	●			
7. Did the institution disclose information about its operations, budgets, structure etc.			●	Did not mention budget information.
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: 11/20

6. Financial Services Regulatory Authority

CATEGORY 1: WEBSITE
http://www.rirf.co.sz/2/index.php?option=com_content&view=article&id=35&Itemid=38

The Financial Services Regulatory Authority website contains up-to-date information and is informative with relevant information.

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?			●	No information on the organisational structure.
b) A list of laws, Acts etc. issued within the scope of its powers?	●			
c) Reports, policies, programmes?	●			
d) Budget and expenditure?		●		
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.
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: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Financial Services Regulatory Authority:

1. Do you have a communication strategy as FSRA?
2. Does the FSRA have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the FSRA doing to ensure that Swazis are protected from fly-by-night financial services schemes?
6. How does the FSRA help Swazi citizens recover their hard-earned monies invested in dubious financial services institutions?

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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	No budget information and structure.
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: 11/20

7. Swaziland Communications Commission

CATEGORY 1: WEBSITE
http://www.sccom.org.sz

The website contains up-to-date information and is more informative and professionally designed.

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?		•		
e) Information about procurement procedures, signed contracts?			•	No information on signed contracts.
f) Vacancy and employment procedures?			•	No information on employment procedures.
g) The address, telephone number, and working hours of the institution?			•	Working hours not mentioned.
h) The contact details of specific public officials?		•		

n = 20	Yes	No	Partial	Additional Information
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Communications Commission:

1. Do you have a communication strategy as SCCOM?
2. Does SCCOM have a website?
3. If so, how often is your SCCOM website updated? Who is in charge of your website?
4. How would you describe the relationship between the SCCOM and media?
5. What is SCCOM doing to ensure that the digital migration does not have any glitches?
6. What is SCCOM going to do to ensure that both radio and television stations broadcast quality programmes with local content?

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. Did the institution provide written reasons for the refusal of information?	●			
7. Did the institution disclose information about its operations, budgets, structure etc.			●	No budget information.
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: 15/20

8. Swaziland Royal Insurance Corporation

CATEGORY 1: WEBSITE
http://www.sric.sz

The website contains up-to-date information and is informative with relevant information.

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?		●		
e) Information about procurement procedures, signed contracts?		●		

n = 20	Yes	No	Partial	Additional Information
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not mentioned.
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 Swaziland Communications Commission:

1. Do you have a communication strategy as SRIC?
2. Does SRIC have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the SRIC and media?
5. What is the SRIC doing to encourage government to insure its fleet of motor vehicles?
6. Does the SRIC have an insurance cover for people living with HIV? If not, why?

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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	No budget information.
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: 15/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
Ministry of Commerce, Industry and Trade	8	12	20
Ministry of Health	12	12	24
Ministry of Housing and Urban Development	11	12	23
Ministry of Labour and Social Security	8	12	20
Central Statistics Office	7	11	18
Financial Services Regulatory Authority	10	11	21
Swaziland Communications Commission	13	15	28
Swaziland Royal Insurance Corporation	11	15	26

RESEARCH CONCLUSIONS

Section 79 of the 2005 Constitution of the Kingdom of Swaziland describes Swaziland as a *tinkhundla*-based[1] participatory democracy. Only Swazi citizens who have access to information can actively participate in national development. The government, through the Ministry of Information, Communication and Technology (MICT), should table with a certificate of urgency, an amended Freedom of Information and Protection of Privacy Bill in Parliament. There is a strong need for this legislation to ensure that citizens can access information, which is a catalyst for development.

It is commendable and promising that all the institutions have provided some kind of response to the information requests. It has to be pointed out however, that thorough follow up and perseverance was necessary, reminding all the institutions several times to provide the information requested. Government ministries and public institutions still prefer withholding public information rather than releasing it to the media and citizens. Bureaucracy still reigns supreme in all the public institutions where only the most senior officials are entrusted with the responsibility of disseminating information. The senior officials in both the government and parastatals do not understand that they hold public information on behalf of the public, which should therefore be released when requested to do so by the media and citizens. Regrettably, even where there are information officers, the senior officials have arrogated the role of disseminating information to themselves. This high level of secrecy and lack of openness is attributed to the Official Secrets Act of 1968. Being incompatible with freedom of information, there is an urgent need for Swaziland to repeal it in order to promote freedom of information.

1 *"The system of government for Swaziland is a democratic, participatory, tinkhundla-based system which emphasizes devolution of state power from central government to tinkhundla areas and individual merit as a basis for election or appointment to public office".* (Section 79 of the 2005 Constitution of the Kingdom of Swaziland)

THE MOST SECRETIVE PUBLIC INSTITUTION IN SWAZILAND

Out of the eight public institutions that were assessed and evaluated for this particular study, the poorest performing institution and hence the winner of the 2016 Golden Padlock Award for the Most Secretive Public Institution in Swaziland is the **Central Statistics Office.**

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

The best performing institution and winner of the 2016 Golden Key Award for the Most Open Public Institution in Swaziland is the **Swaziland Communications Commission.**

RECOMMENDATIONS

First and foremost, Swaziland should adopt a Freedom of Information Bill which provides for access to information, openness, transparency and accountability after fully engaging with all stakeholders and incorporating suggestions made. The Official Secrets Act of 1968 should be repealed because it curtails freedom of information. All the public institutions should appoint information officers or public relations officers to disseminate information. Government ministries and departments should be allowed to set up websites independent from the national government site so that they are able to update them frequently.