SWAZILAND

2014 REPORT ON THE MOST OPEN AND SECRETIVE

GOVERNMENT INSTITUTIONS IN SWAZILAND

INTRODUCTION

The kingdom of Swaziland adopted its current Constitution in 2005. The Constitution recognises the critical role openness and access to public information play in building a transparent and accountable government. Section 24(2)(b) provides: "A person shall not, except with the free consent of that person, be hindered in the enjoyment of right of freedom of expression, which includes the freedom of the press and other media, that is to say ... freedom to receive ideas and information without interference". Presently, there is no legislation that allows access to public information in the country, apart from the Constitutional provision above. There is however, a policy on information and media (the Information and Media Policy) that aims to promote public access to information held by public institutions.

RATIONALE AND RESEARCH PARAMETERS

Access to information is a fundamental human right that under-pins all other rights.

MISA Swaziland selected the following government and public institutions for the study:
1. Ministry of Public Works and Transport
2. Swaziland Competitions Commission
3. Ministry of Tinkhundla Administration and Development
4. Smart Partnership Secretariat
5. Ministry of Education and Training
6. National Emergency Relief Council on HIV and AIDS (NERCHA)
7. Elections and Boundaries Commission (EBC)
8. Commission for Human Rights and Public Administration Integrity

AIM OF THE STUDY

The aim of the study is to assess the level of transparency in government and public institutions in the country to support MISA Swaziland's campaign, which is focused on the enactment of access to information legislation, with verifiable evidence.

OBJECTIVES OF THE STUDY

- To assess the level of transparency in government and public institutions against international and regional standards and principles on access to information.
- To influence the adoption of practices, laws and a culture that promotes openness in government and public institutions.
- To inform MISA and civil society campaigns on access to information.
- To encourage citizens to exercise their right to access public information in order to enhance their development.

RESEARCH METHODOLOGY

The research adopts qualitative and quantitative methods of data collection, and seeks to evaluate the level of public access to information held by government and public institutions. Each MISA Chapter conducts research by evaluating the websites of government and public institutions along with submitting oral and written requests for information. This method seeks to establish the transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the access and presence of credible and updated public information, which includes but is not limited to: powers and functions of the institution in question; vacancy and budgetary allocations; procurement procedures and contact details and reports.

Category 2: This category was divided into two sections, namely written questionnaires and oral requests for information. These instruments were adopted to determine the ease with which public information is obtained from government and public institutions.

Description of Assessment Criteria
The total number of points allocated to categories 1 and 2 is 20 points (n = 20) each. Points are awarded based on the researcher's answer: Yes (2 points); Partial (1 point); No (0 points). Government ministries and institutions fell into one of the following groups in accordance with the number of points that they received.

Category 1: Website Analysis
Group 1: (0 – 6) Absence of a website or an extremely poor website containing no or almost no relevant public information.
Group 2: (7 – 13) Average website containing some relevant public information.
Group 3: (14 – 20) Well organised, transparent website providing a good amount of relevant public information.

Category 2: Written Request/Oral Request
Group 1: (0 – 6) Denied access to reasonable information request or acted with high levels of secrecy.
Group 2: (7 – 13) Displayed an average level of openness in allowing access to public information.
Group 3: (14 – 20) Displayed openness in allowing access to public information. Institution was helpful and transparent.

Limitations of the Study
The researcher made it clear in their requests for information that they were enquiring on behalf of MISA Swaziland. It should be noted that this may have had an impact on how the institutions' responded, especially since it is highly likely they are aware that this study is conducted every year and therefore the true purpose of the enquiries. The institutions' responses may have been different if an unaffiliated individual had made the enquiries.

SUMMARY OF KEY FINDINGS

Category 1: Website Analysis

- All eight institutions had some internet-accessibility, especially the government parastatals. However, government ministries do not have independent websites but are part of the national government website.
- The website of the Elections and Boundaries Commission contained the least practical information.
- The websites of four institutions were not updated (Ministry of Education, Elections and Boundaries Commission, Human Rights Commission and Ministry of Education); two were partially updated (Smart Partnership Secretariat and Ministry of Public Works and Transport); and only two were updated on a regular basis (Swaziland Competition Commission and NERCHA).
- The website of NERCHA ranked best of all the evaluated institutions as it contained the most recent information and is updated weekly. Also, this website is linked to social media platforms which are constantly updated.

Category 2: Request for Written and Oral Information

- All ministries and departments selected by MISA Swaziland for the study were given questionnaires.
- Of the eight institutions requested to return written responses only five – NERCHA, Swaziland Competition Commission, Smart Partnership Secretariat, the Human Rights Commission and EBC – provided responses.
- Three institutions (the Ministry of Tinkhundla, Ministry of Education and Ministry of Public Works and Transport) requested to be given another set of questions as they had misplaced the initial questionnaires. A questionnaire was sent via email to the Ministry of Tinkhundla and the others were hand-delivered to the institutions. Of note is that in six of the participating institutions, all questions were referred to the most senior officers, totally disregarding the role of information officers
- The Ministry of Tinkhundla and the Ministry of Education ranked the worst, as they did not respond to the requests, due to their highly bureaucratic environment. These institutions required that the most senior officer deal with the requests, and such officers were usually tied up in meetings, hence they could not provide the information requested.

DETAILED FINDINGS

1. Ministry of Public Works and Transport

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&view=article&id=237&Itemid=310

The official Swaziland national government website is the only website for all government ministries and departments. The website contains minimal information and is outdated. The information contained on the page covers three departments (buildings, roads and road transportation). However this information is too basic to enable one to understand the current activities and structure of the ministry. The only available information related to the Ministry and Public Works and Transport is the programs of the ministry and contact information for the various departments. Information regarding the budget of the institution is obtainable from the national budget, which is found on the homepage of the government website. This website is not user friendly as it does not have links that assist users in obtaining other relevant information which may not be contained on the page of the ministry. For example, there is no link to the national budget.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	The page is outdated
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?	•			Information includes organisational structure, functions and responsibilities of the ministry's departments
b) A list of laws, Acts etc. issued within the scope of its powers?	•			These are listed but not obtainable within the same page, and there are no links to the websites where these can be viewed
c) Reports, policies, programs?			•	Although there are no reports, policies and programs are outlined
d) Budget and expenditure?			•	This is not available on the ministry's page but can be found on the homepage
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The name and address, telephone number, and the working hours of the respective institution?			•	Working hours are not mentioned
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Telephone numbers and facsimile

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Ministry of Public Works:
1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. With the reported increase in crashes on the roads, what measures has the ministry put in to place to make the roads safer for drivers and pedestrians?
5. What steps is the ministry taking to make public transport safer and cheaper for customers?
6. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		**Communications Officer**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	**After 5 days**
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		●	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
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?		●	**When a follow-up was made, it was discovered that the ministry had misplaced the request**
10. Was the information received clear and understandable?		●	**No information was received**

Total Score: 2/20

Part 2: Request for oral information

Please note that there was no opportunity for an oral information session because the official was consistently unavailable.

Oral questions that would have been asked had the opportunity been given:
1. What is the annual budget for the ministry?
2. Does the ministry have plans to update its website?
3. Does the ministry have a policy on how the public can access information?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		**There is a Communications Officer, however all information requests are directed to the Principal Secretary (PS)**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	**There was no response within this period**
3. Did the institution respond to your oral request for information?		●	**They promised to make time for an interview, however this did not happen**
4. Did the person dealing with your request have a friendly and helpful attitude?	●		**The official promised to attend to the request but never did**
5. Did officials provide reasonable advice and assistance when seeking information?		●	**The personal secretary to the PS assisted in reminding the PS about the request and made appointments**
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)		●	**The written request and oral interview could not be done as the official was always busy**
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	**There was no explanation. The ministry kept promising to attend to the request**
8. Did the institution disclose information about its operations, budgets, structure etc.		●	**There was no opportunity for this**
9. Did the institution acknowledge your request for information within 7 days?		●	
10. Was the information received clear and understandable?		●	**No response**

Total Score: 4/20

2. Swaziland Competition Commission

CATEGORY 1: WEBSITE
www.compco.co.sz

The website is informative and contains information about laws and regulations, complaints procedures and the programs of the Commission. The website also has links to other sites where relevant information can be sourced. The laws and regulations of the Commission are downloadable from this site. This website is user-friendly and ranks as the second best website in this study

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, programs?	•			**Only programs and policies**
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The name and address, telephone number, and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			**Contact email addresses are given**

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Swaziland Competition Commission:

1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. What is the Commission doing to promote a competitive business environment in Swaziland?
5. What steps is the Commission taking in order to make it easier for infant industries and small businesses to survive in Swaziland?
6. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		**Communications Officer**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		•	

n = 20	Yes	No	Additional 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?	●		The institution contacted the office
10. Was the information received clear and understandable?	●		The information was both clear and understandable

Total Score: 18/20

Part 2: Request for oral information

Oral questions asked of the Swaziland Competition Commission:
1. How do you reach the ordinary Swazi in rural areas?
2. Do you have outreach programs that are delivered in local languages?
3. How do you use social media to widen your reach?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		Communications Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the institution respond to your oral request for information?	●		
4. Did the person dealing with your request have a friendly and helpful attitude?	●		The officer was friendly and open to assisting
5. Did officials provide reasonable advice and assistance when seeking information?	●		The officer contacted the researcher to give assistance
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)	●		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')	●		Although there was no refusal, a non-disclosure policy exists
8. Did the institution disclose information about its operations, budgets, structure etc.		●	Most of this information is on the website
9. Did the institution acknowledge your request for information within 7 days?	●		The institution contacted the office
10. Was the information received clear and understandable?	●		

Total Score: 18/20

3. Ministry of Tinkhundla Administration and Development

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=505&Itemid=430

The website contains basic information about the ministry and programs that are offered. There are also contact details for officials responsible for the various programs. This website is not frequently updated.

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?	●			There is information on the various departments

n = 20	Yes	No	Partial	Additional Information
b) A list of laws, Acts etc. issued within the scope of its powers?	●			
c) Reports, policies, programs?	●			No reports published
d) Budget and expenditure?		●		There is no link to the homepage where the national budget allocations are found
e) Information about procurement procedures, signed contracts?		●		
f) Vacancy and employment procedures?		●		
g) The name and address, telephone number, and the working hours of the respective institution?			●	Information does not reveal the working hours
h) The contact details of public officials?	●			
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			There are emails and faxes

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Ministry of Tinkhundla Administration and Development:

1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. What specific programs does the ministry carry out in order to better the life of citizens?
5. What steps is the ministry taking in order to encourage grassroots participation in policy formulation in Swaziland?
6. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	There is no formal set up. All requests are handled by the most senior official.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	
3. Did the Institution respond to a request for information?		●	
4. Does the authority publish their procedures for dealing with information requests?		●	The officer responsible was unavailable
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		●	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
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?	●		The emailed request was acknowledged on the same day, although responses to the questionnaire were not provided
10. Was the information received clear and understandable?		●	No information was received

Total Score: 2/20

Part 2: Request for oral information

Please note that there was no opportunity for an oral information session because the official was consistently unavailable.

Oral questions that would have been asked had the opportunity been given:
1. How do you reach the ordinary Swazi in rural areas?
2. Do you have outreach programs that are delivered in local languages?
3. How do you use social media to widen your reach?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	Status is unknown but all communications are directed to the PS
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	
3. Did the institution respond to your oral request for information?		●	
4. Did the person dealing with your request have a friendly and helpful attitude?		●	
5. Did officials provide reasonable advice and assistance when seeking information?		●	
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)		●	We never sat down with anyone for an oral interview and there was no oral interview over the phone. An oral interview was requested and denied.
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
8. Did the institution disclose information about its operations, budgets, structure etc.		●	
9. Did the institution acknowledge your request for information within 7 days?		●	
10. Was the information received clear and understandable?		●	Information not received

Total Score: 0/20

4. Smart Partnership Secretariat

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&id=412&Itemid=216

A standard government website: mission statements, responsibilities, objectives and contacts details. There is no recent 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, programs?			●	Only programs
d) Budget and expenditure?		●		
e) Information about procurement procedures, signed contracts?		●		
f) Vacancy and employment procedures?		●		
g) The name and address, telephone number, and the working hours of the respective institution?			●	No information on working hours

n = 20	Yes	No	Partial	Additional Information
h) The contact details of public officials?	●			
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			**Email addresses and fax numbers of officials**

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Smart Partnership Secretariat:

1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. What specifically has the Smart Partnership done to improve the lives of citizens?
5. What is the budget for Smart Partnership this year?
6. How is the initiative working with other ministries to promote public participation?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		**The Head of Secretariat**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	●		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	**There was no refusal and the institution promotes access to its 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?	●		**All information received was clear**

Total Score: 16/20

Part 2: Request for oral information

Oral questions asked of the Smart Partnership Secretariat:

1. How do you influence government policies and programs?
2. How do you get your message to the grass roots?
3. How does your department engage with the political process?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		The Head of Secretariat
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the institution respond to your oral request for information?	●		
4. Did the person dealing with your request have a friendly and helpful attitude?	●		
5. Did officials provide reasonable advice and assistance when seeking information?	●		
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)	●		The institution is transparent, although some of its information is not available on the website
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')	●		There was no refusal
8. Did the institution disclose information about its operations, budgets, structure etc.	●		
9. Did the institution acknowledge your request for information within 7 days?	●		
10. Was the information received clear and understandable?	●		The information was helpful

Total Score: 20/20

5. Ministry of Education and Training

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=208&Itemid=113

The website contains basic information about the institution and its programs. It also contains contact details for the officials.

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, programs?	●			
d) Budget and expenditure?		●		
e) Information about procurement procedures, signed contracts?		●		
f) Vacancy and employment procedures?		●		
g) The name and address, telephone number, and the working hours of the respective institution?	●			
h) The contact details of public officials?	●			
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			There is a telephone number and email address

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Ministry of Education and Training:
1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. There have been public complaints about the manner in which schools introduce top-up fees in lower grades. Most parents have observed that these fees end up taking away the free primary education which ought to be enjoyed by all primary school children. What is the ministry doing to ensure that this program is in fact fully free for all primary school children?
5. How does the ministry work with the scholarship selection board to ensure that all qualifying students receive quality tertiary education?
6. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	Requests are handled by the Principal Secretary (a senior official)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	There was no response at all
3. Did the Institution respond to a request for information?		●	There was no response to the written requests
4. Does the authority publish their procedures for dealing with information requests?		●	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		●	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
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?		●	There was no feedback from the ministry
10. Was the information received clear and understandable?		●	There was no information received

Total Score: 0/20

Part 2: Request for oral information

Please note that there was no opportunity for an oral information session because the official was consistently unavailable.

Oral questions asked that would have been asked had the opportunity been given:
1. How does the scholarship policy benefit underprivileged students?
2. How does the ministry communicate with schools and their students?
3. Does the ministry use social media to connect with young people?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	Requests for information are handled by the PS, a senior official
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	There was no feedback from the ministry
3. Did the institution respond to your oral request for information?		●	The official was not available to attend to the request
4. Did the person dealing with your request have a friendly and helpful attitude?		●	The junior officers were friendly but could not assist with the information required

n = 20	Yes	No	Additional Information
5. Did officials provide reasonable advice and assistance when seeking information?		●	The secretary recommended that I keep checking with the ministry for the availability of the official
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)		●	There were no responses at all
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	There were no responses provided except promises that were not fulfilled
8. Did the institution disclose information about its operations, budgets, structure etc.		●	No information was provided
9. Did the institution acknowledge your request for information within 7 days?		●	There was no feedback
10. Was the information received clear and understandable?		●	There was no information given at all

Total Score: 0/20

6. National Emergency Relief Council on HIV and AIDS (NERCHA)

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

There are only contact details of one official, the Principal Secretary, who is the ministry's spokesperson. The website contains updated information. The website is reportedly non-functional at times.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	●			By the time of compiling this report, it was updated
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, programs?	●			
d) Budget and expenditure?		●		
e) Information about procurement procedures, signed contracts?			●	There are no signed contracts
f) Vacancy and employment procedures?	●			
g) The name and address, telephone number, and the working hours of the respective institution?	●			
h) The contact details of public officials?	●			
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			Telephone numbers and email

Total Score: 17/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the National Emergency Relief Council on HIV and AIDS (NERCHA):

1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. What proportion of NERCHA's budget is directly used to assist people living with HIV/AIDS? How does it assist?
5. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		**Information Officer**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	●		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
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?	●		**The request was acknowledged on the same day**
10. Was the information received clear and understandable?	●		**Very clear and helpful**

Total Score: 18/20

Part 2: Request for oral information

Oral questions asked of NERCHA:

1. How does NERCHA include its services for LGBTI clients?
2. Are NERCHA's messages also delivered in the local language?
3. Does NERCHA use social media to reach its audience?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		**Information Officer**
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the institution respond to your oral request for information?	●		**The information officer availed himself and gave detailed information during the face to face interview**
4. Did the person dealing with your request have a friendly and helpful attitude?	●		**The person was friendly and very helpful**
5. Did officials provide reasonable advice and assistance when seeking information?	●		
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)	●		**All the information requested was provided**
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	**There was no refusal**

n = 20	Yes	No	Additional Information
8. Did the institution disclose information about its operations, budgets, structure etc.	●		
9. Did the institution acknowledge your request for information within 7 days?	●		The request was acknowledged on the same day it was made
10. Was the information received clear and understandable?	●		The information was very clear and understandable

Total Score: 18/20

7. Elections and Boundaries Commission (EBC)

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&view=article&id=366&Itemid=343

There is no current information on the website. There is some information on elections, but there is no current report on the activities of the EBC.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			●	Such information has to do with the rules and conduct of elections but not current news on the elections
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, programs?		●		
d) Budget and expenditure?		●		
e) Information about procurement procedures, signed contracts?		●		
f) Vacancy and employment procedures?			●	
g) The name and address, telephone number, and the working hours of the respective institution?			●	No information on working hours
h) The contact details of 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
Part 1: Request for written information

The following questions were sent to the EBC:
1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. Following the successful elections in 2013, has the Commission compiled and made public its report?
5. What steps is the Commission taking in order to close the gender disparity or gap in the legislature? Is the Commission committed to implementing section 86 of the Constitution? If so what steps are being taken to implement this provision?
6. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		The Principal Elections Officer, but all requests are handled by the chairperson, who is the most senior official
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	When the institution was contacted, the official responsible was unavailable to deal with the request
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		●	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
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?	●		The request was acknowledged on the same day, although it took a long time to be processed
10. Was the information received clear and understandable?		●	The official kept referring to reports which are pending and not available for public scrutiny

Total Score: 10/20

Part 2: Request for oral information

Oral questions asked of the EBC:
1. Does the EBC have outreach programs?
2. Does the EBC present information in the local language?
3. How does the EBC address the issue of gender inequality?
4. How does the EBC use social media to get more people to vote?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	●		The Principal Elections Officer, but all requests are handled by the chairperson who is the most senior official
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		●	When the institution was contacted, the official responsible was unavailable to deal with the request
3. Did the institution respond to your oral request for information?	●		The institution responded to oral requests, although after a long delay
4. Did the person dealing with your request have a friendly and helpful attitude?	●		
5. Did officials provide reasonable advice and assistance when seeking information?		●	
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)	●		Most of the information provided could not be supported by reports as these are not published
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	Some reports were pending
8. Did the institution disclose information about its operations, budgets, structure etc.	●		
9. Did the institution acknowledge your request for information within 7 days?	●		
10. Was the information received clear and understandable?		●	It was not clear when the reports would be published

Total Score: 12/20

8. Commission for Human Rights and Public Administration Integrity

CATEGORY 1: WEBSITE
http://www.gov.sz/index.php?option=com_content&id=368&Itemid=353

The Commission's website has relevant and contained descriptive information about the Commission. However, the information presented was very superficial, and there were no updated reports.

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?			●	A brief description of the institution
b) A list of laws, Acts etc. issued within the scope of its powers?		●		
c) Reports, policies, programs?		●		
d) Budget and expenditure?		●		
e) Information about procurement procedures, signed contracts?		●		
f) Vacancy and employment procedures?		●		
g) The name and address, telephone number, and the working hours of the respective institution?	●			No working hours mentioned
h) The contact details of public officials?			●	
i) A mechanism to request and receive a response to electronic messages and requests for information?	●			Telephone and fax numbers

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION
Part 1: Request for written information

The following questions were sent to the Commission for Human Rights and Public Administration Integrity:
1. Does your office have an information desk?
2. Does your office have a website?
3. If so, how often is your website updated? And who is in charge of your website?
4. How many cases has the Commission dealt with since its inception? How often does the Commission publish its reports? Are these made available to the public?
5. How do you promote access to information, so that citizens can be informed?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	All information requests are handled by the chairperson since the institution has limited staff
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the Institution respond to a 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? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	●		

n = 20	Yes	No	Additional Information
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	
7. Did the institution disclose information about its operations, budgets, structure etc.	●		Information was provided and this is linked to what is obtainable on the government website. The Commission is housed under the Ministry of Justice.
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?	●		The request was acknowledged on the same day
10. Was the information received clear and understandable?		●	The absence of reports remains a challenge

Total Score: 12/20

Part 2: Request for oral information

Oral questions asked of the Commission of Human Rights and Public Administration Integrity:

1. Does the HRC give sessions on civic education?
2. Does the HRC compile records on MPs' company interests, such as a 'declaration registrar', and other interests and is this information made public?
3. How does HRC use social media to promote human rights?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		●	All information requests are handled by the chairperson since the institution has limited staff
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	●		
3. Did the institution respond to your oral request for information?	●		The chairperson responded to oral requests
4. Did the person dealing with your request have a friendly and helpful attitude?	●		The secretary found at the office was friendly
5. Did officials provide reasonable advice and assistance when seeking information?	●		
6. Did the institution provide all of the information requested? (If partially please mark 'No', and indicate in 'Additional Information' how much of the information requested was supplied)		●	The institution did not have reports to support the responses
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard – if they supply written reasons for refusal mark 'Yes')		●	Information was provided, and there was no mention of any limitations to access to information
8. Did the institution disclose information about its operations, budgets, structure etc.	●		During the oral interview
9. Did the institution acknowledge your request for information within 7 days?	●		It was acknowledged on the same day
10. Was the information received clear and understandable?	●		The information was clear, however it could have been better if there were reports to support it

Total Score: 14/20

RESEARCH CONCLUSION

The study shows that there is a moderate level of openness in public institutions in Swaziland. However, as you move away from the central government ministries to semi-independent public institutions, there is a high level of openness. For example, the study indicates that government parastatals and institutions outside of ministries have a high level of openness. The study also shows that public institutions that have officers designated to deal with information requests have a high level of openness. There are however several factors that contribute to the secretive nature of public institutions in Swaziland. These factors include, among others, the high level of bureaucracy within the departments. Fifty percent of the participating institutions insisted on having the requests directed to the most senior official despite them having officers who are responsible for disseminating information. For example, all the government ministries do not consider their information officers when dealing with requests for information but resort to having the Principal Secretary respond. Notably, the junior officers within these institutions display a desire to be open and responsive to information requests, but the fact that they cannot respond is disappointing. The central nature of information flow within public institutions inhibits accessibility to public information. For example, senior officials hold onto some duties that should be done by their subordinates, and subsequently end up not responding to information requests on time.

THE MOST SECRETIVE PUBLIC INSTITUTION IN SWAZILAND

Three of the participating institutions did not provide the requested information, although they had promised to respond. All these institutions misplaced the requests and their officials were unavailable to attend to the requests when they were re-sent.

The **Ministry of Education and Training** receives the 2014 Golden Padlock award for the most secretive public institution in Swaziland with a total 14/60.

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

Out of the eight participating institutions, only five responded to the requests for information. All of these institutions responded to both written and oral requests. Of these institutions, only three – NERCHA, the Smart Partnership Secretariat and the Swaziland Competition Commission – have designated information officers who are able to receive and process requests instantaneously. The Human Rights Commission and EBC's information requests were directed to senior officials, who are frequently unavailable. Despite this challenge, the two institutions were able to provide the necessary assistance, although after long delays. In relation to the first category of the research, which dealt with the usefulness of the website, NERCHA and the Swaziland Competition Commission proved to have the most informative and useful websites in the study. The overall winner for the most open public institution in 2014 goes to **NERCHA** with a score of 53/60.

RECOMMENDATIONS

In order to ensure openness in public institutions, communication and information officers must be empowered to deal with public requests for information. Also, public institutions must recruit information officers and make them available to deal with information requests. Furthermore, government ministries and departments must regularly update their websites so that accurate and relevant information is made available.