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## ACRONYMS

ACC	Anti-Corruption Commission
AG	Attorney General
CJ	Chief Justice
CHRNA	Commission on Human Rights and Public Administration
DPP	Director of Public Prosecutions
EBC	Elections and Boundaries Commission
HMCS	His Majesty's Correctional Services
JSC	Judicial Service Commission
MoJCA	Ministry of Justice and Constitutional Affairs
SACRO	Swaziland Association for Crime Prevention and Rehabilitation of Offenders

## FOREWORD



On behalf of the Ministry of Justice and Constitutional Affairs (MoJCA), I have pleasure to present the Ministry's Public Service Charter. This charter provides information to our clients and stakeholders of the quality of service the Ministry of Justice and Constitutional Affairs offers and clarify the relative rights, expectations and obligations of our clients and the service commitments. It will act as a tool towards enhancing performance across all departments, to foster professionalism and encourage excellence in the Ministry of Justice and Constitutional Affairs and to facilitate a process to define service standards in various MoJCA sectors. This document is meant to disseminate the information about the Ministry to the public and Government. This charter is also available in the Government Website ([www.gov.sz](http://www.gov.sz)) under the Ministry of Justice. I trust it will bring direction to everyone on how the Ministry operates and the services delivered in the Ministry.

**EDGAR HILLARY (SENATOR)**  
**MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS**

## ACKNOWLEDGEMENT



I would like to express my deepest appreciation to all those who so generously contributed to make this document a success. A special gratitude to the Cabinet offices and the Ministry of Public Service (Management Services Department Consultants, who worked together with the officers of the Ministry of Justice to produce this vital document.

This Service Charter was developed in consultation with the Executive Management and Department Heads of the Ministry of Justice and Constitutional Affairs. Our Service Charter takes into account all policies, legislation and other mandates for which MOJCA is responsible for. It further pronounces a Service Pledge wherein we have articulated our commitment to effective service delivery.

As it is known our mandate is to uphold and protect the Constitution and the rule of law. MoJCA is responsible for overseeing the administration of justice in the interests of a safer and more secure Kingdom of Eswatini. In this charter we are confirming our commitment to excellent and uppermost professional service. We welcome all your suggestions towards assisting us to improve the manner we render our services.

**L.L HLOPHE**  
**PRINCIPAL SECRETARY**  
**MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**

## EXECUTIVE SUMMARY

The Government of the Kingdom of Eswatini is committed to improving the lives of the Eswatini Citizens by extending justice prospects since independence in 1968. It must ensure the maintenance of the rule of law with a commitment to support all the organs of the State, through the provision of efficient, effective, proper and reliable legal services. MoJCA supports the implementation of the Constitution and improve the administration of justice, enhance the economic well - being of the nation and give meaning to the fundamental rights of the individual.

MoJCA through the Judiciary Department the country is able to administer justice, interpret and uphold the Constitution. The safety of the state is entirely dependent on an Independent Judiciary because it has the capacity and an obligation to promote and preserve the Rule of Law. As an organ of state, the Judiciary has to conform to government policy and the laws regulating the dissemination of information to the public. The Judiciary ensures that private individuals and other legal entities are protected from criminal attacks on life, health, freedom, integrity and property.

The Client Service Charter is seeking to provide general guidelines in support of ongoing efforts to enhance the professional competence of MoJCA, strengthen the ethical foundation and promote the public esteem of the MoJCA personnel.

This Service Charter thus outlines, the following;

- The Portfolio Responsibilities of the Ministry of Justice and Constitutional Affairs, the Vision, Mission, Mandate, Objectives and Core Values.
- The Departments and Sections that are responsible for executing the MoJCA's mandate.
- MoJCA Customers, Clients and Stakeholders.
- MoJCA Service Standards and Commitments and what we do and how the services are rendered by the Ministry.
- It also states what the client will expect from the MoJCA.
- This Charter further gives room for client complaints/compliments and Redress Mechanisms.
- And finally the Ministry's Customer Services Pledge.

## OBJECTIVES OF THE CHARTER

This Charter aims to address the following aspects;

1. To inform our clients and stakeholders of the quality of services the Ministry of Justice and Constitutional Affairs offers.
2. To clarify the relative rights, expectations and obligations of our clients and the service commitments.
3. To provide a framework for defining service delivery standards to be provided by the office.
4. To act as a tool towards enhancing performance across all departments.
5. To foster professionalism and encourage excellence in the Ministry of Justice and Constitutional Affairs.
6. To facilitate a process to define service standards in various MoJCA sectors.

## 1. INTRODUCTION

The Ministry of Justice and Constitutional Affairs (MoJCA) is located at the Ministry of Justice Building, 5<sup>th</sup> floor Mhlambanyatsi/Usuthu Link Road. The core functions of the ministry are ensuring equitable access to justice; protecting and promoting human rights for all people of the Kingdom of Eswatini, including children, women, the aged and especially those with physical and mental disabilities. It is entrusted with the duty of improving and upholding the efficiency of the courts, developing legislation and promoting the Constitution, administering deceased and insolvent estates and the Guardian's Fund and enforcing environmental protection laws of the country for sustainable development.

It is the duty of MoJCA to prosecute all criminal cases in the country on behalf of the King and the people of Eswatini openly, without fear or favour, and regardless of pressures from whatever source in an efficient and impartial manner, having regard to the observance of the principles of fundamental rights and freedom of all people involved and with strict adherence to the requirements of the law.

Lastly MoJCA has to ensure free, fair, credible and transparent elections, promote and protect human rights, provide equitable access to public services for all and leadership that is accountable to all people.

MoJCA is further in charge of conducting the National and local government elections, bye-elections of Members of Parliament (House of Assembly) as well as Tindvuna teTinkhundla and Bucopho in the country.

The Ministry is accountable for the fight and prevention of corruption, provision of safe custody and rehabilitation of offenders. MoJCA is further liable for promoting and enforcing the leadership code of conduct. Listed herein under are the departments that are mandated to carry out the core mandate of MoJCA;

- Minister's office
- Administration and Principal Secretary
- The Attorney General
- The Director of Public Prosecutions
- The Elections and Boundaries Commission
- Anti-Corruption Commission
- The Judiciary (The Courts)
- The Master of the High Court
- His Majesty Correctional Services
- Commission on Human Rights and Public Administration



## 1.1 MISSION STATEMENT

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

## 1.2 VISION

A society, where Justice, the Constitution, and human rights prevail in every aspect.

## 1.3 OUR MANDATE

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

## 1.4 KEY OBJECTIVES OF THE MINISTRY

Each Department and Commission will contribute to the achievement of these overall objectives.

- Continued harmonization of all legislation with the Constitution.
- Operational set-up of the Commission on Human Rights and Public Administration *inter alia* for comprehensive investigations.
- Conduct elections fully in line with our constitution and international standards.
- Implementation of the national anti-corruption policy.
- Appointments, promotions and disciplinary proceedings facilitated by the Judicial Service Commission maintain to be based on objective and transparent criteria.
- An integrated, IT-based case management system for the Ministry.

## 1.5 CORE VALUES AND PRINCIPLES

The core values of the Ministry of Justice and Constitutional Affairs are:

### 1. Professionalism

- We focus on results.
- Take ownership of our responsibilities.
- Keep our knowledge and skills current and relevant.

- Exercise our initiative when the situation demands it.

## **2. Accountability**

- We value the ability of our workforce and honour our obligations.
- Take responsibility for our actions to the greatest extent possible.
- Committed to exercising proper diligence, care and attention.
- Committed to using public resources in an effective and accountable way.
- Value and seek to achieve high standards of public administration.

## **3. Transparency**

- Committed to managing information openly and practicable within the legal Framework.
- Value and seek to innovate and continuously improve performance.
- Value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

## **4. Respect**

- We value diversity in people.
- Treat everyone respectfully.

## **5. Empathy**

- We understand and share people's experiences and emotions as well as their feelings.
- Ensuring higher levels of courtesy by adhering to set standards for the treatment of customers.

## **1.6 PORTFOLIO RESPONSIBILITIES**

MoJCA coordinates different Departments and Commissions which are mostly independent in their nature. These comprises of the:

- Constitutional Affairs
- Civil Litigation
- Legal Opinions and Agreements
- Legislative Drafting
- Public Prosecutions

- Judiciary
- Correctional Services
- Prevention of Corruption
- Elections and Demarcations of Boundaries
- Protection of Human Rights
- Administration of Swazi Courts
- Administration of Estates
- Providing legal advice to the executive and legislative

## **2.0 DEPARTMENTS OF THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**

### **2.1 MINISTER'S OFFICE**

The Minister's office is the political head of the Ministry and is responsible for the policy and political administration of the Ministry of Justice and Constitutional Affairs in areas of constitutional affairs, Civil litigation, Legal opinions and agreements, Legislative drafting, Public prosecutions, Judiciary, Corrections services, Prevention of corruption, Elections and demarcations of boundaries, Protection of human rights, Administration of Swazi courts, Administration of estates, as well as providing legal advice to the executive and legislative.

The Minister is also responsible for the following commissions as outlined in Legal notice no. 189 of 2015:

- Judicial Service Commission
- Law Reform and Development Commission
- Elections and Boundaries Commission
- Commission on Human Rights and Public Administration
- Small Claims Court
- Swaziland Association for Crime Prevention and Rehabilitation
- Children's Court
- Legal Aid

### **2.2 ADMINISTRATION AND PRINCIPAL SECRETARY**

The Administration department is responsible for drafting and controlling the Ministry's budget, human resources management, and coordinating the Departments and Commissions. The department is tasked with the responsibility for providing and ensuring effective administration of justice through the various courts, administration of estates as well as the overall operations of MoJCA.

### ***2.2.1 Principal Secretary's Office (Ps)***

The Principal Secretary is the administrative head and controlling officer of the Ministry of Justice and Constitutional Affairs. This office provides strategic direction and further interprets and implements policies to guide the Ministry's direction. The Principal Secretary further ensures that the resources of the Ministry are used in a manner that is in accordance with the provisions of Public Finance Management law by examining and developing means that will improve the service delivery mechanisms of the ministry that are cost-effective public service. The office is further tasked with the role of advising the Minister on all operational matters of the ministry.

### ***2.2.2 Under- Secretary***

Under Secretary is in charge of the administration and management of the Ministry's Human Resource as well as to deputies for the Principal Secretary's Office.

#### ***2.2.2.1 Human Resource Office***

This section is responsible for general administration duties, interpret and implement Human Resources (HR) policies to guide and provide direction to the Ministry. The Human Resources section provides human resources leadership to ensure a high performing workforce. The efficiency of administration is directly depending on human resources. The section provides employees with the capability to manage: healthcare, record keeping of personal files, as well as benefits compensation.

#### ***2.2.2.2 Accounts Unit***

The Accounts Unit is responsible for budget preparation and expenditure for the Ministry and its departments. Attend to audit reports and addresses all Public Accounts Committee recommendations. Facilitates procurement and processes payments for MoJCA and make sure that all these transactions are legal and follow current guidelines. Also provides financial advice on all financial matters of the ministry.

#### ***2.2.2.3 Communications Office***

The Communications office is responsible for the Ministry's communication with different target audiences, including clients, journalists, as well as suppliers. The office also advises employees and management on communication tasks using various communication tools. The section

communicates effectively with the Ministry's stakeholders both internal and external with the goal of maintaining a positive image for the Ministry.

## **2.3 THE ATTORNEY GENERAL'S OFFICE (AG)**

The Attorney-General's Office is established in terms of section 77 of the Constitution of Eswatini Act 2005. The Attorney General is the principal legal advisor to Government, Chiefs and advises Parliament when debating Policies or Bills into laws.

The AG's Office exist to ensure the maintenance of the rule of law with a commitment to support all the organs of the State, through the provision of efficient, appropriate and reliable legal services to attain good governance, improve the administration of justice, enhance the economic well-being of the nation as well as giving meaning to the fundamental rights of the individual.

The office of the Attorney General is made up of two sections, which are Legislative Drafting and Litigation and Opinions.

### ***2.3.1 Legislative Drafting Section***

This section is responsible for drafting major (Bills) and subsidiary legislations (regulations and notices), which are drafted upon receiving instructions from various Government Ministries and departments. The department also gives legal advice especially on cases requiring statutory interpretation and advising on legislative process and legal issues.

### ***2.3.2 Litigation and Opinions Section***

The Litigation and Opinions section handles all civil litigation of cases and rendering advice and opinions to different Ministries and departments. It is also responsible for drafting and vetting contracts/agreements between Government and other organizations.

## **2.4 THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)**

The office of the Director of Public Prosecutions (DPP) is established in terms of section 162 of the Constitution of Eswatini. It is an independent office in terms of Section 162(6)(b), which states, "The office of the Director of Public Prosecution shall be independent and not be subject to the direct or control of any other person or authority".

The Directorate of Public Prosecutions exist to prosecute all criminal cases in the country on behalf of the King and the people of Eswatini openly, without fear or favour, regardless of pressures from whatever source in an efficient and impartial manner, having regard to the observance of the

principles of fundamental rights and freedom of all people involved and with strict adherence to the requirements of the law.

The Office of the Director of Public Prosecution is located in the 4th Floor Ministry Justice Building, Mhlambanyatsi/Usuthu Link Road, Mbabane and consist of ten units which are:

- The General Crimes Unit
- The Domestic and Sexual Offences Unit
- The Fraud and Transnational Unit
- The Anti-Corruption Unit
- The Computer and Cyber Crimes Unit
- The Stock theft, Wildlife and Flora Unit
- Extradition and Mutual Legal Assistance Unit
- The Organized Crime Unit
- The Drugs Enforcement Unit
- The Asset Forfeiture Unit

#### ***2.4.1 The General Offences Unit***

This Unit performs the traditional types of prosecutions as it deals with a wide range of crimes. Its main focus is in all the offences that cause harm to the person, such as murder, culpable homicide, all forms of assault, rape, abduction, arson, malicious injury of property, robbery, theft, receiving stolen property, as well as criminal injuria. The unit also prosecutes other serious common law and statutory law violations such as people trafficking and smuggling, treason, sedition, public violence, money laundering and all its predicate offences, terrorism and its financing, elections offences, possession of illicit and harmful drugs and/or substances, unlawful possession of weapons as well as fire arms and ammunition.

#### ***2.4.2 Domestic and Sexual Offences Unit***

This unit was established as a direct response to alarming increase of sexual assault cases committed against women and children. The aim of this Unit is to eradicate secondary victimization to survivors of sexual abuse and most importantly, to take into account the best interests of the child survivor and accused. A special team of prosecutors is dedicated to the exclusive prosecution of all sexual abuse cases.

#### ***2.4.3 Fraud and Transnational Crimes Unit***

Fraud and transnational crimes know no boundaries. The section deals with those types of offences that are mostly committed by white collar criminals who have international contacts who aid them in the commission of such offences. This Section is uniquely qualified to act in the capacity based on its vast experience with sophisticated fraud schemes, its expertise in managing complex

litigation and its ability to deploy resources effectively to address law enforcement priorities and respond to shifting crime problems. The amounts involved are usually enormous and inevitable, hence they have a negative impact in growing economies such as ours. The unit was established to exclusively prosecute these types of crimes.

#### ***2.4.4 Anti-Corruption Unit***

This Unit was established to prevent the collapse of our economy as a result of corruption practices within government and the private sector. The Unit examine the practices and procedures of public and private bodies in order to facilitate the discovery of corrupt practices and secure the revision of their methods of works or procedures. A special team of prosecutors who collaborate with other agencies mainly the Anti – Corruption Commission deals with corruption cases in the chambers.

#### ***2.4.5 The Computer and Cyber Crimes Unit***

The Computer and Cyber Crime Unit is a specialist within the DPP department. Its primary role is to provide technical assistance in the detection and investigations of crime wherein the computer, networks, telecommunication devices, and other technological instruments are the vehicle or target for the commission of criminal actions against network resources critical to the function of corporate or government entities, individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim. This conduct may also cause physical or mental harm, as well as loss to the victim directly or indirectly. It also provides for the admission of electronic evidence in court and provide for incidental matters.

#### ***2.4.6 The Stock Theft, Wildlife and Flora Unit***

This unit was formed to co-ordinate all activities against stock theft, illegal game hunting and poaching, preservation of environment and prosecuting internal and cross-border offences. It provides a unified and uniform approach in dealing with internal and cross-border offences related to stock theft, game and flora/environment. The Unit helps the country share information on and tackle cross-border wildlife and stock theft crimes and facilitates the exchange of regional best practices in combating those crimes.

#### ***2.4.7 Extradition and Mutual Legal Assistance Unit***

The essence of this Unit is to ensure that the DPP department is able to achieve its goals and objectives. Its further existence is to comply with both regional and international laws which require that each Member State must have a Competent Authority to deal with Extradition and Mutual Legal Assistance matters effectively. The main functions of the Unit are contained in the local laws, regional and international instruments relating to Extradition and Mutual Legal Assistance. The Unit makes requests and receives on behalf of the department (Competent

Authority) as per Section 17 of the Extradition Act of 1968. In order for the Unit to successfully carry out its functions it has to ensure that all requests made to other jurisdictions fully comply with the laws of that particular Requested State.

#### ***2.4.8 The Organized Crime Unit***

This unit is specifically dedicated to deal with all kinds of crime which are outlawed by all legislation relating to organized crime. The unit work closely with other units in tracing the proceeds of organized crime and facilitating the arrest and extradition of perpetrators of organized crime. The unit also liaise and work closely with international organizations and law enforcement agencies involved in the fight against organized crime.

#### ***2.4.9 The Drugs Enforcement Unit***

The Drug Enforcement Unit is responsible for the investigation of offences that relate to the possession, trafficking and importation of illegal drugs, as well as the cultivation and production of such drugs. This Unit aims to eradicate drug use, drug crimes and increase a drug control strategy in the country. The Unit is entrusted with the enforcement of drug laws investigating all reports about drug trafficking and smuggling - work closely with the neighboring counter parts to eradicate the increase in trans-border smuggling of drugs. The unit corroborate with all stake holders so that those found to be dealing and using drugs are prosecuted and receive the necessary punishment. This unit was established to ensure that there is a healthy and drug free Swazi society.

#### ***2.4.10 The Asset Forfeiture Unit***

The main purpose of the Unit is to take the profit out of crime (focuses on the proceeds of crime). It aims to ensure that crime does not pay by removing the benefits derived from criminal activity. The Unit is accountable for moving civil applications in various courts of the land for the Restraints and Recovery of Proceeds of Crime. Eswatini became a party to the United Nations Convention against Trans-National Organized Crime on the 24<sup>th</sup> September 2012. The objective of this convention is to counter organized crime and calls upon member states to fight crime through the Recovery of the Proceeds of Crime. Eswatini is a member state of the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA) which provides an informal net-work of contacts and cooperative group dealing with criminal asset identification and recovery. The Asset Forfeiture Unit forms the formal point of contact for ARINSA and is responsible for reporting for purposes of the country's compliancy with the convention against Trans-National Organized Crime.



## 2.5 THE ELECTIONS AND BOUNDARIES COMMISSION (EBC)

The elections management body in Eswatini is called the “Elections and Boundaries Commission” (EBC). The Elections and Boundaries Commission is an independent electoral commission that was established by **Section 90 of the Constitution of Eswatini, 2005**. The Commission consists of a Chairperson, Deputy Chairperson and three other members. Its main mandate is to facilitate and conduct elections on behalf of the nation as well as educate the nation on voting and all election matters. It is also entrusted with demarcating boundaries of all chiefdoms and advise the King on all such matters if the need arises.

In terms of section 90 of the Constitution, the King, on the advice of the Judicial Service Commission appoints a 5member Commission (a chairperson, deputy chairperson and three other members). The appointed persons are individuals who possess the qualifications of a Judge of the superior courts or persons of high moral character, proven integrity, relevant experience and demonstrable competence in the conduct of public affairs.

## 2.6 THE COMMISSION ON HUMAN RIGHTS AND PUBLIC ADMINISTRATION

The Eswatini Commission on Human Rights and Public Administration (ECHRPA) is established in terms of Chapter IX, Section 163 of the Constitution of Eswatini. The Commission has a multi-pronged mandate as articulated in Section 164 and 243 of the Constitution. The section provides that the King at the advice of the Judicial Service Commission shall appoint the Commission.

The section further provides for the Composition of the Commission (Commissioner and Deputy Commissioners), their competencies and, the terms of their appointment. The extensive functions are of the articulated in Section 164 and these have to do with the protection and promotion of human rights and deal with issues of public administration (corruption and good governance).

Chapter XVI of the Constitution articulates the issues of transparency and accountability of our leaders to the people they serve through the Leadership Code of Conduct. Section 243 pronounces the Commission on Human Rights and Public Administration as the integrity Commission responsible for the implementation of this Leadership code of Conduct.

The Commission is therefore a hybrid institution, which not only performs the functions of a National Human Rights Institution and a Public Administration commonly referred to as public protector/ombudsmen but also performs an Integrity Commission in terms of Section 243.

## 2.7 ANTI-CORRUPTION COMMISSION

The Anti-Corruption Commission (ACC) was re-established by the Prevention of Corruption Act, 2006 after the repeal of the Prevention of Corruption Order of 1993. The Commission was re-established in 2008 and is responsible for preventing and combating corruption as well as achieving zero tolerance on corruption. This could be achieved by and through implementation of the provisions of The Prevention of Corruption Act of 2006 as well as interacting with other partnerships.

The Anti-Corruption Commission is mandated to prevent Corruption through promoting the integrity of the public and private bodies, through promoting best practices and procedures, high ethical standards and fairness. Liaises with other bodies in place that aim at preventing or fighting corruption in the country such as the Bank Fraud Committee and others.

The ACC is located at Mbandzeni House 3<sup>rd</sup> floor and is supervised by the Director of Public Prosecutions.

## 2.8 THE JUDICIARY

The Judiciary Department is responsible for administering justice. It also has to interpret and uphold the Constitution. In terms of **Section 139 (b) (5) of The Constitution** the Chief Justice heads the Judiciary and the Controlling Officer is the Registrar of the Supreme Court. As an organ of state the Judiciary still has to conform to Government policy and the laws regulating the dissemination of information. The safety of the state is entirely dependent on an independent Judiciary because it has the capacity and an obligation to promote and preserve the Rule of Law. The ‘rule of law’ means that the administration of justice and other exercises of public authority must be predictable and consistent, and must be conducted at a high standard. Ensuring that private, individuals and other legal entities are protected from criminal attacks on life, health, freedom, integrity and property.

### 2.8.1 *The Supreme Court*

The Supreme Court is the highest Court of the land with final Appellate powers in the land. Unlike other Courts, it is not a Court of first instance as it only hears cases on appeal. **Section 145 of The Constitution** establishes the Supreme Court of Eswatini, which shall consist of the Chief Justice and not less than four other judges of the Supreme Court. This is the final appellate court in the land and hears appeals from the High Court. The Supreme Court replaced the Court of Appeal that existed prior to the coming into force of the Constitution. It has supervisory jurisdiction over all courts of judicature and over any adjudicating authority. All civil and criminal appeal cases from the High Court end up in this court. In other words, the Supreme Court has the final say on all court matters. The administrative head of the Supreme Court is the Registrar of the Supreme Court

who is also the financial controlling officer of the Judiciary. The Supreme Court Registrar is assisted by the Deputy Registrar Supreme and is situated in Mbabane at Hospital Hill.

### 2.8.2 The High Court

The High Court sits both as the Court of first instance and the appeal Court for decisions made at the Magistrate Court. **Section 150 of the Constitution** establishes the High Court, which shall consist of the Chief Justice (*ex officio*) and not less than four judges of the High Court, plus such other justices of the superior courts of judicature as the Chief Justice may assign. The constitution anticipates the creation of several divisions of the High Court as provided in subsection (6). The High Court has unlimited original jurisdiction in civil and criminal matters, appellate jurisdiction as prescribed by the Constitution or any other law. In this regard the High Court accepts matters on appeal from the Magistrates' Courts. It also has revisional jurisdiction.

The Constitution introduces a clearly spelt out human rights component to the jurisdiction of the High Court. In **section 151(2) of the Constitution**, the High Court is granted jurisdiction to enforce the fundamental human rights and freedoms guaranteed by the Constitution. Thus, it can hear and determine any matter of a constitutional nature.

The administrative head of the High Court is the Registrar of the High Court, who reports to the office of the Supreme Court. The High Court is also located in Mbabane City at Hospital Hill.

### 2.8.3 The Magistrates Courts

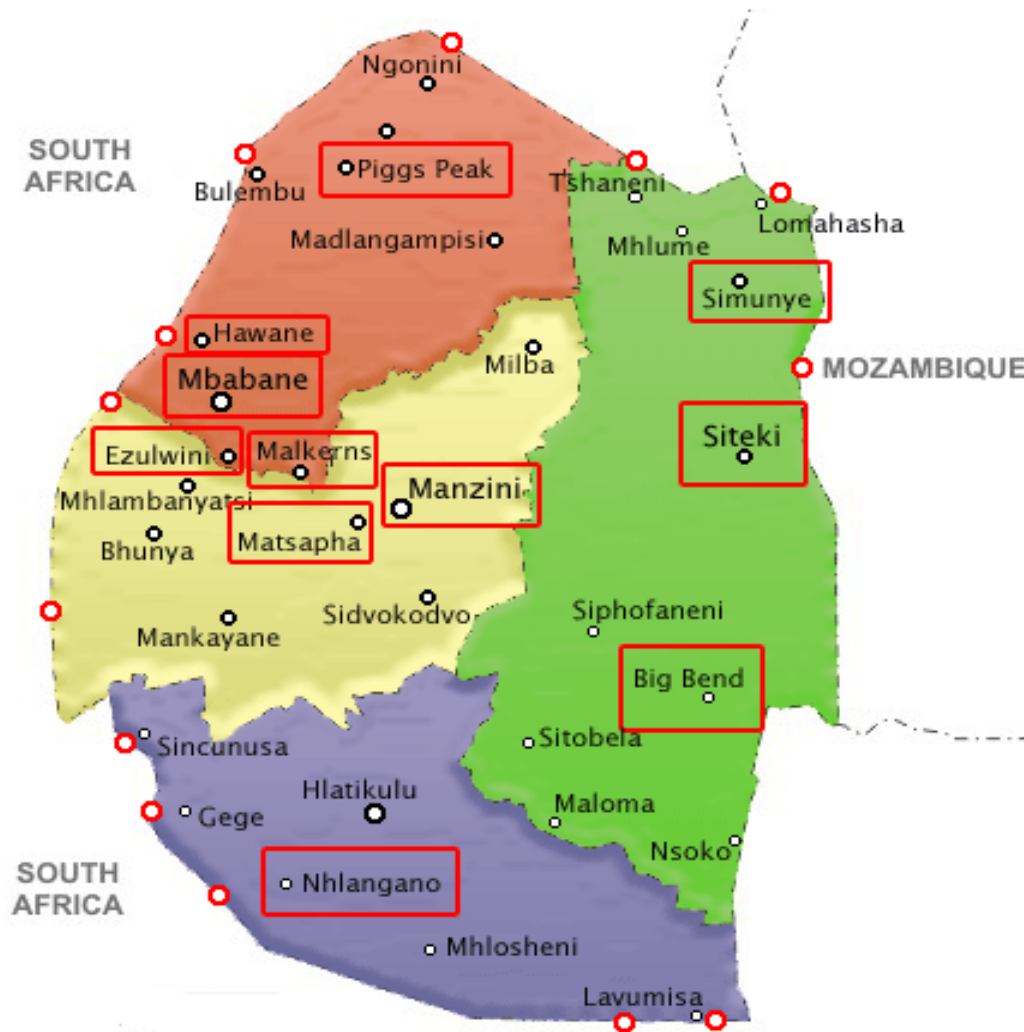
These are the Courts of first instance in all matters, both civil and criminal, but not those which are the exclusive preserve and jurisdiction of Swazi National Courts, Industrial Court and the High Court.

Magistrates' Courts are situated/located regionally and sub-regionally. This means that each of the four regions in Eswatini have a fully-fledged and permanent Magistrates' Court, each equipped with its own Principal Magistrate as administrative head, a Senior Magistrate and a number of entrants or ordinary Magistrates.

## **List of Magistrates' Courts:**

<p><b>Hhohho Region</b></p> <ol style="list-style-type: none"><li><b>1. Mbabane Magistrates' Court</b> CRN Gwamile Street &amp; Mandela Ave, opposite Omni Centre Building</li><li><b>2. Pigg's Peak Magistrates' Court</b> MR1 CRN Swazi Bank, next to Pigg's Peak Town Board</li><li><b>3. Buhleni Circuit Court located at</b> Buhleni Shopping Complex Police Post</li><li><b>4. Lobamba Circuit Court located at</b> Lobamba Police Station</li></ol>	<p><b>Manzini Region</b></p> <ol style="list-style-type: none"><li><b>1. Manzini Magistrates' Court</b> CRN Mahleka Street &amp; Martin Street next to Build It Hardware</li><li><b>2. Sigodweni Circuit Court located at</b> Sigodweni Police Station</li><li><b>3. Mankayane Circuit Court located at</b> Mankayane REO Offices</li><li><b>4. Malkerns Circuit Court located at</b> Malkerns Police Station</li><li><b>5. Bhunya Circuit Court located at</b> Bhunya Police Station</li><li><b>6. Mliba Circuit Court located at</b> Mliba Police Station</li></ol>
<p><b>Lubombo Region</b></p> <ol style="list-style-type: none"><li><b>1. Siteki Magistrates' Court</b> Opposite Building Society, next to Siteki Police Station</li><li><b>2. Big Bend Circuit Court</b></li><li><b>3. Simunye Regional Office</b> Next to Simunye Police Station</li><li><b>4. Siphofaneni Circuit Court located at</b> Siphofaneni Police Station</li></ol>	<p><b>Shiselweni Region</b></p> <ol style="list-style-type: none"><li><b>1. Nhlangano Magistrates' Court</b> Next to Nhlangano Police Station and First National Bank</li><li><b>2. Hluti Magistrates' Court</b> Between Nhlangano - Lavumisa road, MR11, next to Hluti Police Station</li><li><b>3. Gege Circuit Court located at</b> Gege Police Station</li></ol>

The following page shows a map that depicts the Geographical Locations of all the Cities and Towns of the Kingdom of Eswatini where our services are available. The map shows how the regions are divided and brings about a rough sketch of the countrywide set up of our magistrate and lower courts.



#### ***2.8.4 Master of The High Court***

Is responsible for the administration of deceased estates, liquidation of companies and insolvent estates in terms of the present Estate Administration Act of 1902.

#### ***2.8.5 The Industrial Court***

The Industrial Court was established in terms of the Industrial Relations Act of 2000. It has jurisdiction over matters that touch on industrial relations, the employer-employee relationship.

The administrative head of the Industrial Court is the Registrar of the Industrial Court and is accountable to registrar Supreme Court.

The Industrial Court is situated in Mbabane at Hospital Hill.

#### ***2.8.6 The Judicial Commissioner's Office***

The Judicial Commissioner exercises appellate and review over Swazi National Courts. This office Administrates and coordinates the day to day activities of the Swazi National Courts. As the administrator, the Judicial Commissioner is also the intermediary between the Swazi National Courts and the Magistrates Courts, ensuring that all court process and/or communication is exchanged smoothly.

The Swazi National Courts (Swazi Courts) were established by the Swazi Courts Act 80 of 1950. It has jurisdiction on matters falling under customary law, and can only handle matters involving Swazi nationals.

### **2.9 HIS MAJESTY CORRECTIONAL SERVICES**

The HMCS is mandated by the Constitution of Eswatini of 2005 as well as the Prison Act of 1964 for its operation. The department endeavors to be an effective and efficient provider of rehabilitation programs aimed at assisting offenders to transform into law abiding and productive citizens. His Majesty's Correctional Services (HMCS) comprises of sixteen (16) Correctional Centres including the Head Office and the Staff Training College.

The Operations and Correctional Management section provides for a safe and secure correctional environment through supervision and the implementation of security strategies to support human incarceration and contribute to the aspirations of HMCS.

The department's core business is security, rehabilitation, reintegration and community corrections. The department is intensifying rehabilitation of offenders as the main catalyst to curb re-offending.

## **LIST OF SERVICES PROVIDED BY THE DEPARTMENTS UNDER THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**

### **3.1 ADMINISTRATION AND PRINCIPAL SECRETARY**

- Responsible for coordinating, advising, providing support and implementation of policies which will foster the effective administration of law and justice as well as constitutional governance.
- Facilitate the development and enactment of appropriate legislation.
- Initiate and facilitate the revision and reform of the laws of Eswatini and provide an effective mechanism for their change.
- Promote and foster adherence to the rule of law and natural justice.
- Co-ordinate the preparation of the Ministry's budget, in consultation with the Ministry's Heads of Department and central agencies.
- Provide effective support to the Minister, during budget debates and Parliamentary Portfolio Committee meetings.
- Co-ordinate the preparation and submission of the budget and budget performance reports to the central agencies and Parliament as required.
- Develop and implement internal systems of control for the budget, in line with Finance and Accounting Instructions and the new procurement procedures.
- Develop effective mechanisms for the review and monitoring of the overall performance of Ministry in implementing its performance targets, policies and programs.
- Co-ordinate the preparation of job descriptions and schemes of service for all cadres in the Ministry, in consultation with the Ministry of Public Service.
- Work with Heads of Department to ensure the availability of properly trained human resources, through the development of a comprehensive human resources development plan.
- Develop effective communication and transport management system, including the acquisition of equipment, servicing and use of equipment and transport fleet.
- Review the Filing and Registry System, in consultation with the National Archives and the Ministry of Public Service.
- Provide secretarial support to the Ministry Internal Promotions Board and the meetings of Heads of Departments.

### ***3.1.2 Human Resource Office***

Human resources render the following:

- Employee Benefits: include various types of non-wage compensation provided to employees in addition to their normal wages or salaries.
- Salary and Wages Administrations: process compensations for employees in accordance with accepted policy and procedures.
- Ensure that all staff get paid correctly and on time.
- Look after the health, safety and welfare of all employees.
- Monitor staff performance and attendance.
- Interpret HR laws and regulations for all staff to comprehend

### ***3.1.3 Accounts Unit***

- Determines payroll requirements, prepares and process monthly payrolls.
- Maintains payroll data;
- Give advice on accounting policies to staff, vendors, and clients.
- Prepare, analyze and review budgets, revenue, expenses, payroll entries, invoices, and other accounting documents.
- Establish, maintain, and coordinate the implementation of accounting and accounting control procedures.
- Reconciliation of special and suspense accounts.

### ***3.1.4 Communications Office***

- Ensure verification of sources of information from within departments and release of up to date and approved information to the public through websites and other communication channels.
- Ensure effective and secure maintenance of copies of official communication and press releases in approved formats for future reference.
- Write speech and press releases on behalf of the Ministry.



### **3.2 THE ATTORNEY GENERAL'S OFFICE**

- Principal legal advisor for Government.
- Represent the Government in courts or in any legal proceedings to which Government is a party and act as a respondent.
- Is *ex officio* member of the Cabinet.
- Represent chiefs in their official capacity in legal proceedings.
- Advise the King on any matter of law including any matter relating to any function vested in the King by the Constitution or any other law.
- Draft and sign all Government Bills presented to parliament.
- Draw and peruse agreements, contracts, treaties, conventions and documents in which Government has an interest.
- Act as a consultant for the Director of Public Prosecutions.
- Provide guidance in legal matters to Parliament
- Providing litigation services to protect the organs of state; and parliament.

### **3.3 THE DIRECTOR OF PUBLIC PROSECUTIONS**

- Institute criminal proceedings.
- Give advice and guidance to law enforcement officials.
- Conduct criminal investigations.
- Decide to prosecute and prefer charges.
- Institute criminal proceedings against any person or authority in any court with competent jurisdiction.
- Discontinue the prosecution; at any stage before judgment is delivered of any criminal proceedings instituted by the Directorate of Public Prosecutions.
- Coordinate mutual legal assistance.
- Institute extradition proceeding.
- Act as maintenance officers.
- Defend bail applications in court.

### **3.4 THE ELECTIONS AND BOUNDARIES COMMISSION**

- Manage the conduct of National and local government elections.
- Oversee and supervise the registration of voters to ensure free and fair elections at primary and secondary election.
- Facilitate civic and voter education.
- Review and determine the boundaries of Tinkhundla areas for purposes of elections.

- Perform other duties in connection with elections or boundaries as may be prescribed.
- Produce periodic reports in respect of the work done.

### **3.5 COMMISSION ON HUMAN RIGHTS AND PUBLIC ADMINISTRATION**

- Promote and protect human rights as enshrined in the Bill of Rights of the Constitution in Chapter III
- Prevent human rights violations through promoting and fostering the rule of law and good governance.
- Ensure respect for human rights and freedom through raising awareness, training and conducting research to inform programing.
- Facilitate the implementation of the leadership code of conduct as provided for by the Constitution.
- Investigate complaints of injustice, corruption, abuse of power in office and unfair treatment of any person by a public officer in the exercise of official duties and provide legal expertise.
- Monitor and report on compliance with human rights: support the reporting and implementation of country's obligations on international and regional instruments.
- Act as a watch-dog in the Public Sector Administration and delivery processes.
- Administer the declaration of assets by public officers.

### **3.6 ANTI-CORRUPTION COMMISSION**

- Prevent and combat corruption to achieve zero corruption tolerance in society.
- Enhance professionalism in the investigation of corruption cases.
- Investigate alleged cases of corruption and submit completed cases to the DPP.
- Improve case management procedures and operational command and control facilities.
- Render assistance to Government Departments in formulating departmental guidelines governing civil service integrity and mapping out tailor-made preventative educational programmes for their staff.
- Provide timely corruption prevention advice to Government Departments and public bodies during their formulation of new initiatives, policies and procedures.
- Promote ethics in the private sector and encourage organizations of various trades to take preventative measures against corruption.
- Disseminate information about the dangers and evils of corruption in society.
- Coordinate the implementation of corruption related international conventions.

## **3.7 THE JUDICIARY**

- Ensure that all Criminal, Civil, Swazi National Courts are functioning and well equipped with competent personnel.
- Ensure adherence of the rule of law.
- Responsible for the administration of courts.

### ***3.7.1 The Supreme Court***

- Review judgments of both the Supreme Court and High Court.
- Responsible for the supervisory jurisdiction over all courts in the land.
- Hear civil and criminal appeal cases from the High Court.

### ***3.7.2 The High Court***

- Vested with powers to handle matters with a constitutional bearing.
- Has unlimited original jurisdiction in civil and criminal matters.
- Review cases from the Magistrates' Courts.
- Hear appeals from the Magistrates' Courts.
- Act in liaison with various governmental agencies on a variety of matters necessary to Court activities, such as automation, fiscal and personnel matters.

### ***3.7.3 The Magistrates' Court***

- Responsible for trying summary criminal offences and minor civil matters.
- Preside over family law matters such as maintenance cases.
- Take confessions from suspects.
- Preside over the traffic court.
- Preside over criminal and civil cases.

### ***3.7.4 Master of The High Court***

- Supervise the administration of deceased estates and insolvent persons in accordance with the applicable statutory prescriptions.
- Render protection and administration of funds for minors, contractually incapacitated and undermined and absent heirs, which has been paid into the Guardian's Fund.
- Protect the interest of minors and legally incapacitated persons.
- Supervise the administration of Companies and close corporations in accordance with the relevant statutory prescriptions.

- Safeguard all documentary material received by the Master in respect of estate, insolvencies, liquidations and trusts.
- Process enquiries by executors, attorneys, beneficiaries and other interested parties.

### ***3.7.5 The Industrial Court***

- Promote industrial harmony and regulate the relations between;
  - Employers and their employees,
  - Trade unions and employer organizations, and
  - Resolve disputes arising from these relations.
- Mediate the boundaries of rights and obligations of employers and employees in accordance with equity, good conscience and the substantive merits of the dispute.
- Uphold fair work practices to attain social justice.
- Protect and promote Labour Rights, Social and Economic Rights.
- Apply international law in determining domestic Labour cases.
- Apply International Labour Standards when determining domestic labour cases.

### ***3.7.6 The Judicial Commissioner's Office***

- Deal with issues involving Eswatini nationals under customary law.
- Investigate any matter where a complaint is duly made to it by any person alleging that the complainant has sustained an injustice as a result of a fault.
- Ensure that all court processes and communications between Magistrates' and Swazi National Courts are exchanged smoothly.

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

- Provide safe custody of inmates and offering rehabilitation services.
- Provide offenders with needs-based programmes and interventions to facilitate their rehabilitation, and enable their social reintegration.
- Provide services focused on offenders' preparation for release.
- Rehabilitate and reform offenders through education, training and counselling.
- Facilitate the administration of justice by the production and or availing of offenders/ suspects to courts for trial.
- Provide aftercare services to ex-offenders and communities.
- Provide crime-prevention strategies to communities.
- Equip offenders with life skills that will sustain them after prison life.

## 4 PARTNERS, CLIENTS AND STAKEHOLDERS OF THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

In carrying out its mandate the Ministry of Justice and Constitutional Affairs has the following clients, partners and stakeholders.

### 4.1 PARTNERS

- Government Ministries and Departments
- Non-Governmental Organizations
- Eswatini Association for Crime Prevention & Rehabilitation of Offenders
- Private sector
- Law Society of Swaziland
- Ministry of Justice of South Africa

### 4.2 STAKEHOLDERS

- All citizens of the country
- United Nations Agencies
- Government Ministries and Departments
- Non-Governmental Organisations
- Community Based Organisations
- Traditional authorities
- Business community
- Development partners
- UNISWA
- Central Bank
- SRA
- SCCOM
- Ministry of Tourism
- Swazi Mobile
- E-Governance
- SBIS
- SPTC
- Umbutfo Eswatini Defence Force

### 4.3 CLIENTS

- All citizens of the country
- Government Ministries and Departments
- Tourists
- Business community
- Non-Governmental Organisations

## **5. WHAT THE CLIENT SHOULD EXPECT FROM US AND OBLIGATIONS FROM CLIENT**

**We acknowledge that your visit might be related to a traumatic and stressful experience. All our personnel are committed to making every effort to make your attendance a simple and worthwhile experience.**

**You can expect the following standards of treatment when you visit our courts / service points / EBC/ HRP/ Master's offices/ACC -**

***You can expect the personnel to:***

- a) Deal with you professionally and accord you fair and equal treatment irrespective of your race, gender, socio-economic status, disability and other social attributes;**
- b) Identify themselves by name and to wear a name badge for identification;**
- c) Address you directly, with respect and due regard for your human dignity and other human rights; and**
- d) Treat you courteously and provide you with an apology and an explanation if things go wrong.**

***When you arrive at any service point / Court / Master's Office/EBC/SCHRPA/Correctional Services/ACC you can expect:***

- e) To be kindly directed to a waiting area or the court room where your case, matter will be heard;**
- f) To be provided with information which will help you find your way around the premises easily;**
- g) To be served by independent, accountable and impartial officer;**
- h) Our processes to be transparent, fair and reliable; and**
- i) Facilities to be safe, accessible and convenient to use by all, including people with disability.**

***If you phone us, you can expect personnel to:***

- j) Answer the phone courteously, identify the centre and provide you with their names;**
- k) Be helpful and deal with your inquiries promptly;**
- l) Transfer your call to the appropriate area/person, where necessary.**

***If you write you can expect to:***

- m) Receive a courteous and clear reply within fourteen (14) working days;**

- n) **Receive an acknowledgement of receipt within seven (7) working days and detailed correspondence in fourteen (14) working days if your matter is complex;**
- o) **Be sent correspondence in simple language and where possible, in your preferred language.**

**If you are expected to come to court you can expect the following;**

- p) To be provided, in advance, with clear information as to the time and place of your court appearance and what will happen in court;
- q) The language used in the court to be simple and where possible, your preferred language.

***There are things you can do to help us deliver;***

- r) **Arrive** at the court/ service delivery point in time for your case;
- s) **Provide** any information you have that is relevant to your enquiry;
- t) **Provide** any relevant documents and reference numbers;
- u) **Follow** instructions sent or given to you by court officials/any other MoJCA officer as soon as possible;
- v) **Tell** us in advance when you cannot get to court on time or carry out other requirements;
- w) **Tell** us without delay of any change of address or change in circumstances relevant to your dealing with us;
- x) **Tell** us in advance if you have special needs, for example, if you have a disability or if you require the assistance of an interpreter. We will endeavor to assist you according to our mandate; and
- y) **Treat** other court users, court officials and the court buildings with respect and dignity.

## **6. PHYSICAL ADDRESS FOR MoJCA**

### **MINISTRY HEAD- QUARTERS AND ADMINISTRATION**

<b>Physical Address:</b>  Ministry of Justice Building 5 <sup>th</sup> Floor Mhlambanyatsi/Usuthu Link Road Mbabane  Email: <a href="mailto:ps_justice@gov.sz">ps_justice@gov.sz</a>	<b>Postal Address:</b>  P. O. Box 924 Mbabane Eswatini  Tel: (268) 2404 6010/9 Fax: (268) 2404 3533
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### **LOCATION OF THE ATTORNEY GENERAL'S CHAMBERS:**

<b>Physical Address:</b>  4 <sup>th</sup> Floor Inter- Ministerial Office Block Mhlambanyatsi/ Usuthu Link Road.	<b>Postal Address:</b>  P. O. Box 578 Mbabane Eswatini  Tel: (268) 2404 6010/2806 Fax: (268) 2404 4796/3533 Email: <a href="mailto:sifkhumalo@yahoo.com">sifkhumalo@yahoo.com</a>
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### **LOCATION OF OFFICES OF THE DIRECTOR OF PUBLIC PROSECUTIONS:**

<b>Physical Address:</b> 4 <sup>th</sup> Floor Inter-Ministerial Office Mhlambanyatsi/Usuthu Link Road	<b>Postal Address:</b>  P. O. Box 10 Mbabane Eswatini  Tel: (268) 2404 4293/6010 Fax: (268) 2404 5617
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**LOCATION OF OFFICES OF THE HIGH COURT:**

<b>Physical Address:</b>  Hospital Hill Road Mbabane	<b>Postal Address:</b>  P.O. Box 19 Mbabane Eswatini  Tel: (268) 2404 8322/2901/2/3 Fax:(268) 2404 4305
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**LOCATION OF OFFICES OF THE MASTER OF THE HIGH COURT:**

<b>Physical Address:</b>  1 <sup>st</sup> Floor Millers Mansion Building Mdada Street Mbabane	<b>Postal Address:</b>  P. O. Box 19 Mbabane Eswatini  Tel: (268) 2404 2081/6761
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**LOCATION OF OFFICES OF THE ELECTIONS AND BOUNDARIES COMMISSION:**

<b>Physical Address:</b>  Parliament Road Nkanini, Lobamba	<b>Postal Address:</b>  P. O. Box 635 Mbabane Eswatini  Tel: (268) 2416 2504/06 Fax: (268) 2416 2981 Email: <a href="mailto:elections@realnet.co.sz">elections@realnet.co.sz</a>
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**LOCATION OF OFFICES OF THE COMMISSION ON HUMAN RIGHTS AND PUBLIC ADMINISTRATION:**

<b>Physical Address:</b>  Mbabane Office Park Sibekelo Building	<b>Postal Address:</b>  P.O. Box 8795 Mbabane Eswatini  Telephone: (+268) 24049829/24047625/24049152 Fax: (268) 2404 9374
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## **LOCATION OF OFFICES OF THE ANTI-CORRUPTION COMMISSION:**

<b>Physical Address:</b>  3 <sup>rd</sup> Floor Mbandzeni House Church St. Mbabane  Corner of Dutoit street and Nkoseluhlaza street Alcon House- Manzini	<b>Postal Address:</b>  P. O. Box 484 Mbabane Eswatini  Tel: (268) 2404 3179/0761 Fax: (268) 2404 0758 Email: <a href="mailto:anticorruption@realnet.co.sz">anticorruption@realnet.co.sz</a>
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## **LOCATION OF OFFICES OF HIS MAJESTY'S CORRECTIONAL SERVICES:**

<b>Physical Address:</b>  Correctional Services Headquarters Building Mhlambanyatsi Road – Mbabane	<b>Postal Address:</b>  P. O. Box 166 Mbabane Eswatini  Telephone Number: (+268)24042476/7/8 2404 9086/7 Fax: (+268) 404 3357 Email: <a href="mailto:corrcom1@yahoo.com">corrcom1@yahoo.com</a> Website: <a href="http://www.gov.sz/correctional">http://www.gov.sz/correctional</a>
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## **7. COMPLIMENTS, COMPLAINTS AND SUGGESTIONS REPORTING OFFICE**

In a bid to improve our services and products, we encourage that compliments, complaints and suggestions as follows;

### **At any service point / Court / Master's Office/ EBC/HRPA/Ministry Admin/ACC**

- a. Ask for the Registrar/ Court Officer/ Manager/officer in charge/Commissioner/ and lodge your complaint. Ensure that you take down his/her name and leave your contact details; and/or
- b. Write your complaint and put it in the complaints box at the entrance of the service point or court;
- c. Submit your complaint to our customer care e-mail address as given hereunder.
- d. Send to the following offices:

**Principal Secretary**  
**Ministry of Justice and Constitutional Affairs**  
**P.O. Box 924**  
**Mbabane**  
**H100**  
**Tel: (+268) 2404 6010/9**  
**Fax: (+268) 2404 3533**  
**Cell: (+268) 7606 3526**  
**Email: [ps\\_justice@gov.sz](mailto:ps_justice@gov.sz)**

**Under Secretary**  
**Ministry of Justice and Constitutional Affairs**  
**P.O. Box 924**  
**Mbabane**  
**H100**  
**Tel: (+268) 2404 6010/9**  
**Fax: (+268) 2404 3533**  
**Cell: (+268) 7606 3568**  
**Email: [nsibandegugu@yahoo.com](mailto:nsibandegugu@yahoo.com)**

**7.1 If you have a complaint that you do not wish to raise directly with us or after engaging with us, you are not satisfied with the outcome; you may refer the matter to:**

**Secretary to Cabinet**  
**C/O Private and Cabinet**  
**Tel: (+268) 2404 2251**  
**Cell: (+268) 7606 2710**  
**Email: [dlaminimb@gov.sz](mailto:dlaminimb@gov.sz)**



## **8.MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS CUSTOMER SERVICE PLEDGES**

### **WE PLEDGE TO:**

- Effectively coordinate, advice, provide support and implement contemporary policies that will foster the effective administration of law and justice as well as constitutional governance.
- Facilitate the development and enactment of effective and appropriate legislation.
- Initiate and facilitate the revision and reform of the laws of Eswatini and provide an effective and efficient mechanism for their change.
- Advise the Government and its allied institutions on legal matters.
- Draft all proposed laws and legal documents in a professional, international and national standard.
- Institute or defend civil suits in which Government and its allied institutions are party and ensure that court decisions are implemented.
- Promote and foster adherence to the rule of law and natural justice.
- Promote and protect human rights as depicted in our Constitution.
- Fight and prevent corruption in society.
- Manage and conduct the National and local Government elections.
- Provide safe custody of inmates and offer sufficient and effective rehabilitation services.

