

HONOURABLE MINISTER'S PREAMBLE FOR THE ANNUAL PERFORMANCE REPORT OF THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS FOR THE FINANCIAL YEAR 2019/20 PRESENTED BEFORE THE HOUSE OF ASSEMBLY PORTFOLIO COMMITTEE

Honourable Chairperson of the Justice Portfolio Committee;
Honourable Members;
Distinguished Ladies and Gentlemen,

1. INTRODUCTION

It is my pleasure and honour to present to this Honourable Committee the Ministry of Justice and Constitutional Affairs' Annual Performance Report for the Financial Year 2019/20.

Honourable Chairperson, as we are about to end the financial year I would like to acknowledge with thanks the support the honourable members extended to the Ministry of Justice throughout the year. Members have raised comments/ concerns during the debates of our reports, which have contributed to the shaping up and improvement of operations of our departments. Chairperson, as a Ministry responsible for the administration of justice in the country, it is our continued commitment to work collaboratively in achieving the broad mandates of the various departments in order to ensure access to justice for all is achieved.

The report presented today, highlights activities carried out by the different Departments and Commissions that falls under the Ministry of Justice in terms of the assignment of responsibilities. It also reflects the challenges that affected the implementation of the activities of each department during the period under review.

Chairperson, the overall financial performance of the Departments indicate that spending for the quarter under review is within budget. There are items, which reflect an overspending such as the CTA charges, which have negatively affected most

budgets. We are optimistic that the relevant structures will ultimately find a lasting solution to this problem that cuts across all Ministries. Due to the prevailing financial situation, quarterly releases continue to be insufficient which results in under expenditure. Subsequently, the implementation of planned activities become grossly affected as some end up being suspended.

Chairperson, notwithstanding the financial situation of most departments, the Ministry has continued to deliver on its mandate, and to this end, may I highlight some of the notable achievements for the period under review;

- The Ministry had developed a Justice sector Strategy and Action Plan 2019-2023 that will ensure effective coordination and implementation of the justice sector mandates.
- A radio programme has been introduced to sensitize and educate citizens on the mandate of the Administration and the various departments. This programme started in the month of August 2019 and has featured the Administration, Anti-Corruption Commission, Human Rights Commission, Master of the High Court and the Director of Public Prosecutions.
- In an effort to comply with the country's reporting obligations under the African Union, the Ministry collaborated with the University of Pretoria (Centre for Human Rights) and drafted the country's report to the African Commission on Human and People's Rights (ACHPR). This report is due to be submitted to Cabinet for onward transmission to the ACHPR;
- The Ministry has signed a Dar es Salaam Declaration on Assets Recovery Network of Southern Africa aimed at assisting the Kingdom in matters of asset tracking and recovery matters;
- The Director of Public Prosecutions (DPP's) Office continued to strengthen the prosecution of cases. Noteworthy, they received 19, 626 cases and completed 15,399 and only 4,317 were pending by close of reporting period. Chairperson, I must mention that the DPP's Office has experienced a sharp increase in reported drug-related cases. A total of 2650 cases were reported and a total of 2340 were finalized.
- The Attorney General's Office has continued to pursue their mandate of legislative drafting and litigation of cases. The office issued and published a new edition of the Statute Book entitled the "Statutes of the Kingdom of Eswatini"

incorporating all the laws of the Kingdom of Eswatini revised up to the year 2019. Most significantly, the new edition gives effect to the change of name of the Kingdom from "Swaziland" to "Eswatini".

- The much-awaited Law Reform Unit has been established to assist the country in the revision and alignment of legislation with the Constitution. It will be fully operationalised in the next financial year.
- The Human Rights Commission and Public Administration (CHRPA) reinforced its operations to achieve results on their mandate. The Commission has completed 70% of the reported cases and has conducted asset declarations for Cabinet, Parliament and other portfolios mentioned in the Constitution. Chairperson I must mention that the compliance is not 100%, therefore, it is essential to finalise the Leadership Code of Conduct Bill.
- The Commission has produced the following key reports which have been shared with the relevant stakeholders to enhance human rights in the country. The reports are: The Human Rights Baseline Survey; Elections Monitoring; Forced Evictions; Corporal Punishment on schools and Police torture in holding cells.
- The Elections and Boundaries Commission has continued to implement its mandate as it embarked on validation of Tinkhundla boundaries. This was a consultative process including reference to the 2017 Review of Tinkhundla Boundaries Report. A total of 43 constituencies were visited and the remainder will be undertaken in the next financial year.
- The Anti-Corruption Commission (ACC) carried out its three-pronged mandate of education, prevention and investigations. A total of 75 complaints were received and a total of 31 were completed and closed for lack of evidence while 2 were referred to the DPP's Office. The Commission also reached close to 4,000 people through face to face education awareness-raising sessions.
- The Judiciary continued to undertake their independent function of the administration of justice in the country. A total of 14 Magistrates were appointed on an acting basis in order to deal with the backlog of cases.
- The Master's Office has undertaken the administration of estates by finalising 362 estate files with 587 still pending.

- His Majesty's Correctional Services has strived to undertake projects that include rehabilitation and improvement of correctional facilities and a total of 324 trainees took oath of office.

2. CHALLENGES

Chairperson, the Ministry has also experienced a number of challenges during the period under review and these challenges include amongst others;

- a) Financial constraints that has hindered the smooth operation of all our departments resulting in some projects being suspended;
- b) Inadequate human resource to enhance and fast-track operations in all the departments
- c) Infrastructure challenges, i.e dilapidated buildings and lack of court rooms
- d) Depreciated fleet of motor vehicles hampering delivery.

Chairperson, despite the challenges, the departments will continue to strive to deliver on their various mandates and further strategize on how to address some of the challenges faced.

3. OUR SUBMISSION AND REQUEST TO THE HOUSE

Chairperson, given the fiscal situation currently faced by the country the Ministry made an effort to adhere to the Budget Call Circular to remain within the allocated ceilings. Most budget items complied with the ceilings and we have put in place cost cutting measures to control our expenditures.

The various departments have prioritized their key outputs in their various budgets including the Justice Sector Strategic Plan. The following are key priority areas for the financial year 2020-2021:

- Prioritize the establishment of Law Reform Unit which will be responsible for the revision and alignment of the legislation with the Constitution;
- Prioritize the operationalization of Small Claims Courts to deal with small commercial cases;
- In an effort to fight against corruption, the Ministry will also prioritize the strengthening of the Asset Forfeiture Unit;
- Strengthen corruption prevention in public entities and achieve a multi-sector implementation of anti-corruption initiatives;
- Investigate allegations of human rights abuse and make recommendations for remedial action.
- Review election laws in preparation for next elections and continue with Tinkhundla validation exercise.

May I kindly appeal to this House to support the Ministry of Justice & Constitutional Affairs in its budget estimates for 2020/2021 Financial Year for the following Departments:-

The Ministry Administration (DPP, AG, Human Rights)	E 89,957 569
Elections & Boundaries Commission	E 15,697 867
Anti – Corruption Commission	E 28,222 613
Judiciary	E 73,107 842
Correctional Services	E 509,659 256

I THANK YOU