

...ACCESS YOUR LEGAL RIGHTS THROUGH LEGAL AID

Brief concept on Legal Aid

Eswatini adopted a new Constitution in 2005, Section 21 which contains a justiciable bill of rights that seek to promote and protect basic human rights of Eswatini citizens. Access to justice is a basic principle of the rule of law and in Eswatini, one of the major obstacles in accessing justice is the cost of legal advice and representation. In its absence, socially and economically disadvantaged individuals are unable to exercise their rights, challenge discrimination, or hold duty bearers accountable.

Legal Aid strengthens capacities of right holders and empowers those in vulnerable groups of society by ensuring equality before the law, the right to counsel and the right to a fair trial. The core value of Legal Aid is to improve access to legal assistance and justice for individuals who would otherwise be unable to access the right to be heard, resulting in arbitrary and excessive pre-trial detention, torture, coerced confessions, wrongful convictions and other abuses

What legal aid seek to do

This is a system which provides free, qualitative and sustainable legal information, legal awareness raising, legal assistance, legal advice, alternative dispute resolution, legal representation and other related incidents; services to indigent and vulnerable persons and victims and witnesses in both criminal, civil and non-criminal matters.

Who will benefit

Legal aid services enables basic understanding of the law and access to services by the indigent so that they can have recourse to lawful means of settling disputes and conflicts. It also enables disadvantaged groups to move about the administrative barriers that prevent them from enjoying their rights. Studies indicate that such a group of people are found in the rural areas where legal services are limited and there is a low level of awareness on legal rights.

Legal aid services also redress the balance of power or equality before the law and furthermore offer a first line of protection to those in conflict with the law in police stations to ensure their constitutional rights

Where the interest of justice so requires, an indigent person who is arrested, detained or accused of a crime has the right to mediation by consent of both parties, legal information, assistance, and legal representation where the indigent person's application for legal representation has been approved.

It is the interest of justice should the indigent person be a minor, juvenile, woman and specific groups, including but not limited to the elderly, minorities, persons living with disabilities, the mentally ill, stateless persons.

Current Status

Currently there is a Draft Legal Aid Policy is with PPCU awaiting validation and launch.

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