

REMARKS FOR THE LEGAL AID- NEEDS SURVEY BREAKFAST LAUNCH BY
THE HONOURABLE MINISTER FOR JUSTICE AND CONSTITUTIONAL
AFFAIRS PHOLILE P. SHAKANTU

SIBANE HOTEL, 17 MARCH 2022

SENIOR OFFICIALS FROM THE AMERICAN BAR ASSOCIATION

PRINCIPAL SECRETARY FROM THE MINISTRY OF JUSTICE

UN PARTNERS

**REPRESENTATIVE FROM THE COMMISSION ON HUMAN RIGHTS AND PUBLIC
ADMINISTRATION**

REPRESENTATIVE FROM THE LAW SOCIETY OF ESWATINI

DIRECTORS OF CIVIL SOCIETY ORGANISATIONS

SENIOR GOVERNMENT OFFICIALS

MEDIA HOUSES

LADIES AND GENTLEMAN

Good morning,

It is my pleasure and honor to join you all today as we initiate a very important exercise under the Ministry of justice and Constitutional Affairs, known as ‘the Legal Aid Needs Survey’.

Eswatini adopted a new Constitution in 2005, which contains a bill of rights that seeks to promote and protect basic human rights of citizens. Access to justice, fair hearing and a right to legal representation are among the basic human rights expected to be conferred by the State. To increase and ensure access to justice, the state has an obligation to provide legal aid services nationally to benefit the poor and vulnerable groups. Eswatini remains one of the few countries in the SADC

region that does not have a national or sector policy on legal aid. There is also no legislation that guides the establishment of legal aid in Eswatini.

A report on the national feasibility study for the establishment of a legal aid system in Eswatini which was published in 2011 indicated an urgent need for the establishment of a national legal aid system in The country. The need for free legal aid services in Eswatini is more urgent now, particularly for vulnerable groups like the elderly, children, people living with disabilities and the unemployed.

A number of *eMaswati* face diverse legal problems, the resolution of which is often delayed because of the absence of a system to assist with the provision of legal aid. To resolve this challenge, His Majesty's Government has committed to the establishment of a legal aid system in the country.

The 'Legal Aid Needs Survey' could not have come at a better time than this, when the Ministry is finalizing the Legal Aid Policy and legislation in preparation for establishing a Legal Aid System in the country.

This survey will assist the Ministry of Justice to update the currently existing data and in the process ensure implementation of evidence-based initiatives. It is envisaged that the compiled data will, amongst other things assist in ascertaining the kind of legal problems that are under-serviced, types of legal recourse used by the marginalized groups and the likelihood of using legal aid services if it were availed to them. Government also requires a mechanism which will assist in verifying the number of persons requiring prompt legal aid assistance so that the proper structures are put in place.

This survey will also help in sensitizing stakeholders, deepen the knowledge and understanding on the legal aid system, which the Ministry of Justice is preparing to implement.

The survey is aligned to The Eswatini Strategic Roadmap 2019-2023 - priority 5, that provides for the promotion of enjoyment of legal assistance for the marginalized groups. The road map also highlights the Ministry's key thematic goal in improving equal access to justice for every citizen in Eswatini.

May I extend my appreciation to the American Bar Association Rule of Law Initiative (ABA ROLI) for partnering with the Government of Eswatini in this project, especially by committing to facilitate this survey. The Ministry is dedicated to ensuring that the survey comes to fruition as it is set to improve the livelihood of the citizens in so far as equal access to justice is concerned. As we launch the first step of this survey we implore all stakeholders and members of the public to support this important exercise.

We will be eagerly awaiting feedback on the outcome of the survey.

On that note...may I wish you all the best as we embark on this crucial exercise.

I thank you