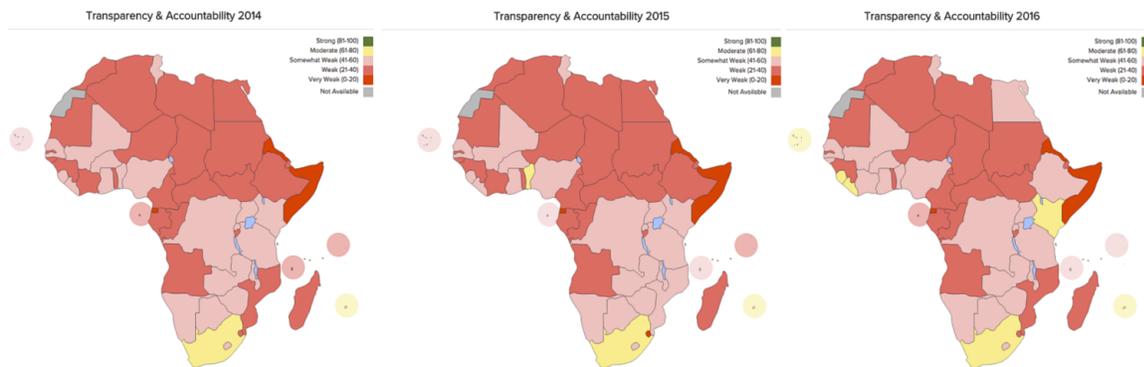


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aii@globalintegrity.org.

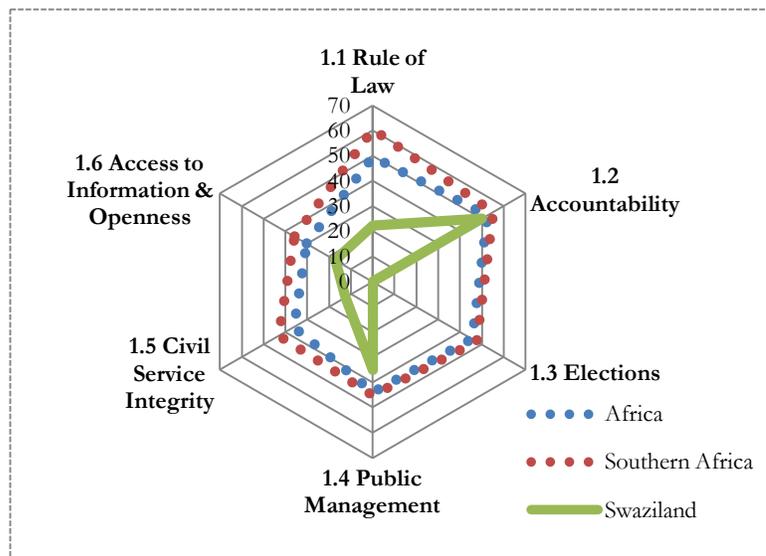
Swaziland – Country Findings Summary

1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

The overall category score showed a slight increase from 19 in 2015 to 23 in 2016 (“weak” on the Global Integrity scale).¹ Four out of the [six subcategories](#) were significantly below the Southern African and the continental averages (see Figure 1), and none of the subcategories made it beyond the “somewhat weak” area of the Global Integrity scale.

Accountability was the highest performing subcategory with an aggregate score of 50 (“somewhat weak” on the Global Integrity scale). It was followed by the Public Management subcategory with an aggregate score of 35, and the Rule of Law subcategory with an aggregate score of 22; both fall in the “weak” area of the Global Integrity scale. The subcategories Civil Service Integrity and Access to Information & Openness respectively scored 13 and 17, falling in the “very weak” area of the Global Integrity scale. Elections was the lowest performing subcategory with all of its indicators scoring 0.



< Figure 1 > Swaziland’s subcategory scores in comparison to the region and the continent. The radar chart depicts the country’s aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country’s region (red dotted lines).

Selected highlights

- **Judiciary independence is neither guaranteed in law nor in practice.** Despite the fact the Constitution of 2005 establishes that the judiciary “shall be independent and subject only to this Constitution”, [indicator 1](#) notes that the king stands above the law and keeps the supreme authority over all branches of government. Judges are not able to operate without fear or favor, as the king

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

exercises influence by controlling the appointment and removal of judges. As [indicator 3](#) reports, the king appoints members of the Judicial Services Commission (JSC), which is charged with recommending judicial candidates to him. No legislative or additional oversight exists in the recruitment process. During the study period, new judges were appointed to the Supreme Court and the High Court. While the candidates did meet qualifications required by law, concerns of nepotism were raised. [Indicator 2](#) further noted examples of judges being restricted in their autonomy. For instance, Judge Mphendulo Simelane, after being fired by the king in May 2015, affirmed that court rulings are decided on before the trial is over. In July 2015, the Swazi media reported on how the king's royal advisers interfere with court cases. The research reveals that judges nonetheless routinely provide formal reasoning for their rulings and that decisions of the High Court and Superior Court are accessible to members of the public who make a request, as reported ([indicator 4](#)).

- **Swaziland's Anti-Corruption Commission showed some degree of effectiveness during the study period.** As noted in [indicator 11](#), the Anti-Corruption Commission (ACC) is mandated by law to receive and investigate allegations of public sector corruption. Together with the Money Laundering (Prevention) Act of 2001, the Prevention of Corruption Act also criminalizes several corruption-related activities such as bribery, kickbacks and the use of state confidential information for personal gain ([indicator 10](#)). During the study period, the ACC conducted investigations against a high court justice, the Minister of Justice and the Chief Justice, alongside other civil servants, as reports [indicator 12](#). Other high-profile cases that had been investigated previously were still before the court. Allegations can be submitted to the Commission in person, as well as via email or phone, as noted in [indicator 13](#). However, no formal timeline for action exists. Commissioners are appointed by the king upon recommendation by the Judicial Service Commission (JSC), whose members are appointed by the king himself. According to [indicator 14](#), the current commissioner Thanda Mngwengwe was appointed in 2013 and while being qualified for the position as a former advocate in South Africa, it is not possible to verify the absence of conflicts of interest or bias. The ACC is also not able to investigate the king.
- **The Elections Boundaries Commission is not free from executive influence and political parties are banned in Swaziland.** The Constitution mandates the Elections Boundaries Commission (EBC) to organize and monitor national elections, but does not explicitly guarantee the Commission's right to issue binding decisions or chose the cases to be heard ([indicator 19](#)). EBC members are appointed by the king upon recommendation of the Judicial Services Commission (JSC), whose members are also appointed by the king. No required qualifications are specified in the law. The current EBC chairman is the king's brother Prince Gina Dlamini who was appointed when the EBC was first established in 2009 ([indicator 20](#)). As noted in [indicator 21](#), members can be dismissed without due process. Until July 2015, the ECB had not published its report on the most recent national elections held between September and November 2013 ([indicator 22](#)). It is to note that political parties are banned by royal decree in Swaziland ([indicator 23](#)), and only a limited number of candidates have access to state-owned media during electoral campaigns. These include ministers of the prime minister's cabinet, while members of parliament are prohibited from appearing on state media.

2. Social Development

This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- **Whereas NGOs were able to operate freely, the overall civic space in Swaziland remained restrictive as the government took strong measures against political and labor organizations.** As reports [indicator 67](#), any assembly of political nature was banned by the government, and meetings that took place without prior notice to the police were dispersed. The labor federation Trade Union Congress of Swaziland (TUCOSWA) was also forbidden from organizing a May Day meeting in 2015 on the country's traditional labor holiday. TUCOSWA had, in fact, been deregistered in 2013 under the pretext that its boycott of the 2013 national elections made it a political organization, as reports [indicator 65](#). It is to note that political parties are banned by royal decree in Swaziland. During the study period, TUCOSWA was finally reregistered and is the country's only labor federation. The Amalgamated Trade Unions of Swaziland (ATUSWA) representing industrial workers, remains unregistered. On the other hand, NGOs did not face any obstacles in their operation, even though no new ones were created during the study period ([indicator 68](#)). Neither were cases reported of NGOs being harassed with administrative burdens ([indicator 70](#)), nor any NGO employees being killed or physically harassed ([indicator 69](#)).
- **The Central Statistics Office (CSO) does not collect statistics on youth unemployment or infrastructure, and rarely makes available data on poverty. Certain infrastructure-related statistics can be found at other institutions.** General unemployment statistics are collected by the Ministry of Labour and Social Security every three years, as reports [indicator 91](#). The most recent statistics were collected in 2013, but had not been released before the end of the study period. Poverty-related data can be found through the CSO's Household Income Expenditure Survey ([indicator 92](#)). However, the Survey is only conducted once every ten years and the most recent report dates from 2010. The CSO does not collect data related to infrastructure, but relevant statistics can be accessed upon request at other agencies or institutions. For instance, the Ministry of Public Works collects annual data on road networks, the Swaziland Water Services Corp. collects annual data on water systems, and the Swaziland Electricity Corp. has annual data on electric grids, as reports [indicator 93](#).
- **Limited programs were put in place to assist the elderly. However, activities for youth integration suffered budget constraints and no safety net existed for the unemployed or those unable to work due to permanent or temporary health conditions.** During the study period, all elderly had access to a small quarterly grant administered by the Office of the Deputy Prime Minister

(DPM), as noted in [indicator 102](#). The Ministry of Health and Social Welfare also provided free health care for those aged 60 and over. Former government employees were further covered by the Public Servants Pension Fund. However, funding for the Ministry of Sports, Culture and Youth Affairs was limited, and initiatives such as the Youth Enterprise Fund to promote employment did not receive any budget in 2015 ([indicator 101](#)). When it comes to the unemployed or those unable to work due permanent or temporary health conditions, still no safety nets existed as report both indicators [103](#) and [104](#).

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.