

PARENTS WARY OF DILAPIDATED FOOTBRIDGES

By Mhlonishwa Hlophe

Parents have raised concerns over dilapidated footbridges and those that have been swept away by the floods due to the ongoing rainfalls.

A footbridge is designed to be used by pedestrians they become handy once bridges overflow, ensuring the safety of the pedestrians particularly learners when going to school. The constant pouring of rains have caused sleepless nights for parents as days draw near for the commencement of school classes for the year 2024.

"Most of the country's low level bridges are full and some learners are compelled to use the footbridges to school but we are very distressed to state that some of the footbridges are not in good condition to be used by our children. We appeal to government to do something to avoid

losing lives at the beginning of the year," said a parent from Dwaleni.

A good example of these dilapidated footbridges is the one which connects Dwaleni and Gebeni primary schools which remains out of bounds for learners. Parents around Luve leading to Mbuluzi under Mkhweni constituency said they needed improved footbridges. "Just one footbridge can make a dramatic difference to the accessibility and safety of an area," recommended the parents.

They argued that they ensured their safety, hence to have them installed. They said the footbridge was the only means to cross the Mbuluzi River to schools across the river and usually learners remain grounded at home once the rains continuously pour. The same predicament is faced by residents of Dwaleni leading to Gebeni as its footbridge is



also in a bad state. The community tried to fix the old footbridge, because of its worn out condition, by replacing the rotting wood.

This dangerous arrangement was made only for the brave learners to be able to take the deadly risk. Even then, those

pupils were still sternly warned to refrain from crossing the bridge in groups and being in a rush as they risked falling to the dangerous waters below.

According to some community members, the school is awkwardly situated across the river from the community and

the alternative winding gravel round to the mission is many kilometers away from the homesteads. It is nearly impossible for the young learners to make it to and from class on time.

Efforts to get comment from the schools affected were unsuccessful by the time of compiling this report.

The National Disaster and Management Agency's (NDMA) Wandile Mavuso was on radio yesterday issuing a stern warning against crossing flooded rivers.

"Don't take risks when roads, rivers or bridges are flooded," he advised.

With the rains comes the danger of flooding. While such flooding was most often in areas where rivers overflow their banks or rise above low lying bridges, blocked storm water drains can cause flooding even in towns and cities.

Caution was, therefore, required when roads are flooded, whether one was a pedestrian or driving. If swept away or fall into a hole concealed by flood water it is possible to drown or suffer serious injuries.

Flood water tends to flow quickly, exerting a lot of pressure and sweeping away whatever was in its path. Some vehicles crossing a flooded bridge have simply been swept away.

67 WALK-INS REGISTERED BY LEGAL AID SINCE AUG

By Phumelele Mtsetfwa and Nkosingiphile Myeni

The Eswatini Legal Aid (ELA) office has had 67 walk-in clients seeking free legal assistance since it was launched last year, August.

This is according to the ELA Director Lungile Magagula.

Magagula said since the launch of the office in August 30, the 67 clients who walked in to the ELA offices up to December 18, sought various kinds of assistance regarding the justice system ranging from criminal, civil and inheritance matters.

"The office has received a total of 67 walk in clients who required legal assistance as their matters were from diverse areas of the law which amongst others include civil,

labour, administration of estates, family, administrative law, criminal, and labour matters," Magagula said.

The establishment of ELA which was supported by the UNDP was in response to the pleas of many people, particularly those from poor and marginalised backgrounds who face difficulties regarding access to the justice system.

On August 30, the former Minister of justice and constitutional affairs, Pholile Shakantu said that the justice system could be challenging to understand and navigate because of obstacles such as lack of financial resources, inadequate awareness of how to access services, insufficient command of the legal language and long distances to service providers.

ELA has had its outreach pro-



Minister of Foreign Affairs Pholile Shakantu.

gramme whereby 324 people reached out to the office wanting to know about its mandate. Magagula said ELA participated at the Eswatini International Trade Fair (EITF) between August 8 and 10 last year.

There, the office reached 210 members of the public who ELA interacted with and informed about the objective of legal aid.

Magagula said at the trade fair they were also able to distribute the legal aid advocacy tool.

She said of the 210, 114 people were from the Manzini region while 10 were from Shiselweni, 66 from Hhohho and 18 were from the Lubombo region.

Magagula also said in November, ELA participated at the United Nations (UN) Day which was celebrated at Mhlabhe High School in the Manzini region.

She said on that day they interacted with a total of 99 people which included students.

"On that day we interacted with a total number of 99 people which included students," she said.

Legal Aid Bill far from being tabled

Despite that the Eswatini Legal Aid (ELA) is already operational, it may be sometime before the Legal Aid Bill which should establish it, is tabled and debated in the legislative chambers.

The Bill which is under the ministry of justice and constitutional affairs is still being processed for finalisation. This was said by ELA Director Lungile Magagula.

When asked for a copy of the Bill to ascertain what its provisions were,

Magagula said 'the draft Bill was still not available for distribution since it had not been finalised.'

However she did share the purpose of the Bill.

"The overall objective of the Bill is to provide for the establishment of a legal, institutional framework and the Legal Aid Office for promoting access to justice by providing affordable, accessible and accountable legal aid services to indigent persons and other incidental mat-

ters," Magagula said.

The anticipated legal aid law is expected to add on to the legislative and policy framework of this field.

Among these is the country's constitution.

Containing the Bill of Rights that seeks to promote and protect basic human rights of citizens, including access to justice, fair hearing and a right to legal representation are among the basic human rights, it makes legal aid an expected obligation to be fulfilled by the State.

Also the National Legal Aid Policy,

2022 – 2027, states that legal aid would increase and ensure access to justice and that the State aims to provide legal aid services nationally to benefit the marginalised groups.

"Eswatini remains one of the few countries in the SADC region that does not have a national policy or specific legislation that guides the establishment of a legal aid system. The government through the ministry of justice is mandated to ensure access to justice by all citizens, hence the need for establishing a national legal aid system," states the policy.

58% EMASWATI DESIRE FREE LEGAL AID

The National Legal Aid Policy, 2022–2027 says about 58 per cent of Emaswati desire to benefit from some form of legal assistance.

Furthermore, 40 per cent specifically singled out the lack of legal representation and wished this as the type of assistance they would have benefited from.

These findings are said to have emanated from a study called the Legal Aid Baseline Survey 2022 which recommended with evidence the need for legal aid in the country.

The study unveiled that Emaswati find it costly to afford legal representation, mostly the marginalised groups which impacts on their ability to defend their rights.

It was also recommended that for the country to have a comprehensive national legal aid system, the policy was critical in calling for a system that is aligned to regional and international conventions and protocols as well as the national context and conditions.

The 2022 baseline was conducted more than 10 years later follow-

ing another separate study which was conducted in 2011.

This study indicated that Emaswati have minimal knowledge on their rights and mechanisms for redressing these which in turn impede to access to justice.

The 2011 study indicated inadequacies of a supporting framework, institutional capacity, skills competence on institutions offering legal aid services and funding.

It was noted that in the absence of legal aid some entities including non-government organisations, the Eswatini

Law Society and the University of Eswatini offered some form of legal assistance to Emaswati.

However it was flagged out that the activities by these entities were neither coordinated, documented nor regulated as well as that the services provided were concentrated within urban areas, not permeating to the general public. "Also hindering access to justice for the indigent people is the lack of awareness on their rights, entitlement, obligations and responsibilities. Therefore, there is a need for creating a policy that will operationalise legal aid services," the legal aid policy states.

Legal aid principles

The rule of law is of paramount importance for the roll out of legal aid.

The legal aid policy said among its seven principles, the rule of law was important if the country was to implement it.

"Legal aid is an essential element of a functioning justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the justice system," the policy stated.

Other principles were human dignity, social justice and inclusiveness; equality and non-discrimination; partnerships; transparency and accountability; morality and ethics, and; sustainability.

The policy said there ought to be objective decisions for the interest of justice and that the effective and efficient provision of legal aid services requires the strengthening of cooperation and coordination mechanisms between all categories of Legal Aid Service Providers and with other institutions and stakeholders so as to ensure close collaboration and to maximise the impact of legal aid.

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