

# Lilungelo le Manti nekutfufwa kwelindle



## LELILUNGELO LEKUTFOLA EMANTI NEKUTFUFWA KWELINDLE KULILUNGELO LELIBALULEKILE LELIKHONA KULO LUHLA LWEMALUNGELO EBANTFU.

Lomtsetfo Wetemanti  
uveta kwekutsi:

- Wonkhe umuntu unelilungelo lekuniketwa emanti netinsita tekutfufwa kwelindle;
- Tonkhe tikhungo tetemanti kufanele titsatse tinyatselo kucinisekisa kutsi lamalungelo ayatfolakala;
- Bonkhe bomasipala kufanele bahlele tikwethihlelo tabo tekutfufukisa temanti bacinisekise kutsi lamalungelo ayatfolakala.

Sigaba 2 Semtsetfo Sisekelo Wase Ningizimu  
Afrika uveta kutsi:

***“Wonkhe umuntu unelilungelo  
lekuba nekudla nemanti  
ngalokwanele.”***

Kuze lomtsetfo uniketwe lilungelo lekusebenta i Phalamende ibeke Umtsetfo 108 Wetekusebentisa Emanti wa 1997. Injongo yalo Mtsetfo kuniketa lilungelo lekuniketwa emanti netekutfufwa kwelindle.

Lomtsetfo unakile kutsi lelilungelo lekutfola tinsita tekuniketwa emanti nekutfufwa kwelindle libalulekile kucinisekisa kutsi emanti lanele nesimondzawo lesingenabungoti tikwemphilo noma kuphilakahle kwebantfu netilwane.

## Letinye tivumelwano tesigodzi letimele lilungelo letemanti nekutfutwa kwelindle tifaka:

- Umculu wase Africa wemalungelo Ebuntfu Nebantfu wanga- 1981 (The African Charter on Human and People’s Rights (1981)
- Umculu wase Africa wema Lungelo Nemphilo ye Mntfwana wanga (1990) (The African Charter on the Rights and Welfare of the Child (1990)
- Inchubo Lengetiwe kulo Mhlangano wase Melika Esigabeni Setemnotfo, Sasekuhlaleni ne Malungelo Etemasiko (Inchubo yase San Salvador) (1988) ( The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) ne
- Mculu wema Arabhu we Malungelo Eluntfu (2008) (The Arab Charter on Human Rights)

## Ngubani lekufanele atfule tinsita tekuletfwa kwemanti nekutfutwa kwelindle?

Kunemsebenti kuto tonkhe tinhlaka tahlumende kucinisekisa kutsi tekutfulwa kwemanti nekutfutwa kwelindle kwenteka ngendlela lehlelekile, lelinganako nalesimeme.

Tonkhe tinhlaka tahlumende kufanele tizame kuniketa tinsita tekuniketwa kwemanti nekutfutwa kwelindle letanele tikwetintfo tekutiphilisa nekusimama kwemnotfo.

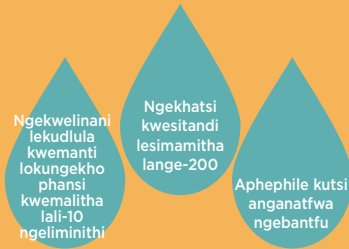
Umsebenti wahulumende kutsi:

- Hulumende wavelonkhe kufanele alawule temanti asebentisa emabhodi etemanti lahlukahlukene;
- Bomasipala banemsebenti wekuniketa tinsita tekuletfwa kwemanti nekutfutwa kwelindle futsi kufanele babe neluhlelo lolubhaliwe lwekutfu tinsita. Letinhlelo kufanele tinake kutsi tinsita tiyatfulwa emimmangweni lehlala emikhukhwini;
- Umtsetfo wetfu unakile kutsi ngenca yekuswela tinsita hulumende angeke akhone kutfula letinsita kuwovonkhe umuntfu ngesikhatsi sinye. Nomakunjalo, hulumende kufanele abe neluhlelo lolucacako lolunetikhatsi neluphakilomali kuze akwazi kutfula letinsita nekutsi bantfu batitfole ngalokwanele;
- Hulumende kufanele akwente loku ngaphandle kwekuntjintja kwetfula kwalamanye emalungelo lasisekelo.

## Hulumende kufanele anikete tinsita tekwetfulwa kwemanti nekutfutfwa kwelindle lokulandzelako:



1. Cishe emalitha lati-6000 ngelikhaya ngenyanga



2. Indlu yangasese noma indlu yangasese yemgodzi, lengenisa umoya, lephephile, letsembekile, lesenzaweni lekahle, lengacineka ihlobile kalula, lenemfihlo nalevikile kutsi ingangenwa timphungane naletinye tifo-letitfolakala tikwetilokatane.



AKEKHO UMUNTFU  
 LASEBENTISA  
 EMANTI  
 LANGAHLALA  
 NGAPHANDLE  
 KWEMANTI  
 TINSUKU  
 LETIDLULA  
 KULETI-7  
 NGEMNYAKA



Emuva kwesiphetho se Tinhloso Tentfutuko yeminyaka Letinkhulungwane (Millennium Development Goals) nga 2015, Sigungu Savelonkhe Samhlabuhlangene (United Nations General Assembly) sisekele i Ajenda ya- 2030 ye Kutfutukiswa Lokusimeme, samemetela Tinhloso Tekutfutukiswa Lokusimeme (SDGs). Ingingizimu Afrika iphindze yatibophelela kuzuzana lama SDGs ngesikhatsi letibekele sona.

Inhloso 6 yema DSGs imayelana netinsita temanti nekutfutfwa kwelindle kubo bonkhe ku:

- Cinsekisa kuba khona kwemanti nekutfutfwa kwelindle kutsi kuyatfolakala futsi kulawulwa ngalokwanele kuwo wonkhe umuntfu;
- Nga 2030, bonkhe bantfu emhlabeni wonkhe jikelele batfola emanti ngalokulinganako laphephile nalanatsekako;
- Nga 2030, bonkhe bantfu batfola tekutfutfwa kwelindle lokufanele nalokuhlobile, kupheliswe kuya esigangeni bayotitfuma, bese kubukwa kakhulu tidzingo tabomake nemantfombatane nalabo labasebungotini.

Lelitiko le Temanti ne Kutfutfwa Kwelindle ngilo leliphetho tinsita temanti e Ningizimu Afrika. Liniketwe ligunya lekuchubekisa kulawulwa kwetinsita temanti letinemphumelelo naletihlelekile kucinsekisa kutfutukiswa kwetemnotfo netelutfu. Imininingwane ngale Litiko ingatfolakala ngekuya kuwebhusaythi yabo ku [www.dwa.gov.za](http://www.dwa.gov.za).

## Tinsita tamahhala letisisekelo



Iningizimu Afrika inenchubomgomo<sup>1</sup> yetinsita tamahhala letisisekelo (inchubomgomo yalabaphuyile) kufaka emanti, gezi nekutfutfwwa kwelindle lokuhamba kahle kucinisekisa kutsi:

- Likhaya ngalinye kufanele litfole emalitha ekucala lati-6 000 ngenyanga mahhala. Emanti latawusentjentiswa kwengca lapha atawubese ayakhokhelwa. Emanti abhadalwa ngekwelinani lelikhulako loku kusho kutsi uma uwasebentisa kakhulu, atawubita kakhulu. Kuvelonkhe, 92.5% wemakhaya ayatiwatfola tinsita temanti lanatsekako;<sup>2</sup>
- Bomasipala labanyenti banetinchubomgomo letahlukene tekwetfulwa kwemanti amahhala nekutfutfwwa kwelindle. Kungenteka kutentakalele kutsi utfole letinsita noma ungatibhalisela.

## Lutfolakalaphi lusito



- Unelilungelo lekutfole tinsita tamahhala futsi unelilungelo lekwati kutsi kwentiwa yini ungatfoli tinsita letifanele;
- Ubowatisa masipala wakho, likhansela lasewadini lakho noma sisebenti sekutfutfukiswa kwemphakatsi uma uhlangabetana netinkhinga;
- Lenkhomishane Yemalungelo Eluntfu Eningizimu Africa (Lenkhomishane/ SAHRC), letinye tikhungo tesigaba 9 netikhungo letingasito tahlumende (NGOs) tingasita kukutfolela lolwatiso loludzingako.

# Lamalungelo laku Mculu Wemalungelo ebantfu ahlobene

Lonkhe lilungelo leliku Mtsetfosisekelo wetfu liyalingana futsi emalungelo ayame kulamanye. Sibonelo, ngaphandle kwemanti kuba matima kufundza esikoleni nekutfole imfundvo.

Onkhe emalungelo eluntfu atfungelwe ndzawonye futsi ayame kulamanye. Lilungelo lekutfole tinsita temanti nekutfutfole kwelindle liyamene nemalungelo ekuphila, sitfunti, temphilo, tetindlu, kudla, temfundvo, tekuphepha kweluntfu, kulingana ngetebulili, nekuvikeleka tikwelubandlululo. Kungabi nemanti nelindle kunemitselela leminyenti lemibi .

## LAMALUNGELO KULO MCULU WEMALUNGELO EBANTFU AHLOBENE, SIBONELO:

- Kubhehetseka kwetifo letingavikeleka njenge sifo semsheko nekholera;
- Bantwana, ikakhulu emantfombatane, bayaye bayekele sikole uma kute tindlu tangasese;
- Kunekukhula kwekusentjentsiswa kwetibhedlela nemitfolamphilo;
- Bantfu bayalova emsebentini bese bangakhciti;
- Bafati bayesaba kuya etindlini tangasese ebusuku basabela timphilo tabo.

Cishe 26% (3.8 tinkhulungwane) wemakhaya etindzaweni letisemtsetfweni anato tinsita tekutfutfole kwelindle kodvwa atikho kulelizinga lelifanele ngenca yekuwa kwesakhiwonchanti, lokubangelwa kungabi khona kwebantfu labanelwati lekucinisekisa kutsi kuyasebenteka , kulungiswa ngesikhatsi , kuyavuselelwa, neku/noma kwentiwa ncono tindlu tangasese letitemgodzi, neku/noma kungatfulwa kwetinsita temanti ngalokwanele.<sup>3</sup>

Ummango netikhungo letingasito tahulumende tinemsebenti lobalulekile wekugadza kutsi ingabe kuyachubeke kwetfulwa kwelilungelo lekwetfulwa kwetinsita temanti nekutfutfole kwelindle.

**Sikhungo Semalungelo Etemnotfo -Netenhlalakahle e Ningizimu Africa (SERI)**  
ngulesinye saletikhungo futsi ungasitfole ngekuchumana newebhusaythi yabo  
[www.seri-sa.org.za](http://www.seri-sa.org.za)

Tikhalo ngebumatima lobukhona bekubhadala tikweleti tingafakwa  
**Kumlawuli Wetikweleti Wavelonkhe** ku  
[www.ncr.org.za](http://www.ncr.org.za).

**Umvikeli Wemphakatsi** sikhungo lesitimele ngekwe Sigaba 9 Semtsetfosisekelo. Sineligunya lekuphenya kutiphatsa kwahulumende, kwehluleka nekungaphatsi kahle. Uma ufuna imininingwane lengetiwe nge Mvikeli Wemphakatsi ungavakashela i webhusaythi yabo ku [www.pprotect.org](http://www.pprotect.org).

## Umsebenti we SAHRC



**INKHOMISHANE YEMALUNGELO  
ELUNTFU E NINGIZIMU AFRICA  
NGUMTIMBA LOTIMELE  
LOBEKWE NGULE SIKHUNGO  
KUTSI UGADZE, UVIKELE BESE  
UCINISEKISA KUTFOLAKALA  
KWEMALUNGELO EBANTFU  
EVENI LAKITSI.**

Kungahloniphi lilungelo lekutfole emanti nekutfutfw kwelindle tintfo letingakamuleki e Ningizimu Afrika, lapho lokuhlukunyetwa kwa lamalungelo kwenteka kakhulu etindzaweni tasemakhaya nasemimmangweni lesemikhukhwini. Emkhatsini wa 2012 na 2016 le Nkhomishane yamukele tinkhulungwane leti-1 363 yeticelo ngekuhlukunyetwa kwalelilungelo lemanti nekutfutfw kwelindle.<sup>4</sup>

Kungahloniphi lelilungelo lekutfole emanti nekutfutfw kwelindle, akukahlukumeti emalungelo labalulekile kuphela, kodvwa ngalesinye sikhatsi bekubanga imishuco emiphakatsini ngoba bantfu bakhatsatekile njengoba kute kutfulwa kwetinsita.

Tinkantolo tikubeke kwacaca kutsi bantfu banelilungelo lekutfole emanti. Tincumo letibalulekile letentiwa etinkantolo tiniketa umhlahlandlela tikwetiphatsamandla letitsintsekako kutsi ticaciselwe kutsi umsebenti wato uphatselene nani mayelana nekuphakela emanti nekutfutfw kwelindle. Tinkantolo tikubonile kutsi lilungelo lekuba nemanti nekutfutfw kwelindle kubo bonkhe bantfu labase Ningizimu Afrika kubalulekile kuvelonkhe khona kutocedza kungalingani; buphuya, kuze kwentiwe ncono kubuye kuvikeleke lamanye emalungelo njengelilungelo letemphilo neletemfundvo.<sup>5</sup>

Kuletikhalo tekucala letimbili kule Nkhomishane, imiphakatsi yase Makhaza. Khayelitsha nase Rammulotsi e Free State ikhala ngetindlu tangasese emiphakatsini yato. Luphenyo lwale Nkhomishane luvete kutsi bantfu kuleyo miphakatsi bahlukunyetwe kakhulu lapho lilungelo labo lelibalulekile lingazange lihlonishwe. Bebaphoceleleke kutsi bahlale etindzaweni letingakahlobi naletingakaphephi njengobe bebalindzeleke kutsi basebentise tindlu tangasese letingakavalwa, letingcolile naletingahambisani nenchubo nemigomo yekutfulwa kwetinsita. Lenkhomishane itjele bomasipala kutsi batsatse tinyatselo letisheshisako kuvikela lingasese lebantfu, sitfunti sabo, lilungelo lekuhlala endzaweni lehlobile nalephephile nemalungelo lekutfola emanti nekutfutfwu kwelindle emiphakatsini.

Lenkhomishane iphindze yacela Litiko Lamengameli Letekuhlela, Kugadza neku Hlola (DPME) kutsi liletse umbiko kule Nkhomishane ngelilungelo lekutfutfwu kwelindle kuwo wonkhe umhlaba. Lombiko we DPME ubike kutsi tinkhinga letimayelana nekungatfulwa kwetinsita tiyachubeka futsi setandzile “tinsayeya nekungabi nemanti kubangwa kungabi khona kwemali leyanele nekungacokelelwa kahle kwamalingena lokwente kutsi kungasebenteki kahle; kungabi nebantfu labanemakhono elwati, kuphatsa temabhezini; kungenelela kwetepolitiki nenkhohlakalo nekungacaci kwemandla nemisebenti leniketwe bomasipala.”<sup>6</sup>

Lenkhomishane yetfule ngalokusemtsetfweni lekutfolile netincomo tayo nephalamende yavelonkhe emuva kwekulalelwa kwemphakatsi kuto tonkhe tifundza mayelana nekuhlukunyetwa kwemalungelo ekutfola emanti nekutfutfwu kwelindle. Iyachubeka nekugadza nekubika ngalelilungelo nekuphendvula tikhalo letibuya emiphakatsini. Kungasikudzala le Nkhomishane iye enkantolo iyocela kukhululwa kwemphakatsi lose Sifundzeni lesise Nshonalanga Nyakatfo (North West Province).<sup>7</sup> Kulesehlakalo, emanti aletfwu ngulo Masipala kodvwa bekangetenelisi tidzingo tabo.<sup>8</sup>

## Cedza manotsi

- <sup>1</sup> Umhlahlandlela Wekusebentisa Emanti Amahhala we Tiphatsimandla Luhlobo 2.3 lufolakala ku <http://www.dwa.gov.za/Documents/FBW/FBWLocalAuthGuidelinesAug2002.pdf>
- <sup>2</sup> GHS Series Volume VIII Water and Sanitation: In depth analysis of the GHS 2002 - 2015 and CS 2016 data
- <sup>3</sup> Report on the right to access to sufficient water and decent sanitation in SA 2014 (SAHRC)
- <sup>4</sup> SAHRC Annual Trends Analysis Report 2015/2016
- <sup>5</sup> Mazibuko and Others v City of Johannesburg and Others 2010 (3) BCLR 239 (CC) (08 October 2009)
- <sup>6</sup> SAHRC Moqhaka findings (2011)
- <sup>7</sup> SAHRC Section 184 (3) Report (2016/2017)
- <sup>8</sup> SAHRC v Madibeng Local Municipality NW/2014/0036



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