



amalungelo ami,
isibopho sami





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The Constitution

of the Republic of South Africa, 1996



Act 108 of 1996

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Yini uMthethosisekelo?

UMthethosisekelo ungumthetho omkhulukazi waseNingizimu Afrika. Wendlala ukuthi uhulumeni ubumbeke kanjani nokuthi izwe kumele liphathwe kanjani. Njengoba ungumthetho omkhulukazi, awukho omunye umthetho ongaphikisana noMthethosisekelo. Imithetho ephikisana noMthethosisekelo kumele ishintshwe futhi ngenye inkathi imithetho emisha yenzelwa ukuthi kugcwaliseke okuqukethwe kuMthethosisekelo.

USomqulu Wamalungelo okuMthethosisekelo uqukethe wonke amalungelo abantu baseNingizimu Afrika. La malungelo awanakushintshwa kalula imithetho ngoba avikelwe uMthethosisekelo ngokukhethekile. Amalungelo akuSomqulu Wamalungelo avame ukusetshenziswa izinkantolo ngokuwahlanganisa nemithetho emayelana namalungelo ukuze kuthathwe isinqumo emacaleni amalungelo esintu.



Uyini uSomqulu Wamalungelo?

USomqulu Wamalungelo uwuhlu lwawo wonke amalungelo esintu bonke abantu abanawo. Utholakala kuSahluko 2 soMthethosisekelo wethu. USomqulu Wamalungelo uyisisekelo soMthethosisekelo.



Ayini amalungelo esintu?

Amalungelo esintu ayisisekelo samalungelo abo bonke abantu, ngoba nje bengabantu. Asikho isidingo sokuthi bathole lokhu ngoba benze okuthile futhi akusiyo inhlanhla evela kumuntu noma kuhulumeni. Uwathola ngenkathi uzalwa futhi, akekho ongakuphuca wona.

USomqulu Wamalungelo uhlinzekela amalungelo alandelayo:

1 Isigaba 9 sihlinzekela ilungelo lokulingana

Lesigaba sithi bonke abantu bayalingana phambi komthetho futhi unelungelo lokuvikeleka ngokulinganayo kanye nokuthola izinzuzo zomthetho. Akekho umuntu ongacwaswa ngokungafanele.

USomqulu Wamalungelo wenza uhlu lwezizathu ezithile zokucwasa futhi uthi ukucwasa ngaphansi kwezizithu ezidaluliwe kuthathwa ngokuthi akulungile ngaphandle kwalapho kunobufakazi bokuthi kulungile.

Izizathu ezisohlwini zibandakanya: ubuhlanga, ubulili, ukukhulelwa, isimo somshado, imvelaphi noma indawo ohlala kuyo, ibala, uhlobo lwabantu okhetha ukuthandana nabo, iminyaka, ukukhubazeka, inkolo, unembeza, inkolelo, amasiko, ulimi kanye nokuzalwa.

Ilungelo lokulingana libuye livikelwe uMthetho Wokugqugquzela Ukulingana Nokuvikela Ukucwasa Okungalungile 4 ka 2000 (i-PEPUDA).

Izikhungo ezilandelayo zingasiza noma ubani obona ukuthi ucwaswe ngokungafanele:

Izinkantolo Zokulingana

- Izikhalo zokucwasa ngokungafanele zingafakwa Enkantolo Yezokulingana. Bewazi? Zonke Izinkantolo Zikamantshi zibuye zihlale njengeNkantolo Yezokulingana!
- Olunye ulwazi ngeNkantolo Yezokulingana lutholakala kuwebhusayithi yoMnyango Wezobulungiswa:
www.justice.gov.za

IKhomishana Yokulingana Ngokobulili (i-CGE)

I-CGE iyisikhungo esizimele esasungulwa ngokweSahluko 9 soMthethosisekelo. NgokoMthethosisekelo lesi sikhungo sinomsebenzi wokukhuthaza, ukuvikela, ukuqapha nokuhlola ukulingana ngokobulili. Ukuze uthole olunye ulwazi nge-CGE ku www.cge.org.za

Bika Ukucwaswa Nokuhlukunyezwa Ngokobulili ku (0800) 007 709

Ikhomishana Yamalungelo Esintu ENingizimu Afrika

I-ne-SAHRC isebenza ngezokulingana ngokwenza okulandelayo:

- ukugqugquzela ilungelo lezokulingana ngokusebenzisa ezemfundo, imihlangano yokuqeqesha, imibhalo yokwandisa ukuqwashisa
- ukuvikela ilungelo lezokulingana ngokuphenya izikhalo nokuthatha izinyathelo sokuhlinzekela ukulungisa lapho kube nokuphazanyiswa kwamalungelo
- ukuqapha ilungelo lezokulingana mayelana nabantu abakhubazekile, abantu abavela kwamanye amazwe, abantu abakhulile kanye nezobuhlanga, kanye nemibiko ngesimo sezokulingana eNingizimu Afrika, okubandakanya izinhlangano zamazwe ngamazwe ezizinikele elungelweni lezokulingana njengeSivumelwano Samawe Ngamazwe Sokuqeda Zonke Izinhlobo Zokucwasa Ngokobuhlanga (i-ICERD)

Imibiko, okutholakele kanye namaphepha abhaliwe ngeKhomishana ayatholakala ngokufaka isicelo kwiKhomishana kanye nakwiwebhusayithi ethi www.sahrc.org.za

2 Isigaba 10 sihlinzeka ngelungelo lesithunzi sesintu

Lesi sigaba sithi bonke abantu banesithunzi abazalwe naso kanye nelungelo lokuthi isithunzi sabo sihlonishwe futhi sivikeleke.

Lokhu kusho ukuthi bonke abantu bafanelwe ukuhlonishwa ngokulinganayo.

Ilungelo lokuba nesithunzi lixhumene kakhulu namanye amalungelo ayisisekelo, futhi lapho amanye amalungelo anjengelungelo lokuhlizekwa ngamanzi nokuthuthwa kwendle liphazanyiswa, ilungelo lesithunzi livame ukuphazamiseka.

3 Isigaba 11 sihlizekela ilungelo lokuphila

Lesi sigaba sihlizeka ngokuthi bonke abantu banelungelo lokuphila. Akekho umuntu ovumeleke ukubulala omunye umuntu.

Ilungelo lokuphila lithathwa njengalelo elidinga ukuvikeleka kakhulu wuHulumeni nabo bonke abantu abasezweni.

Inkantolo angeke isakwazi ukunika abantu isigwebo sentambo ngoba iNkantolo Yomthethosisekelo yamisa ukuthi isigwebo sentambo siphambene nomthethosisekelo.

Ukusongela ngokuphazamisa ilungelo lokuphila kuyicala eNingizimu Afrika, futhi lezo zinsongo kumele zibikelwe Umbutho Wamaphoyisa AseNingizimu Afrika (i-SAPS) ngokuphazima kweso.

4

Isigaba 12 sihlinzekela ilungelo lenkululeko nokuvikeleka komuntu

Leli lungelo lihlinzeka ngokuthi bonke abantu banelungelo lenkululeko nokuvikeleka komuntu okubandakanya:

- Ukungaphucwa inkululeko ngaphandle kwesizathu esiqondakalayo;
- Ukungavalelwa ejele ngaphandle kokuqulwa kwecala;
- Ukungabhekani nanoma iyiphi inhlobo yodlame;
- Ukungalinyazwa nganoma iyiphi indlela;
- Ukungaphathwa noma ujeziswe ngendlela engenasihe, enonya noma ekwehlisa isithunzi;
- Ukuthatha izinqumo eziphathelene nokuzala;
- Ukuvikeleka nokulawula umzimba wakho kanye;
- Nokungaphoqwa ukuthi uzibandakanye kuma-experiment ezokwelapha noma ezesayensi.

Amalungelo ahambisana nezibopho, futhi akekho umuntu ovumeleke ukuphazamisa amalungelo abanye abantu. Kunesidingo sokuthi sicophelele uma sekuziwa kumalungelo abantu abangase bahlukumezeke kalula njengezingane, abantu abakhubazekile kanye nabantu abadala, ngokuba negalelo ekuvikelweni kwamalungelo alabo bantu.

Noma ubani ohlukunyezwayo noma obona umuntu ehlukunyezwa kumele athinte Umbutho Wamaphoyisa AseNingizimu Afrika. Uphiko Lwezodlame Lwasekhaya lwakunoma eyiphi Inkantolo Kamantshi lungasiza ngencwadi yokuvikeleka (i-protection order).

5

Isigaba 13 sihlinzekela ngelungelo lokulwisana nobugqila, ukusetshenziswa njengesigqila kanye nokusetshenziswa ngempopo

Leli lungelo lihlinzeka ngokuthi akekho umuntu ongaphoqwa ukuthi abe yisigqila, Yize zingeziningi izigameko zalolu hlobo eNingizimu Afrika, abantu ababuthaka bavame ukubhekana nobunzima bokufuna usizo lapho bebhekene nokusetshenziswa ngempopo. UMnyango Wezabasebenzi, izinhlangotho zomphakathi ezithile, kanye ne-ne-SAHRC kumele yaziswe lapho kunokuphazamiseka okuveza ubugqila, ukusetshenziswa njengesigqila noma ukusetshenziswa kwempopo.

6

Isigaba 14 sihlinzeka ngelungelo lemfiho

Wonke umuntu unelungelo lemfiho elibandakanya ilungelo laloku okulandelayo ukuba kungenziwa:

- Ukuseshwa komzimba noma komuzi wakho;
- Ukuseshwa kwempahla yakho;
- Ukuphucwa impahla noma;
- Ukuphazanyiswa kokuxhumana nabanye abantu.

BEWAZI?

Ngaphandle kwalapho amaphoyisa anezinsolo khona eziqondakalayo zokuthi kwenzeka ubugebengu noma kunobugebengu osebukuzokwenzeka, amaphoyisa awavumelekile ukukuseshisa noma indlu yakho ngaphandle kwesigunyazo sokuseshisa!

Abameli bangasiza lapho leli lungelo liphazanyisiwe. Ukuze uthole olunye ulwazi ungathinta ummeli wakho.

Iseluleko somthetho samahhala kanye nommeli kungatholakala kuLegal Aid South Africa www.legal-aid.org.za noma emahhavisini ezeluleko zama-paralegal amaningi ku- www.nadcao.org.za

7**Isigaba 15 sihlinzeka ngelungelo lenkululeko yezenkolo, ukukholelwa kanye nombono**

INingizimu Afrika iyizwe elingalandeli nkolo, okumele lihloniphe izinqubo zezenkolo, zendabuko nezamasiko ezikulo. Abantu kumele bangacwaswa ngenxa yokwehlukahlukana ngokwemicabango, inkolelo kanye nemibono. Kunalokho kumele kukhuthazwe ukwehluka nokuba khona kokunhlobonhlobo ukuze kuchume futhi kunothise umphakathi.

Olunye ulwazi ngalamalungelo lungatholakala kuKhomishana Yokugqugquzela Nokuvikela Amalungelo Amasiko, Enkolo Nawemiphakathi Ekhuluma Izilimi Ezahlukene www.crlcommission.org.za



Isigaba 16 sihlinzeka ngelungelo lenkululeko yokuveza imibono

Wonke umuntu unelungelo lenkululeko yokuveza imibono. Leli lungelo libandakanya:

- Inkululeko yabezindaba kanye neminye imithombo yezindaba;
- Inkululeko yokuthola noma yokudlulisa ulwazi noma imibono;
- Inkululeko yobuciko; kanye
- Nenkululeko yezemfundo kanye nenkululeko yokwenza ucwaningo olunzulu

Leli lungelo lisho ukuthi wonke umuntu ukhululekile ukuveza umbono wakhe ngolwazi nemibono, kube kwaziswa ngokukhethekile futhi kuvikelwa amalungelo okuveza imibono ngocwaningo olunzulu, imithombo yezindaba kanye nemibono yezifundiswa. Leli lungelo kumele livunyelwe ukuthi lisebenze ngokugcwele, futhi umkhawulo walo ubekwa lapho likhuthaza udlame noma ligqugquzela ukuthi kulinyazwe abanye abantu. ENingizimu Afrika izikhalazo ngamazwi anenzondo zivamile, kuvame ukususelwa kwezohlango, imvelaphi, ubulili noma ezenkolo, umphakathi umuntu abuya kuwo, okwenza kube iKhomishana kanye nezinkantolo zokulingana ezikhipha izinqumo ngalezo zikhalo.

Amaphiko anjengeKhomishana Yezikhalo Ngenhlangano Yozokusakaza eNingizimu Afrika, Umxazululi Wabezindaba, i-CCMA nawo abhekana nezikhalo eziqondene nelungelo lokuveza imibono.

9

Isigaba 17 sihlinzekela ilungelo lokwenza okulandelayo ukuhlangana, ukubhikisha, ukutoyitoya nokwethula izikhalo

Lesi sigaba sihlinzeka ngokuthi bonke abantu banelungelo, ngokuthula bengahlomile:

- behlanganela ukubhikisha,
- ukutoyitoya kanye
- Nokwethula izikhalo.

Leli lungelo linika abantu ithuba lokuveza ukunganeliseki kwabo noma izimfuno zabo kanye nendlela enokuthula. Ayidingeki imvumo yokubhikisha, kodwa kumele wazise abaphethe okungenani ezinsukwini eziyi-7 ngaphambi kosuku lokubhikisha.

Olunye ulwazi olumayelana nelungelo lokubhikisha lutholakala kumbhalo we-ne-SAARC: Amalungelo Esintu Nokubhikisha Komphakathi www.sahrc.org.za.

10

Isigaba 18 sihlinzeka ngelungelo lenkululeko yokuhlanganyela

Lesi sigaba sihlinzeka ngokuthi bonke abantu banelungelo lenkululeko yokuhlanganyela.

Ngaphandle kwalapho kudingeka ngokomthetho, okudinga ukuthi kube nobulungu bezinhlango zochwepheshe ezithile, noma kuvinjwa ukubunjwa kwezinhlangano zezigebengu, abantu bangajoyina, bakhe noma imuphi umbuthano, iqembu noma inhlangano.

11

Isigaba 19 sihlinzeka ngamalungelo ezepolitiki

Bonke abantu banelungelo lenkululeko yokukhetha ngokwezepolitiki, njengelungelo:

- Lokwakha iqembu lezepolitiki; kanye
- Nokuzibandakanya emisebenzini yeqembu lezepolitiki.

Zonke izakhamuzi zinelungelo:

- Lokhetho olukhululekile nolungachemile;
- Lokuvota ngemfihlo okhethweni; kanye
- Nokungenela ukuba sehhovisini likahulumeni, lapho ekhethwe ukuthi abe sehhovisini.

Iwebhusayithi yeKhomishana Yokhetho Ezimele (i-IEC) kanye namahhovisi ayo ezweni lilonke ahlinzeka ngolwazi olugcwele ngamalungelo okuvota, ukhetho kanye nokuzibandakanya.

Iwebhusayithi ye-IEC ithi www.elections.org.za

12

Isigaba 20 sihlinzeka ngelungelo Lokunciswa ilungelo lobuzwe

Asikho isakhamuzi okumele sincishwe ilungelo laso lobuzwe.

UMthetho Wezakhamuzi WaseNingizimu Afrika 88 ka 1995 uhlinzeka ngezimo lapho umuntu engaphucwa khona ilungelo lokuba isakhamuzi.

UMnyango Wezasekhaya ungumbhekeleli waleli lungelo. Ukuze uthole olunye ulwazi vakashela: www.dha.gov.za

13 Isigaba 21 sihlizekela ilungelo lenkululeko yokuhamba nokuhlala

Wonke umuntu unelungelo:

- Lokuya noma ikuphi eNingizimu Afrika; kanye
- Nelokushiya eNingizimu Afrika uma ethanda.

Zonke izakhamuzi zinelungelo:

- Ukungena, ukuhlala nokuphila noma kuphi eNingizimu Afrika; kanye
- Nokuba nephasiphothi.

Ukufaka isicelo sephasiphothi xhumana nehovisi lasendaweni loMnyango Wezasekhaya.

14 Isigaba 22 sihlizekela ilungelo lenkululeko yokuhweba, ukuqashwa nokuba nomsebenzi ofundelwe

Zonke izakhamuzi zinelungelo lokukhetha ezizohweba ngako, ukuqashwa noma umsebenzi ofundelwe ngenkululeko.

Leli lungelo lisho ukuthi zonke izakhamuzi zinenkululeko yokukhetha noma imuphi umsebenzi ezifuna ukuwenza, noma zikhethe ukuqala ibhizinisi lazo. Leli lungelo linomkhawulo omiswe umthetho wethu wokuthi kube umsebenzi osemthethweni futhi kubekwa imigomo engeziwe kubantu abangasizo izakhamuzi.

Ukuze uthole olunye ulwazi ngemisebenzi engafundelwa, ungaxhumana nanoma esiphi isikhungo semfundo ephakeme.

Ukuze uthole olunye ulwazi ngokuqala ibhizinisi nokufaka isicelo soxhaso xhumana noMnyango Wezokuthukiswa Kwamabhizinisi Amancane ngewebhusayithi yabo www.dsbd.gov.za

15 Isigaba 23 sihlinzekela amalungelo abasebenzi nabaqashi (ubudlelwano nabasebenzi)

Wonke womuntu unelungelo lokuphathwa kwabasebenzi ngokufanele.

Umthetho omkhulu olawula ubudlelwano nabasebenzi ubandakanya:

- UMthetho Wezobudlelwano Nabasebenzi 66 ka 1995; kanye
- NoMthetho Wemigomo Eyisisekelo Yokusebenza 75 ka 1995;

UMnyango Wezabasebenzi ungumbhekeleli waleli lungelo. Ukuze uthole olunye ulwazi vakashela www.labour.gov.za

Ezinye izikhungo nezinhloko zomsebenzi nezimpikiswano ezivela endaweni yokusebenza njenge-CCMA, kanye nezinkantolo zemisebenzi. Imikhandlu yokuxoxisana ekhethekile ibekwa emkhakheni wokuqasha ngamunye eNingizimu Afrika. Le mikhandlu ixoxisana ngemigomo yokuqashwa, izinqubomgomo, izinqubo nemigomo kanye nezimpikiswano ezinomthelela kubasebenzi.

16 Isigaba 24 samalungelo sihlinzekela ngamalungelo ezemvelo

Bonke abantu banelungelo lokuba nendawo engayilimazi impilo noma inhlalakahle yabo. Amalungelo okuba sendaweni ephethile kubaluleke kakhulu ukuthi aqashwe njengoba amabhizinisi kanye nabanye ababambiqhaza beqhuba umsebenzi onjengokuvukuzisa onqose ube nesandla ekungcolisekeni komhlamba nasekumoshakaleni kwezinsiza zemvelo. Ukungcolisa imvelo kungasilimaza kakhulu isimo sezempilo semiphakathi ebhekene nalokho kungcola. Ngenxa yalokhu leli lungelo libeka ijoka kuhulumeni lokuqinisekisa ukuthi izindawo ziphathwa ngokufanele.

UMnyango Wezemvelo ungumbhekeleli waleli lungelo. Ukuze uthole olunye ulwazi vakashela u-www.environment.gov.za

17 Isigaba 25 sihlizekela amalungelo empahla

Akekho umuntu ongaphucwa impahla yakhe ngaphandle kwalapho kuhambisana nomthetho okumele usetshenziswe futhi awukho umthetho ongavumela ukuphucwa kwempahla komuntu engazange anikezwe ithuba lokuziphendulela.

18 Isigaba 26 sihlizekela ilungelo lokuthola indlu

Wonke umuntu unelungelo lokuba nendlu efanele.

I-ne-SAHRC ithola inqwaba yezikhalo mayelana nelungelo lokuba nendlu. Lokhu kusukela ezikhaweni ngokubambezeleka ekuhlizekweni kwezindlu, ukukhishwa endlini kanye nezindlu ezingekho eqophelweni.

Izinkantolo zethu zikhiphe izinqumo eziningi ngelungelo lezindlu futhi zicophelela kakhulu ngokuvikela leli lungelo ikakhulukazi lapho abantu bengase basale dengwane/bengenazindlu ngenxa yokukhishwa ezindlini.

Eminye yemithetho esemqoka enomthelela elungelweni lezindlu iyalandela:

- UMthetho Wokuvikela Ukukhishwa Ngokungemthetho kanye Nokuphucwa Umhlaba Ngokungemthetho 19 ka 1998 (i-PIE)
- UMthetho Wokwelulwa Kokuvikelwa Kokusebenzisa Indawo 62 ka 1997 (i-ESTA)

UMnyango Wezezindlu esifundazweni ngasinye nakomasipala abakhulu basemadolobheni amakhulu esifundazweni ngasinye; nasezingeni likazwelonke yibo ababhekele leli lungelo.

19

Isigaba 27 sihlinzekela ilungelo lokuthola ukunakekelwa ngokwezempilo, ukudla, amanzi kanye nezibonelelo

Bonke abantu banelungelo lokuthola okulandelayo:

- Izinhlinzeko zokunakekelwa ngokwezempilo, okubandakanya ukunakekelwa okuqondene nokukhulelwa;
- Ukudla namanzi anele; kanye
- Nenhlalakahle (Okubala ukuthola isibonelelo), okubandakanya, uma bengakwazi ukuzinakekela ngokwabo kanye nabantu abathembele kubo, usizo lwezenhlalakahle olufanele.
- Akekho umuntu onganqatshelwa ukuthi athole ukunakekelwa kwezempilo okuphuthumayo.

I-ne-SAARC yenze umsebenzi omkhulu kulelo nalelo lalama lungelo ngemibiko yayo, uphenyo, kanye nokuqapha. Lolu lwazi lunganiswe nombhalo wamaqiniso ngelungelo lokuthola ukudla kanye nombhalo oqondene nokutholakala kwamanzi nokuthuthwa kwendle kuyatholakala kuwebhusayithi ye-ne-SAARC www.sahrc.org.za

Amaphiko alandelayo anomthwalo wokuvikela, ukuphumelelisa okugqugquzela lamalungelo:

- UMnyango Wezempilo www.health.gov.za
- UMnyango Wezenhlalakahle www.dsd.gov.za
- I-South African Social Security Agency www.sassa.gov.za

20

Isigaba 28 sihlinzekela amalungelo ezingane

Wonke umuntu ongaphansi kweminyaka engu-18 unelungelo lokuthola okulandelayo:

- Igama nobuzwe kusukela ezelwe;
- Ukunakekelwa umndeni noma umzali noma enye indlela yokunakekelwa uma esusiwe endaweni yasekhaya;
- Ukudla okuyisisekelo, indawo yokuhlala, imisebenzi yokunakekelwa ngokwezempilo eyisisekelo kanye nezenhlalakahle;

- Ukuvikeleka ekuphathweni kabi, ukushiywa dengwane, ukhlukunyezwa nokwehliswa isithunzi;
- Ukuvikeleka ezimweni zokusebenza ezixhaphazanayo;
- Ukungawenzi umsebenzi ongaphazamisa isimo sakhe sempilo, ezemfundo, isimo sempilo somzimba noma somqondo noma ukuthuthuka komoya, isimilo noma kobudlelwane nomphakathi;
- Ukungaboshwa, ngaphandle uma ukuboshwa kwakhe kuyisinyathelo sokugcina esingathathwa, futhi kwenziwe isikhashana nokuthi angaboshwa endaweni okungekho kuyo abanye abantu abaneminyaka engaphezu kwezi-18;
- Ukuthola ummeli wamahhala;
- Lokho okungasiza/ izidingo zomntwana yikho okubekwa phambili uma kukhulunywa ngodaba oluthinta umntwana. Lokhu kubandakanya izindaba ezinjengokuthi ngubani ozohlala nomntwana kanye nokufinyelela ebantwaneni.

I-ne-SAHRRC iyabahlizekela abantwana, inezindawo ezilungele abantwana, futhi inezinqubo ezikhethekile zokuthola izikhalo ezivela ebantwaneni futhi isebenza ngempokophelo yokuthuthukisa ukuqwashisa ngamalungelo abantwana nokuqinisa ukuvikeleka kwamalungelo abo.

Emhlabeni jikelele kunesivumelwano esikhethekile esivikela umntwana futhi uHulumeni ne-ne-SAHRRC behambisa umbiko kulolu phiko mayelana namalungelo abantwana abaseNingizimu Afrika.

Umbhalo wamaqiniso, amaoheshana, amaphepha anamekwayo kanye namanye amathuluzi atholakala mahhala kuwebhusayithi ye-ne-SAHRRC. www.sahrc.org.za

Ezinye izinhlaka ezigxile emalungelweni ezingane ilezi ezilandelayo:

- UMnyango Wezenhlalakahle www.dsd.gov.za
- UPhiko Oluvikela Izingane ku-SAPS - xhumana nanoma esiphi isiteshi samaphoyisa ukuze uthole usizo.

Omunye wemithetho ebaluleke kakhulu oqondene namalungelo ezingane uMthetho Wezingane Nenqubomgomo Yalomthetho.

21 Isigaba 29 sihlinzeka ngelungelo lezemfundo

Bonke abantu banelungelo lokuthola okulandelayo:

- Imfundo eyisisekelo, okubandakanya imfundo yabantu abadala eyisisekelo; kanye
- Nokuqhuba imfundo emazingeni aphakeme, okumele uhulumeni athathe izinyathelo zokuthi itholakale futhi kufinyeleleke kuyo ngesikhathi.

UMnyango Wezemfundo Eyisisekelo kanye noMnyango Wezemfundo Eazingeni Eliphakeme Nokuqeqesha yiyo ebhekelele la malungelo. Ukuze uthole olunye ulwazi vakashela amawebhusayithi alandelayo:

- www.education.gov.za
- www.dhet.gov.za

22 Isigaba 30 sihlinzekela ilungelo lolimi namasiko

Bonke abantu banelungelo lokusebenzisa ulimi nokuzibandakanya esikweni abazikhethele lona.

Izikhungo ezilandelayo zibhekelele la malungelo. Ukuze uthole olunye ulwazi vakashela amawebhusayithi alandelayo:

- I-Pan South African Language Board ku- www.pansalb.org
- Ikhomishana le-CRL www.crlcommission.org.za

23**Isigaba 31 sihlinzekela ilungelo lamasiko, lezenkolo nelemiphakathi ekhuluma izilimi ezithile**

Abantu abangabesiko/ besiko/ abazibandaya nesiko, inkolo noma umphakathi okhuluma ulimi oluthile bangephucwe ilungelo:

- Lokuqhuba isiko, ukuqhuba inkolo yabo nokusebenzisa ulimi lwabo kanye;
- Nokwakha, ukujoyina nokuqhuba isiko, inkolo nokuhlanganyela ngokwezilimi kanye nezinye izinhlangano zasemphakathini.

Ukuze uthole olunye ulwazi ngaleli lungelo vakashela iKhomishana ye-CRL ku- www.crlcommission.org.za

24**Isigaba 32 sihlinzekela ilungelo lokuthola ulwazi**

Bonke abantu banelungelo lokuthola okulandelayo:

- Ulwazi olugodlwe uhulumeni kanye
- Nolwazi olugcinwe omunye umuntu oludingekayo ekusetshenzisweninoma ukuvikelwe kwanoma yiliphi ilungelo.

I-ne-SAHRC isebenza ngoMthetho Wokugququzela Ukutholakala Kolwazi [i-PAIA] ebhekana nelungelo lokukhululekukuthola ulwazi. Lelilungelo libalulekile kwintandoyeningi eqhutshwa ngokufanele, ukudalula inkohlakalo, nokuqinisekisa ukuthi abantu bahlinzekwa ngolwazi oludingekayo ukuze baqhubeke nempilo yabo futhi bazibandakanye ekuthathweni kwezinqumo benolwazi.

Ngokusebenzisa umthetho omusha ovikela ulwazi oluqondene nomuntu, iNingizimu Afrika ibeke uMlawuli Wolwazi. Umlawuli Wolwazi uzoqapha ukulandelwa komthetho we-PAIA futhi angenelele lapho abagodle ulwazi benqaba ukuhlinzeka ngalo.

25 Isigaba 33 sihlinzekela ilungelo lezinyathelo ezilungile nezokuphathwa ngokufanele

Bonke abantu banelungelo lokuphathwa ngokusemthethweni. Lokhu kusho ukuthi bonke abantu banelungelo loku:

- Ukuphathwa ngendlela efanele nelandela inqubo egculisayo nevumelekile ngokomthetho; kanye
- Nokuchazelwa ngezizathu eziqondene nokuphathwa ezinomthelela ongalungile.

IPhalamende liphasise umthetho obizwa ngokuthi uMthetho Wokugquguzela Ukuphathwa Kobulungiswa ka 2000 (i-PAJA). Lo Mthetho uthi izikhathi ezinqunyiwe ezisophikweni oluthatha izinqumo kumele lubaphendule abantu, luveze nezizathu zokuthathwa kwezinqumo. Izinqumo zokuphatha ezinjengokunqatshwa kokukhishwa kwamalayisense kungaphoselwa inselelo ngezinkantolo ngokusebenzisa izinqubo zokubuyekeza.

26 Isigaba 34 sihlinzekela ilungelo lokufinyelela ezinkantolo

Bonke abantu banelungelo lokuthi nanoma iyiphi igcxabano engxazululwa ngokusebenzisa umthethoinqunye yinkantolo noma lapho kufanele enye inkundla ezimele noma engachemile.

Ukuze uthole olunye ulwazi ngaleli lungelo vakashela uMnyango Wezobulungiswa. Kunenqwaba yezinhlaka ezinezindlela zokuxazulula izimpikiswano eziyizinkundla nabaxuzululi. Ngalezi zinhlaka kuhloswe ukuhlinzekwa ngesisombululo esisheshayo sokuvikela amalungelo. Izinqumo zalezi zinhlaka zingabuyekezwa ngokusebenzisa izinkantolo. Izibonelo zalezo zinkundla yinkunda esenkundleni Yezokuncintisana, Inkundla Yezokuqashisa Ngendlu kanye Nenkundla Yezabathengi

27 Isigaba 36 sihlinzekela umkhawulo wamalungelo

Amalungelo aqukethwe kuMqulu wamaLungelo angancishiswa kuphela ngokusho komthetho osebenza kunoma yimuphi umuntu, kungadluli ezingeni lokuthi ukuncishiswa kube kufanele futhi kwamukelekile emphakathini ovulekile, onombuso wentando yeningi nosekelwe yisithunzi sobuntu, ukulingana, nenkululeko.

Lokhu kusho ukuthi amalungelo akuSomqulu Wamalungelo awasilo izwi lokugcina. Abantu banamalungelo ancintisanayo kanye namalungelo angqubuzanayo. Isithunzi somuntu siyisibonelo sokushayisana nelungelo lomuntu lenkululeko yokuveza umbono, futhi ngenxa yalokho uMthethosisekelo uhlinzeka ngesigaba semikhawulo yamalungelo. Lesi sigaba siza nendlela yokuhlola okumele yaneliswe umkhawulo ngamunye ngaphambi kokuba ilungelo eliyisisekelo licishiswe ngokusemthethweni.



Amalungelo esintu angavikeleka kanjani

Ukuze uvikele futhi uqaphe ukugcwaliseka okuqhubekayo kwamalungelo akuSomqulu Wamalungelo, Isahluko 9 soMthethosisekelo sihlinzeka ngokuthi kusungulwe izikhungo ezizimele, okuncike kuMthethosisekelo nomthetho. Lezi zikhungo azichemile futhi zisebenzisa amandla azo zenze imisebenzi yazo ngaphandle kokwesaba, ukwenzelela nokucindezela abanye.



Ikhomishana Yamalungelo Esintu ENingizimu Afrika

I-SAHRC iyisikhungo sikahulumeni esizimele, esakhiwe ngokomthethosisekelo ukugqugquzela, nokuvikela ukuhlonipheka kwesiko lamalungelo esintu eNingizimu Afrika. IKhomishana inezinga lika "A" elikhethekile lokusebenza nezinye izinhloko zamalungelo esintu emhlabeni jikelele ukuze kuvikelwe amalungelo.

Ngakho-ke iKhomishana kumele yeluleke uhulumeni ngezinqubomgomo zakhe kanye nezinqubo, isebenzisane nabanye ababambiqhaza ukugqugquzela ukuqonda amalungelo esintu okunzulu, kuthathwe izinyathelo lapho ephazanyisiwe, ngaphandle kokwesaba noma kokwenzelela noma ukucindezela ngenhloso yokusiza bonke abantu baseNingizimu Afrika.



Umsebenzi we-ne-SAHRC

NgokweSigaba 184 soMthethosisekelo, i-ne-SAHRC kumele:

- Ikhuthaze ukuhlonishwa kwamalungelo esintu kanye nosiko lamalungelo esintu;
- Ikhuthaze ukuvikeleka, ukuthuthukiswa nokugcwaliseka kwamalungelo esintu;
- Iqaphe futhi ihlole ukulandelwa kwamalungelo esintu eRiphabhulikhi.



Yenzani i-ne-SAHRC?

- I-ne-SAHRC iphenya izikhalo ngokuhlukunyezwa kwamalungelo esintu nokuqapha izikhalo zamalungelo esintu;
- Iqapha futhi yethule umbiko ePhalamende minyaka yonke ngalokho osekwenziwe uHulumeni ukuze amalungelo ezenhlalamnotho abonakale kubo bonke abantu baseNingizimu Afrika;
- Ikhuthazaa futhi iqwashise umphakathi jikelele ngamalungelo esintu kanye noMthethosisekelo;
- Iqapha ukuthuthukiswa komthethosisekelo omusha ukuqinisekisa ukuthi umthethosisekelo ubheka imigomo yamalungelo esintu;
- Ixhumana nabemithombo yezindaba ukuze kuhlinzekwe ngolwazi lwamalungelo esintu kanye nokuqwashisa ngamalungelo esintu
- Iqhuba izinhlelo zokubuza umphakathi ngokuhlukunyezwa kwamalungelo esintu okwenziwa ngokohlelo.
- Ivulela ochwepheshe kanye nabanye ababambiqhaza indawo yokuxoxisana ngezindaba, izidingo kanye nokuthuthukiswa kwamalungelo esintu
- Isebenzisana namaqembu ababambiqhaza ahluhahlukene ukuze kubhekanwe ngendlela efanele namalungelo ahlukeyiziwe, noma ukukhuthaza izinqubo ezingcono, izinqubo nemithetho ngenhloso yokuphumelelisa amalungelo esintu.



Izikhalo eziphenywa i-ne-SAHRC

I-ne-SAHRC inamandla okuqhuba noma iluphi uphenyo lapho ithola isikhalo nganoma ikuphi ukuphazanyiswa kwamalungelo esintu ayisisekelo. I-ne-SAHRC inamandla okuphenya ngokwayo lapho kuphazanyiswa noma izinsongo zokuphazanyiswa kwamalungelo esintu ayisisekelo.



Zingafakwa kuphi izikhalo

Isikhalo singafakwa kunoma eliphi ihhovisi le-ne-SAHRC esifundazweni lapho kusolakala ukuthi kube nokuphazanyiswa kwelungelo eliyisisekelo.



Ubani ongafaka isikhalo?

- Noma ubani ozifakelayena isicelo;
- Noma ubani owenzela omunye umuntu ongeke akwazi ukuzenzela ngokwakhe;
- Noma ubani osebenza njengelungu noma onentshisekelo eqenjini noma eqoqweni labantu;
- Noma ubani osebenza eqhuba intshisekelo yomphakathi noma;
- Noma eyiphi inhlango e sebenzela izintshisekelo zamalungu ayo.



Zingafakwa kanjani izikhalo?

- Isikhalo singafakwa ngomlomo noma ngocingo.
- Isikhalo singafakwa nangokubhala.
- Abafaki bezikhalo bangagcwalisa nefomu lokufaka isikhalo elitholakala ku-inthanethi ku- www.sahrc.org.za



Ezinye Izikhungo Zesahluko 9 eziqapha ukuvikeleka nokugcwaliseka kwamalungelo esintu:

IKhomishana Yokugqugquzela Nokuvikela Amalungelo Amasiko, Enkolo Nawemiphakathi Ekhuluma Izilimi Ezhlukene (i-Khomishana ye-CRL)

Umgomongqangi weKhomishana ye-CRL ukwenza okulandelayo:

- Ukugqugquzela ukuhlonishwa kwamalungelo amasiko, enkolo nawemiphakathi ekhuluma izilimi ezahlukeneyo;
- Ukugqugquzela nokwenza ukuthula, ubungani, ubuntu, ukwamukelana kanye nobunye kuzwelonke phakathi kwamasiko, ezenkolo kanye nemiphakathi ekhuluma izilimi ezahlukeneyo, ngokokulingana, ukungacwasi kanye nokuhlanganyela ngenkululeko; kanye
- nokuncoma ukusungulwa noma ukwaziswa ngokomthetho kazwelonke, wamasiko noma omunye umkhandlu noma imikhandlu yomphakathi noma yemiphakathi yaseNingizimu Afrika.

IKhomishana ye-CRL inamandla okuqapha, ukuphenya, ukucwaninga, ukufundisa, ukunxenxa, ukweluleka nokwethula umbiko mayelana namalungelo amasiko, ezenkolo kanye nawemiphakathi ekhuluma izilimi ezinhlobonhlobo.

IKhomishana ye-CRL ingathintwa ngemininingwane elandelayo:

Forum 4, Braampark Office Park

33 Hoofd Street Braamfontein

Johannesburg

Ikheli le-imeyli: info@crlcommission.org.za

Inombolo yocingo: (011) 358 9100

IKhomishana Yokulingana Ngokobulili (i-CGE)

I-CGE ijutshwe ngokoMthethosisekelo ukugqugquzela inhlonipho kwezokulingana ngokobulili kanye nokuvikelwa, ukuthuthukiswa nokugcwaliseka kokulingana ngokobulili.

NgokoMthethosisekelo i-CGE inamandla okuqapha, ukuphenya, ukucwaninga, ukufundisa, ukunxenxa nokwethula umbiko ngezindaba zokulingana ngokobulili.

I-CGE ingathintwa ngemininingwane elandelayo:

**2 Kotze Street, Women's Jail
East Wing, Constitutional Hill
Braamfontein 2017
Inombolo yocingo: (011) 403 7182**

Umvikeli Womphakathi

Umvikeli Womphakathi unamandla okwenza okulandelayo:

- Uphenya noma esiphi isenzo emisebenzini kahulumeni noma ukuphathwa kwemisebenzi kahulumeni kunoma oluphi uhlaka lukahulumeni okusolwa noma okusolakala ukuthi akulungile noma okuzoholela kulokho okungalungile noma okucindezelayo,
- Ukwethula umbiko ngaleso senzo kanye
- Nokuthatha isinyathelo esifanele sokungenelela.

Umvikeli Womphakathi angathintwa ngemininingwane elandelayo:

**175 Lunnon Street
Hillcrest Office Park, Hatfield, Pretoria,0083
Inombolo yocingo: (0800) 11 20 40**

IKhomishana Yezokhetho Ezimele (i-IEC)

I-IEC ijutshwe ngokoMthethosisekelo ukwenza okulandelayo:

- Ukuphatha ukhetho lukazwelonke, lwesifundazwe kanye nezinhlaka zomthetho kumasipala ngokomthetho kazwelonke kanye,
- Nokuqinisekisa ukuthi lolo khetho lwenziwa ngokukhululekile nangokungachemi.

I-IEC ingathintwa ngemininingwane elandelayo:

Election House

Riverside Office Park

1303 Heuwel Avenue

Centurion

0157

Inombolo yocingo: (011) 622 57 00

I-imeyli: info@elections.org.za

Ngeyiphi enye indlela amalungelo esintu avikeleke ngayo?

Phezu kukaSomqulu Wamalungelo, izinhlaka zamazwe ngamazwe nezezifunda zasungula izinqubo nemigomo mayelana namalungelo athile ngezikhathi ezithile lapho kuvela khona ukuthi ngamaphi amazwe avumelana nayo, nokumele ayihloniphe ezweni lawo. Lezi zinqubo nemigomo kwenziwa ngokwezivumelwano. Izibonelo zalezo zinsiza Ukumenyenzelwa Kwamalungelo Esintu Emhlabeni Wonke, Isivumelwano Sokuqedwa kwazo zonke izinhlobo Zokucwasa Abantu Besifazane kanye Nesivumelwano Samalungelo Ezingane.

USomqulu Wase-Afrika Wamalungelo Esintu kanye Nabantu uyinsiza yesifunda unjengoSomqulu Wamalungelo wesifunda sase-Afrika. Lapho izwe lisayina noma imuphi walemibhalo, livuma ukuthi lizovikela amalungelo amisiwe kuwo futhi. Okwamanje, iNingizimu Afrika isayine kukho konke okubalwe ngenhla kanjalo nezimemezelo zokuvikela abantu ababaleke emazweni abo nokubeka ukucwasa ngokobuhlanga njengesenzo esiphambene nomthetho. Iwebhusayithi Yenhlangothi Yezizwe ihlinzeka ngolwazi mayelana nazo zonke Izivumelwano, Izinqumo kanye Nezimemezelo ezisayinwe iNingizimu Afrika ku-www.un.org

Indlela Yokuxhumana ne-ne-SAHRC

Forum 3, Braampark Office Park, Braamfontein

Johannesburg

Inombolo yocingo: 011 877 3600

www.sahrc.org.za

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complaints@sahrc.org.za

Twitter: @SAHRCommission

Facebook: SA Human Rights Commission

Iminingwane Yokuxhumana

AMAAHOVISI ASEZIFUNDAZWENI

EMpumalanga Kapa

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86 Oxford street, East London, 5200
Ucingo: 043 722 7828/21/25 | Ifeksi: 043 722
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Corner of Schoeman and
Grobler Streets, Polokwane
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33 Hoofd Street, Braamfontein
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I-imeyli: nvkwaza@sahrc.org.za

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First Floor, 136 Margaret Mncadi, Durban
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Umphathi Wesifundazwe

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