

Amalungelo Esintu **Emphakathini** **Ukubhikisha**



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ISANDULELO



Imibhikisho eminingi eNingizimu Afrika inomsuka owububha nokungalingani. Ukungalingani ngokokuhleleka nangokwezikhungo okuqhubekayo eNingizimu Afrika kudala ukungalingani okukhulu ekutholeni imisebenzi eyisisekelo sezingxenywe ezidla imbuya ngothi emphakathini waseNingizimu Afrika. Ezikhathini eziningi umphakathi, noma izingxenywe zawo, zibonakalise ukudinwa kwazo ngokushaya ngolonwabu koshintsho kanye nokungahlinzekwa kwezinsiza eziyisisekelo njengamanzi, ugesi nokuthuthwa kwendle, ngokubhikisha. Lokhu kubhikisha, okuvame ukwaziwa ngokuthi imibhikisho yokuhlinzekwa kwezidingo, ngenye inkathi ziye zaholele ezenzweni eziphazamisayo, okubukele phansi amanye amalungelo anjengemfundo eyisisekelo.

Imibhikisho eba khona eNingizimu Afrika ilinganiselwa esibalweni esingaphezu kwezi-13 500 ngonyaka, kube eminingi kuyo ngengenalo udleme¹. Ukuphoqeleka kukaHulumeni ukuhlonipha ilungelo lokuvikela kusho ukuthi akumele uvimbe abantu ekubhikisheni ngaphandle kwesizathu, kodwa kumele aqinisekise ukuthi kunezindlela ezimisiwe ezenza abantu namaqembu bakwazi ukusebenzisa ilungelo labo lokubhikisha.

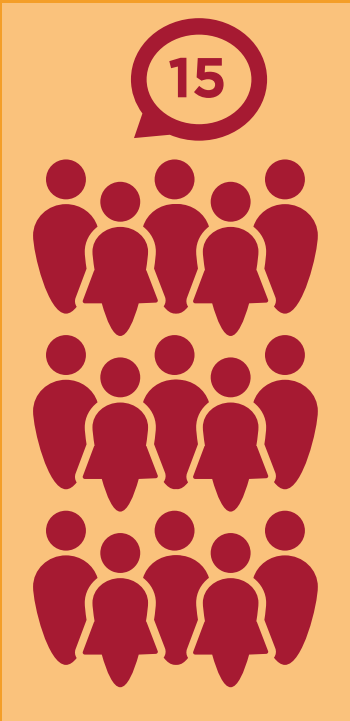
Uthini uMthethosisekelo?

Bonke abantu banelungelo lokuhlangana nabanye abantu, baveze imibono yabo kunoma oluphi udaba emphakathini ngenkululeko, nokuvikelwa uhulumeni ngenkathi benza lokho.

Isigaba 17 soMthethosisekelo sihlinzeka ukuthi: bonke abantu banelungelo, ngokuthula bengahlomile, lokuhlangana, ukubhikisha, ukutoyitoya kanye nokwethula izikhalo.

Ukusetshenziswa kwala malungelo kuyokwenzeka ngokuthula nangokuhlonipha amalungelo abanye abantu.

¹ Ulwazi oluhlinzekwe amaphoyisa i-SAPS ngesikhathi Sezingxoxo Zophenyo Kuzwelonke ze-SAHRC ngomthelela wokubhikisha elungelweni lezemfundo eNingizimu Afrika



Imuphi umthethonqubo olawula uMthetho Wokubuthana, 1993

ENingizimu Afrika, imibhikisho yabantu abangaphezu kwe-15 ilawulwa uMthetho Wokulawula Imibuthano, 205 ka 1993. Lo Mthetho wamiselwa ukulawula ukubanjwa kwemibuthano yomphakathi nemibhikisho ezindaweni ezithile kanye nokuhlizekela izindaba ezihambisana nayo.

LoMthetho ulawula izindaba ezihambisana nemibuthano eveza noma iluphi uhlobo lombhikisho, umbukiso noma ukugxekwa endaweni esemphakathini.

Okuhambisana noMthetho Wokulawula Imibuthano uMthetho Wezikhali Ezinobungozi 15 ka 2013 ohlinzekela ukunqandwa okuthile mayelana nokutholakala kwezikhali ezinobungozi.

Yini indawo esemphakathini?



Indawo esemphakathini isho noma imuphi umgwaqo, ipaki, indawo yokuhlanganyela yomphakathi, izitebhisi noma amageke esakhiwo noma indawo efuze leyo.

! Isaziso sombhikisho

Akudingeki ukuthi ucele imvume yokubhikisha kodwa kumele ukhiphe isaziso sokwenza njalo.

Isigaba 3 (2) soMthetho Wokulawula Imibuthano sithi umholi kumele zingakapheli izinsuku eziyisikhombisa (7) ngaphambi kosuku lombuthano, akhiphe isaziso sombuthano kusikhulu esibhekele lowo msebenzi kuncike ekutheni uma kungeve kungaphezu kokwenza ukuthi umholi akhiphe lesa saziso ngaphambi kwezinsuku eziyisikhombisa (7) ngaphambi kwalolo suku, uyokhipha isaziso ngokushesha uma esethola ithuba. Phezu kwalokho, uma lesa saziso sikhishwa esikhathini esingaphansi kwamahora angama-48 ngaphambi kokuqala kombuthano, isikhulu esibhekele lowo msebenzi singase sivimbe lowo mbuthano ngokukhiphela umholi isaziso.

Noma imuphi umhlangano owenzeka ngaphandle kwesaziso uyothathwa ngokuthi ungumbuthano ongekho emthethweni.

Yini umholi?



Umholi usho noma ubani ngokuzivumela ngokwakhe oholi umbuthano noma yinoma ubani oqokwe inhlangano noma yinoma eliphi igatsha lenhlangano ukuthi ahole umbuthano.

Yini okumele ibhalwe esazisweni

Ulwazi olulandelayo kumele lubandakanywe esazisweni:

- Imininingwane yomholi
- Igama lenhlangano
- Inhloso yomhlangano
- Isikhathi, ukudonsa kanye nosuku lombuthano
- Indawo umbuthano ozobanjelwa kuyo
- Isibalo sabantu abalindelekile.



Uyini umsebenzi omiswe ngokothethosisekelo Wombutho Wamaphoyisa aseNingizimu Afrika (SAPS)?

Umbutho Wamaphoyisa aseNingizimu Afrika (SAPS) unomthwalo wokuvikela, ukunqanda nokuphenya ubugebengu, ukugcina ukuthula emphakathini, ukuvikela nokuphephisa abantu abakuRiphabhulikhi kanye nempahla yabo. Phezu kwalokho, i-SAPS inomsebenzi wokugcina nokuqhuba umthetho nokwenz iNingizimu Afrika indawo/izwe eliphephile nevikelekile kubantu bonke. Amaphoyisa kumele anqande noma yini okungenzeka ibeke engcupheni ukuphepha noma ukuvikeleka kwanoma imuphi umphakathi, ukuphenya noma ibuphi ubugebengu obubeka noma imuphi umphakathi engozini, ukuqinisekisa ukuthi izigebengu zibhekana nengalo yomthetho, nokuzibandakanya ezinhlelweni zokubhekana nezimbangela zobugebengu.

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Amaqhaza e-SAPS ngesikhathi sombuthano noma umbhikisho

Uma kunombuthano noma umbhikisho oqhubekayo, amaphoyisa angenza okulandelayo:

- Uma kunezizathu ezizwakalayo zokukholwa ukuthi angeke akwazi ukubavikela ngokwanele abantu ababambe iqhaza kulowo mbuthano noma umbhikisho, kumele azise umholi noma labo bantu ngokufanele.
- Ukunqanda abantu ekubambeni iqhaza embuthanweni ngokuya kwenye indawo noma ukuchezuka emzileni obalulwe esazisweni esifanele noma esichibiyelweni saso noma ngokungahloniphi noma imuphi umbandela okuncike kuwo ukubanjwa kombuthano.
- Angakhipha umyalelo kunoma ubani noma iqembu labantu abaphazamisa umbuthano noma umbhikisho ukuthi bayeke leso senzo futhi bame buqamama nalowo mbuthano noma umbhikisho.
- Angabopha noma ubani owenza noma eliphi icala ngesikhathi sombuthano.

Ayini amalungelo nezibopho zababhikishi?

Umbhikishi ngamunye unelungelo nesibophoo sokwenza okulandelayo:

- Inkululeko yezenkolo, ukukholelwa kanye nombono. Lokhu kusho ukuthi unelungelo lokucabanga, ukukholelwa nokudumisa nanoma iyiphi indlela ayikhethayo.
- Inkululeko yokuveza imibono. Wonke umuntu unelungelo lokusho, afunde futhi abhale noma yini ayifunayo. Amazwi anenzondo awavumelekile.
- Ukuhlangana, ukubhikisha, ukutoyitoya nokwethula izikhalo. Wonke umuntu unelungelo lokubamba noma lokubamba iqhaza embhikishweni, kwitoyitoyi nasekwethulweni kwezikhalo. Lokhu kumele kwenziwe ngokuthula ngaso sonke isikhathi.
- Ezobudlelwano nabasebenzi. Unelungelo lokujoyina izinyunyana zabasebenzi nokuteleka. Bonke abasebenzi kanye/noma umqashi unelungelo lokuhlela nokubonisana ukuze kuqhutshezwe izinhloso zakhe. Lokhu kumele kwenziwe ngokusemthethweni nangaphandle kokucindezelwa kwabasebenzi abangatelekele.



Iqhaza le-ne-SAHRC



IKHOMISHANA YAMALUNGELO ESINTU ENINGIZIMU AFRIKA (IKHOMISHANA) ISIKHUNGO SIKAZWELONKE ESIBHEKELE AMALUNGELO ESINTU, SINIKWE UMTHETHOSISEKELO UKUBA SIQAPHE, SIVIKELE FUTHI SIKHUTHAZE UKUGCWALISEKA KWAMALUNGELO ESINTU EZWENI. PHEZU KWALOKHO, IKHOMISHANA INOMSEBENZI WOKWENZA UPHENYO, UKWETHULA UMBIKO, UKULAWULA UKULUNGISA LAPHO KUFANELE KHONA, UKWENZA UCWANINGO, NOKUFUNDISA NGAMALUNGELO ESINTU.

IKhomishana inamandla ngokweSigaba 13 no 14 soMthetho Wamalungelo Esintu eNingizimu Afrika 40 ka 2013 okwenza uphenyo ngokubamba izimbizo ngezindaba ezithinta izintshisekelo zomphakathi ukuze kwenziwe izincomo ezizama ukuvikela ukuphazanyiswa kwamalungelo.

Ngowezi-2016, iKhomishana yabamba Izimbizo Kuzwelonke mayelana Nomthelela Wezenzo Ezihambisana Nemibhikisho Elungelweni Lemfundo Eyisisekelo. Phakathi kokunye iKhomishana yathola ukuthi:

- Ilungelo lemfundo eyisisekelo liyaphazamiseka lapho kunemibhikisho okuvame ukuthi kube ngengahambisani nokuhlinzekwa kwemfundo eyisisekelo.
- Ababhikishi abavimba ukutholakala kwemfundo eyisisekelo baphazamisa ilungelo lemfundo eyisisekelo yabafundi abathintekayo.
- Abafundi bayaphazanyiswa ezinye zezenzo zombhikisho ngokuthi bayavinjwa noma bayasatshiswa bangakwazi ukuya ezikoleni, nengqalasizinda abafundi abathembele kuyo ukuze bafunde iyalinyazwa noma icekelwe phansi.



- Kuke kwenzeka ukuthi uMnyango Wemfundo Eyisisekelo ne-SAPS bashaya ngolonwabu futhi kubonakala sengathi ayikho inqubomgomo noma indlela emisiwe yokubhekana nalezi zimo emisiwe.
- Ukungabikho kokuxhumana okufanele nokugculisayo phakathi kwezikhulu kanye nemiphakathi ethintekayo ekufuneni izindlela zokuthola indlebe ezolalela izikhalo zabo. Uma kuhlaselwa izikole, ilungelo lengane lokufunda liyadeleleka.
- Umthwalo wokuqinisekisa ukuphepha kwabafundi, othisha nabafundi awuncikile emnyangweni owodwa, futhi bekungacacile ukuthi ngomuphi umnyango okumele uhambe phambili lapho izenzo ezilandela umbhikisho ziqonde ukulimaza izikole.
- Kwezinye izinkathi ukuqhekeka kobuholi ezingeni likahulumeni wasekhaya kunomthelela omubi ezinhlelweni zokubhekana nezinkinga eziqubukayo, okudelela ilungelo lemfundo eyisisekelo.
- Kunesidingo sokuthi iminyango kahulumeni, ikakhulukazi ezingeni lasendaweni lokuthi kube nokubonisana okungcono nemiphakathi ngezindaba zomphakathi ezibalulekile.
- Kunesidingo sokugqugquzela abantu ukuthi bathole izindlela ezintsha zokuveza lokho abakhathazeke ngakho ukuze kungabi nomthelela ongemuhle kwamanye amalungelo anjengelungelo lemfundo eyisisekelo.

Imibhikisho yomphakathi ngobuningi

Ulwazi oluhlinzekwe i-SAPS ngesikhathi Sezingxoxo Zophenyo Kuzwelonke ze-ne-SAHRC Ngomthelela Wokubhikisha Elungelweni Lezemfundo eNingizimu Afrika ezabanjwa eBraamfonteni ngowezi-2016 lwaveza ukuthi:

- Ngowezi-2012 - 2014 okuyisikhathi seminyaka emithathu iGauteng yabhekana nemibhikisho eminingi ngaphezu kwezinye izifundazwe.
- Umasipala waseKapa kwakuyiwo obe nemibhikisho eminingi engama-84, kwalandela i-Johannesburg, i-eThekweni, i-Tshwane kanye ne-Ekurhuleni. Phakathi kwabo labo masipala abahlanu basemadolobheni amakhulu baba nohhafu wemibhikisho isiyonke ebaliwe.
- Ukuvama kodlame oluhambisana nemibhikisho kuqhubekile nokwanda. Isibalo semibhikisho enodlame sifinyelele ezingeni eliphezulu ngowezi-2014. Ngowezi-2007 imibhikisho ibe ngaphansi kancane kukahhafu wemibhikisho ebeyihambisana nodlame. Ngowezi-2014 cishe imibhikisho eyaba nodlame olwavela kubabambiqhaza noma apethe yaba ngama-80%.

Amalinki awusizo

Ihhovisi LikaKhomishana Omkhulu Wamalungelo Esintu - www.ohchr.org.za; freeassembly@ohcr.org.za (Umbiko Oyisipesheli weNhlangothi Yezizwe ngamalungelo enkululeko yokubuthana ngokubuthana nokuhlanganyela).

Isikhungo Senkululeko Yokuveza Imibono - www.fxj.org.za

Umbiko uyatholakala kuwebhusayithi ethi www.sahrc.org.za

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