



# Lilungelo Lekutfola Kudla

## LIKHASI LEMACINISO





## Liyini Lilungelo Lekutfola Kudla?

Lilungelo lekutfola kudla lililungelo umuntu lanalo ngephasi kwemtsetfo wavelonkhe kanye nemtsetfo lolawula emave emhlaba, lelivikela lilungelo lebanftu lekutfola kudla kanye nekutondla, ngekukhucita kudla kwabo nobe ngekukutsenga. Lilungelo lekutfola kudla lichumene nelilungelo umuntu lanalo lekuphila nekuba nesitfunti. Lilungelo lekutfola kudla lidzinga kutsi kudla **kube khona, kufinyeleleke futsi kube ngulokwenele** wonkhe umuntu **ngaphandle kwekubandlulula ngaso sonkhe sikhatsi**.

Uma ngabe likhaya nobe umuntu anganeliseki ngalelizinga lekufinyelela kwakhe kudla, loko kusho kutsi kudla akutfolakali. Lokunye lokubalulekile nako ngukutsi kudla kumele kwabelanwe ngako emndenini ngendlela letakwenta kutsi onkhe emalunga elikhaya afinyelele ekudleni lokwenele. Lokwehlukaniswa kwekudla kumele kwentiwe ngaphandle kwekubandlulula ngalokungakafaneli kumalunga elikhaya.

ENingizimu Afrika wonkhe umuntu kumele akwatikubamba lichaza emisebentini yemalanga onkhe, ngaphandle kwekwesaba nangaphandle kwetihibe letingevakali kahle. Loku kusho kutsi, phakatsi kwalokunye, kumele bantfu bakwati kufinyelela kutidzingonchanti letinjengekudla, ngendlela lenesitfunti. Kute batikhicitele kwabo kudla, bantfu badzinga inhlayelo, emanti, emakhono ekukhucita kanye naleminyane imitfombolusito. Kungenteka futsi kutsi umuntu adzinge lusito lwetimali.

### Tibopho Tahulumende

Sigaba 27(1)(b) seMtsetfosisekelo waseRiphabhlikhi yaseNingizimu Afrika sibeka ngalendlela, “*wonkhe umuntu unelilungelo lekutfola kudla nemanti lanele.*” Lesibopho seluliwe esigabeni 27 (2), ngekutsi “*umbuso kumele ube nemtsetfo kanye naletinye tindlela, kulemitfombolusito lanayo, kute kufezekela ngalinye lalamalungelo.*” Ngekuya kweSigaba 35(2)(e) seMtsetfosisekelo, tiboshwa kanye nalababanjiwe nabo banelilungelo lekutfola kudla lokwenele, kantsi sigaba 28(1)(c) sibeka kutsi wonkhe umntfwana unelilungelo *lekudla lokwakha umtimba, indzawo yekufihla inhloko, kutinhlelo tekunakekelwa lokusisekelo kutemphilo kanye nakutinhlelo tetenhlalakahle.*”

*Onkhe emalungelo kuMtsetfosisekelo wetfu ayalingana. Emalungelo ayahambisana. Kwenta sibonelo nje ngaphandle kwekudla, kumatima kufundza esikolweni utfole imfundvo. Emalungelo asebanta kuye wonkhe umuntu kulelive lakitsi, kubantfwana, kutiboshwa, kulabo labangasito takhamiti talelive kanye nakulasebagugile*

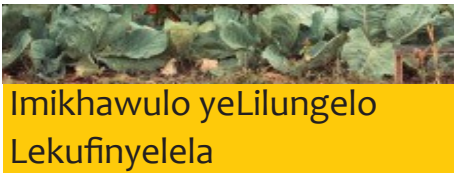
INingizimu Afrika iphindze yasayina tivumelwane letinyenti nemave emhlaba, lokusho kutsi kumele icinisekise loku lokulandzelako:

**Inhlonipho:** yekufinyelela ekudleni lokwenele lokukhona njenganyalo. Hulumente ngete atsatsa nobe ngutiphi tinyatselo letitawuholela ekuvimbeleni lokufinyelela ekudleni;

**Kuvikela:** kudzinga tinyatselo tahulumende letitawucinisekisa kutsi tinkampani nobe bantfu ngamunye abavimbeli labanye ekufinyeleleni kwabo ekudleni lokwenele;

**Kufezekisa:** kusho kutsi hulumente kumele ahambe embili ngekutibandzakanya emisebentini lehlose kucinisa kufinyelela kwabantfu kumitfombolusito lenekusetjentiswa ekukhucitweni kudla. Uma ngabe umuntu nobe licembu lehluleka, ngenca yetizatfu letingetulu kwemahlombe abo, kutfola lilungelo lekutfola kudla lokwenele, hulumente kumele ente kube khona lokufinyelela ngco kulelo lilungelo.

Loku kusho kutsi hulumente kumele ente kube khona simo lesitakwenta kutsi bantfu bakwati kukhucita nobe kutsenga kudla lokwenele kwabo nekweindeni yabo. Kute akwati kutsenga kudla, umuntu kumele kube khona imali lengenako kantsi-ke hulumente kumele acinisekise kutsi labo bantfu kanye nemindenini yabo bakwati kufinyelela kutibonelelo tetenhlalakahle.



### Imikhawulo yeLilungelo Lekufinyelela

Lilungelelo lekutfola kudla **alisho kutsi** umuntu kanye nemacermbu banelilungelo lekuniketwa kudla. Lisho kutsi umuntu unelilungelo lekutondla ngalokunesitfunti, ngetindlela tetemnotfo kanye naletinye. Ngalamanye emavi, bantfu kanye nemacermbu banesibopho sekwenta imisebenti letawubenta bakwati kufinyelela ekudleni. Nanobe kunjalo, umbuso unenzima lenkhulu lekumele uyidlale ekwesekeleni lemitamo.

Sibopho emuntfwini ngamunye nguleso sekutondla bona kanye nemindenini yabo. Loku kungentiwa ngekusebenta kute umuntu atfole imali yekutsenga kudla nobe ngekulima umhlaba lokutawuhlanyelwa kuwo kudla latakudla yena aphindze akutsengisele labanye. Akekho lovumeleke kuvimbela lomunye umuntu ekufinyeleleni kulilungelo lakhe lekudla ngaphandle uma kuphatamiswa emalungelo etemtsetfo aloyo muntu. Batali ikakhulukati,

banesibopho sekunika bantfwana babo kudla. Uma ngabe bayehluleka, umbuso unesibopho sekungenelela abanikete kudla.

Leminye imikhawulo ekufinyeleleni kulilungelo lekudla itfolakala kunchubomgomo yahulumende kanye nasekwehlulekeni kwetfula tinchubomgomo. Linyenti lemhlaba wekulima eNingizimu Afrika lisaphetfwe lidlantana lalabamhlophe, kantsi kwabiwa kwemhlaba kuyadzingeka. Akukho nekwesekelwa lokunikwa balimi labancane kute bente ncono kuba khona kwekudla kanye nemkhucito. Kulima lokwentiwa emadolobheni akugcugcutelwa nobe akwesekelwa ngalokwenele, nakhona kunesidzingo setingadze emadolobheni. Lizinga lekufinyelela kutibonelelo tahulumende liphasi etindzaweni tasemakhaya, lapho buphuya budlange khona, nakucatsaniswa nasetindzaweni tasemadolobheni.

Kunesidzingo sekutsi hulumente agcile ekusajalalisweni kwemhlaba lokuphumelelisako, asite balimi labancane ngemakhono nangemali yekutitfufukisa, agcugcutele aphindze asekele balimi basemadolobheni acinisekise kutsi bantfu basetindzaweni tasemakhaya bayati ngemalungelo abo etibonelelo tahulumende nekutsi bayafinyelela kutibonelelo tahulumende. Hulumente kumele futsi etfole tinhlelo letitawuvimbela kugcugcucuka kwesimo selitulu aphindze asite imimango kutsi ikwati kumelana nemitsetela yekugcugcucuka kwesimo selitulu.

### Kuchumana emkhatsini kwelilungelo lekutfola kudla kanye nalamanye emalungelo eluntu

**Lilungelo letemphilo:** kudla lokunemphilo kuyincenye yeLilungelo letemphilo kanye nelilungelo lekutfola kudla. Uma bomake labatetfwele nobe labancelisako bancishwa liifuba lekufinyelela ekudleni lokunemphilo, bona kanye nebantfwana babo bangacina bangakondleki kahle ngisho nobe batfole kunakekelwa kwangaphambili kanye naloko kwangemuva kwekubeleka lokunikwa bomake labatetfwele.

**Lilungelo lekuphila:** uma bantfu bangakwati kutondla bona ngekubabo, babukana nebungoti bekubulawa yindlala, kungadli kahle nobe kuholele ekutfoleli tifo.

**Lilungelo lemanti:** lilungelo lekutfola kudla ngete lafezeka uma ngabe bantfu abanako kufinyelela lokusimeme emantini ekunatsa lahlobile nalaphephile lasetjentiswa ngibo kanye nasemakhaya.

1. <http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>. Onkhe emalungelo ayahambisana, emalungelo laphawulwe ngenhla angulamanye emalungengo lasisekelo bonkhe bantfu lokumele bawatfole, lentiwa abe nemkhawulo nobe ancishwe bantfu nangabe bantfu bate kudla.







**Lilungelo lemfundvo:** indlala nekungadli kahle konakalisa emakhono ebantwana kantsi futsi kungabaphocelela kutsi bashiye esikolweni bese bayewusebenta, lokubese kuletsa umkhawulo kuphindze kubukele phasi kujabulela lilungelo labo lemfundvo.










**Lilungelo lekusebenta kanye nekuvikeleka kutenhlalo:** kusebenta nekuvikeleka kutenhlalo kutindlela letihamba embili tekutfolela kudla. Ngakulolunye luhlangotsi, buncane bekugcina bemiholo kanye netibonelelo tetenhlalo kuvame kusungulwa ngekutsi kubhekwe emanani ekudla lokusisekelo emakethe.

**Lilungelo lekutfolela lwati:** lwati lubalulekile ekutfoleli ngelilungelo lekudla. Lwenta umuntfu ngamunye ati ngekudla kanye nekudla lokwakhako, timakethe kanye nekwebiwa kwemifombolusito. Lucinisa kubamba lichaza kwebantfu kanye nekutikhetsela kwemtsengi ngalokukhululekile. Ngaleyondlela kuvikela nekutfutukisa lilungelo lekufuna, kutfolela kanye nekwendululiseka lwati kuchubela embili kujabulela lilungelo lekutfolela kudla.



## Emaciniso mayelana nekudla

-  INingizimu Afrika inemazinga lasetulu ebuphuya nekungalingani emhlabeni. Kwanyalo kunebantfu labangaba tigidzi letili-11 eNingizimu Afrika labate kudla (labangati kutsi bayawulala badleni).
-  Kunebantfu labatigidzi letili-12 labangafoli kahle kudla, emaphesenti langema-70 abo bahlala etindzaweni tasemakhaya.<sup>2</sup>Emaphesenti langetulu kwema-60 ebantfu labakhungetfwe yindlala njalo ngulabasikati.<sup>3</sup>
-  Kungadli kudla lokwakhako kuseyinkinga lenkhulu yetemphilo emhlabeni kantsi kuyimbangela lenkhulu yekufa kwebantwana, ngetulu kwe-HIV/AIDS, iTB kanye namalaleveva kuhlangene.<sup>4</sup>
-  Babalelwa etigidzini letingu-1.5 bantwana labangaphasi kweminyaka lesitfupha le kukhula kwabo kuvinjwa kungadli kahle lokuchubekako.

-  Emaphesenti langaba ngema-25 abo bonkhe bantfu labakhungetfwe yindlala emhlabeni ngulabo labaku-sub-Saharan Africa.
-  Kungabi nekudla lokwenele nalokwakhako kuludzaba lolusembili lolubukene nebantwana eNingizimu Afrika lamuhla. Kungakwati kwebantwana kufinyelela ekudleni kutakuba nemtselela kumalungelo lanjengeilungelo letemphilo netemfundvo.
-  Nanobe iNingizimu Afrika ingumkhiciti wekudla, kumatima kutsi bonkhe bantfu eNingizimu Afrika bafinyelele kuko lokudla.
-  Kunekudla lokwenele emhlabeni lokungondla wonkhe umuntfu, kepha ngenca yetintfo letinyenti, akusibo bonkhe labakwati kufinyelela ekudleni.
-  Linyenti lemhlaba wekulima emhlabeni lisetjentiselwa kuhlanyela tilimo letinjengakotini, isisali, umoba kanye nekhokhoya, tintfo letingasiko kudla nobe letinemphilo, kodvva letifunwa kakhulu.
-  Kugucugucuka kwesimo selitulu kubonakala njengembangela yanyalo neyesikhatsi lesitako sendlala kanye nebuphuya. Nga-2050, kugucugucuka kwesimo selitulu kanye nekuma kwesimo selitulu lesingahambi kahle kungenteka kufake endlaleni labanye bantwana labatigidzi leti-24. Ciske hhafu walabantwana batakuba e-sub-Saharan Africa.<sup>5</sup>
-  Tinkampani tangasese letimbalwa emhlabeni tinemvume yekusebentisa inhlanyelo kute tikhacite kudla kantsi letinkampani tincuma ngelinani taleyo nhlanyelo bese tiniketwa balimi bendzawo. Lizinga lekulawulwa lindlantana lelinyenti kutinhlanyelo, lizinga layo, kuniketelwa kanye nemanani linemtselela kulikhono lebantfu lekulima kudla kwabo kanye nekukhacita umkhicito wekudla kudla lokushiphile
-  Ngaphasana nje kwemaphesenti lange-80 ako konkhe kudla kwaseNingizimu Afrika nguloko lokungasiko kwemvelo (GM)
-  Kudla lokungasiko kwemvelo (GM) kukudla lokuguculiwe ngekufaka nobe kususa tincenye letincane temvelo, nobe tinhlasi kute kube netimpawu letifunwako kumbe letidzingwako. Lokudla lokuguculiwe kuphindze kubitwe ema-GMOs. Ayatiwa imitselela yesikhatsi lesidze yekudliwa kwekudla lokuyi-GM kantsi futsi kungaba yingoti.



## Indzima ye-SAHRC

IKhomishini Yemalungelo eLunfu yaseNingizimu Afrika (SAHRC) ingumtimba lotimele lowakhiwe ngekweMtsetfosisekelo kute ucaphe, uvikele, utfutukise futsi ufezekise kutfolakala kwemalungelo elunfu eliveni lakitsi. INingizimu Afrika inelizinga lelisetulu lebuphuya nekungalingani. Ngaloko kuyayikhatsata i-SAHRC uma emalungelo lasisekelo lanjengeilungelo lekufinyelela ekudleni aba sengotini. I-SAHRC ingasita ekufinyeleleni kulilungelo lekudla ngekusebentisa emandla ayo ekubandzakanya tikhungo letinjenge-SASSA, ematiko ahulumende wasemakhaya, wesifundza newavelonkhe, kusitwa kwebalimi ngetinkinga letibukene nemimango kanye nekusita bantfu labasengotini (labanjengebantwana kanye nebantfu labaphila ngekukhubateka) kute bafinyelele kumalungelo abo.

Nakwenteka umuntfu ngamunye nobe licembu lingakwati kujabulela lilungelo lekuba nekudla lokwenele ngekusebentisa tindlela letikhona kubo, umbuso unesibopho sekufezekisa lelo lilungelo ngco kantsi ne-SAHRC itawusita bantfu, ikakhulukati emacembu lasengotini kutibandzakanya nahulumende kute afinyelele kulelilungelo. I-SAHRC kumele icinisekise kutsi yenyusa kwatiswa kwelilungelo lekufinyelela ekudleni ngaleyo ndlela kukhutsatwe tingucuko kuyo yonkhe imikhakha, lokufaka ekhatsi leyo lebandzakanyeka ekukhicitweni kwekudla. Imitamo ye-SAHRC ifaka ekhatsi kubukana netikhalo tebantfu ngamunye, kusitwa kwemacembu lasengotini lanjengalabasikati kanye nebantfu labaphila ngekukhubateka; tinhlango tekudla, labatsintsekako kuhulumende kanye nebadlalindzima bemkhakha wangasese kutsi bagcugcutele tingucuko emazingeni lahlukene ekukhicitweni nasekwetfulweni kwekudla lokusisekelo.

2. <http://www.srfood.org/index.php/en/component/content/article/1524-mission-to-south-africa-preliminary-conclusions>

3. World Food Programme, 2009.

4. USAID, 2009

5. IFPRI, 2009



# CHUMANA NATSI

Iwebhusayithi: [www.sahrc.org.za](http://www.sahrc.org.za)

I-imeyili: [info@sahrc.org.za](mailto:info@sahrc.org.za)

## Ehhovisi Ielikhulu

Braampark Forum 3, 33 Hoofd Street,  
Braamfontein; Johannesburg  
Tel: 011 877 3600 | Fax: 011 403 0684

## EMphumalanga Kapa

4th floor Oxford House, 86 Oxford Street; East  
London  
P.O. Box 972, East London 5200  
Tel: 043 722 7828 | Fax: 043 722 7830

## EFreyistata

50 East Burger Street, 1st Floor TAB building,  
Bloemfontein  
P.O. Box 4245, Bloemfontein, 9301  
Tel: 051 447 1133 | Fax: 051 447 1128

## EGauteng

2nd Floor, Braampark Forum 3, 33 Hoofd Street,  
Braamfontein  
Private Bag X 2700, Houghton, 2041  
Tel: 011 877 3750 | Fax 011 403 0668

## KwaZulu-Natal

First Floor, 136 Victoria Embankment, Durban  
P. O. Box 1456, Durban, 4000  
Tel: 031 304 7323/4/5 | Fax: 031 304 7323

## ELimpopo

First Floor, Office 102, Library Garden Square, Corner  
of Schoeman and Grobler Streets, Polokwane  
P. O. Box 4431, Polokwane, 0700  
Tel: 015 291 3500 | Fax: 015 291 3505

## EMpumalanga

4th Floor Carltext Building, 32 Bell Street, Nelspruit  
P. O. Box 6574, Nelspruit, 1200  
Tel: 013 752 8292/5870 | Fax: 013 752 6890

## Enyakatfo Kapa

45 Mark and Scot Road, Ancorley Building, Upington  
P. O. Box 1816, Upington, 8801  
Tel: 054 332 3993/4 | Fax: 054 332 7750

## ENyakatfo Nshonalanga

170 Klopper Street, Rustenburg  
P.O.Box 9586, Rustenburg, 0300  
Tel: 014 592 0694 | Fax: 014 594 1069

## ENshonalanga Kapa

7th Floor ABSA building, 132 Adderley Street,  
Cape Town  
P.O. Box 3563, Cape Town, 8000  
Tel: 021 426 2277 | Fax: 021 426 2875