

## Indima ye-SAHRC

IKhomishini yamaLungelo oluNtu yaseMzantsi Afrika (SAHRC) liziko elizimeleyo elisekwe nguMgaqo-siseko ukubeka iliso, ukukhusela kunye nokukhulisa ukufunyanwa kwamalungelo oluntu kwilizwe lethu.

UMzantsi Afrika unenani labantu abasezilalini abangaphezulu kwama-20 ezigidi. UmThetho oSAYILWAYO ongeeNkundla zeMveli (TCB) waqulunqwa kungakhange kubekho ntatho-nxaxheba kunye nokuthethathethana noluntu lwasemaphandleni. I-SAHRC ifumene isininzi sezikhaziso ezimalunga nokusilela kolwazi olumayela nomxholo kunye nokuthethwa yi-TCB, ukuquka okumalunga nokusilela kothethathethwano ngexesha lenkqubo yokuqulunqwa.

Inkqubo yemithetho yemveli yaseAfrika ibalulekile kubomi besininzi esihlala kweli lizwe. Kwinzame yokuhlangabezana nombuzo wokuba kungaphuculwa njani ukfikelela kubulungisa enedemokhrasi neseke kumalungelo ethakazelelwa nguMgaqo-siseko, kuyimfuneko ukuquka intatho-nxaxheba yoluntu kuzo zonke iinkqubo zedemokhrasi, ukuquka nabo bakwiindawo ezisemaphandleni. I-SAHRC yamkela umthetho wemveli ophuhlayo kunye nokutshintsha kweemeko zehlabathi elinempembelelo yamazwe ngamazwe kwaye ongovumelanayo noMgaqo-siseko wethu.

I-TCB, ukuba ibengumthetho, ingakhokelela ekunyahashweni kwamalungelo amakhosikazi kunye neentsapho zawo. Xa kujongwe imbali yobukhulu kwabangamadoda kunye nokulahlekiswa okwenziwa lubandululo, i-TCB iya kuvumela ukuqhubeka kocalucalulo olujoliswe kumakhosikazi.

URhulumente unikwe amagunya akhe ngabantu kwaye kufuneka akhonze abantu. Kuyimfuneko ukuba i-TCB ihlangabezane neengxaki ezikhoyo ngoko ke. Abo banamagunya mabamamele kuluntu lwasemaphandleni kwaye baqulunqe imithetho ekhusela amalungelo abo.

Nangona i-SAHRC inezakhono nemithombo embalwa, isebenza kunye namanye aMaziko eSahluko se-9 ukuncedisa uluntu ukuqinisekisa ukuba iinkxalabo ezingamalungelo oluntu kujongwana nazo kuqulunqo ngokutsha lwe-TCB.

*Injongo ye-SAHRC kukuguqula uluntu, ukuqinisekisa amalungelo kunye nokubuyisela isidima!*

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## ISIXHOSA



## YINTONI UMTHETHO OSAYILWAYO ONGEENKUNDLA ZEMVELI?

**Amagqabantshintshi e-SAHRC**



Ukubonisana noluntu ngomThethoosa Yilwayoongee Nkundlaze Mveli ngexesha locweyo

**Ukuguqulauluntu**

**Ukukhuselaamalungelo**

**Ukubuyiselaisidima**

## Yintoni umThetho osaYilwayo ongeeNkundla zeMveli?

### Imvelaphi:

- UmThetho osaYilwayo ongeeNkundla zeMveli (TCB) waziswa okokuqala ePalamente ngowama-2008 liSebe lezoBulungisa noPhuhliso loMgaqo-siseko, kwaye wawujoliswe ekuboneleleni ngesikhokelo-nkqubo esisemthethweni kunye nokwamkelwa kweenkundla zemveli kunye nomthetho wesintu ngokuvumelana noMgaqo-siseko.
- Inkqubo yokuyila i-TCB yaqatshelwa ngokungabikho kothethathethwano kunye nesininzi soluntu oluninzi olusemngciphekweni oluchaphazelekileyo. Kwathethathethwana neenkokheli zemveli kuphela.
- I-TCB yangaphambili yaphikiswa ngabanomdla kwinyewe ngenxa yeenkxalabo ezininzi ezivakalayo nakwinkqubo.
- I-TCB enye, enezinkxalabo zinye, yaziswe kwiBhunga leSizwe lamaPhondo (NCOP) ngowama-2012 ukufumana iimpendulo ezivela kumaphondo, ngovakaliso-zimvo lwamaphondo.
- I-NCOP zange iphumelele ekukhokeleni uthethathethwano kunye noluntu lwasemaphandleni ngendlela eqinisekisa ukubanakho ukuba wonke ubani avakalise izimvo ngaphandle kokoyika okanye kokuthatha icala – nto leyo ebaluleke kakhulu kumazwi aqhele ukukhetelwa bucala.
- I-SAHRC, uluntu lwasekuhlaleni kunye nabo bachaphazelekayo bayiphikisile kwakhona i-TCB ngokuphakamisa izimvo ngomlomo nangokubhaliweyo, kwaye ithatha inxaxheba kwiindibano zovakaliso-zimvo zamaphondo.

### UmThetho wemveli

- ICandelo lama-211 loMgaqo-siseko libonelela ukuba iziko, izinga kunye nendima yobunkokheli bemveli zamkelwa yaye zilawulwa ngokoMgaqo-siseko.
- Ubunkokheli bemveli ngokwembali babusoloko buphambili ekuququzeleleni kunye nasekusonjululweni kweembambano kuluntu lwasemaphandleni, ukusuka kwelona nqanaba lisezantsi ukuya kwelona liphezulu.
- Kubalulekile ukuba indlela amanyelwa ngayo amatyala kwinkqubo engokwesintu imilisele umoya wokuzithemba
  - Umthetho wesintu ubonelela amanqaku okugqalisela abalulekileyo kubahlali basemaphandleni, kwaye uhambelana nemigaqo yokusebenza eyamkelekileyo yeenkcubeko ezohlukeneyo kuluntu lwethu.
- Kubalulekile ukwamkela imigaqo yokusebenza eyamkelekileyo engokwenkcubeko kunye namasiko kunye nokuzama ukuxhasa iindlela zokusebenza ezisemgangathweni ezingeenkcubeko zaseMzantsi Afrika. Izibonelelo ezininzi kuMgaqo-siseko ziyakungqina oku, njengomthetho wemveli, umthetho wesintu ngoku ulawulwa kwaye kufuneka uhambelane noMgaqo-siseko.

## lingxaki ngale TCB ikhoyo ziquka:

- Ukungabikho kothethathethwano nabantu basemaphandleni ngethuba lenkqubo yokuyila kunye nothethathethwano olubeneengxaki malunga ne-TCB;
- Iseti ezimbini ezohlukileyo ezingokufikelela kubulungisa zisekiwe: enye yeyabo bahlala kwimihlaba yasemaphandleni; kunye nenye yoMzantsi Afrika uwonke. Oku kuyafana nenkqubo yoBandululo (Apartheid) yaMaphandle awaye ezimele (Bantustans);
- I-TCB ayiboneleli ukubanakho ukukhetha ukuzibandakanya. Umthetho wesintu kunye nesiqhelo uyohluka kuluntu nolunye kwalapha eMzantsi Afrika kwaye inxal' enye yobutyebi benkcubeko kunye nokukhetha okubonelelwa kuMgaqo-siseko wethu. Ubani kufuneka akwazi ngokuzithandela ukuzikhethela ukuba ingaba uthanda ukubopheleleka phantsi kwemithetho yoluntu lwesintu na;
- I-TCB igxile kwinqanaba lobunkokheli bemveli ngalo ndlela ingahoyi amanye amanqanaba kunye namanqwanqwa egunya lesintu;
- Yenza inkokheli yemveli ibelelona gosa lingumchopheli micimbi wenkundla yemveli. Oku kubeka embindini amagunya kumntu omnye osenokubanangozi yedolo kulo mba kuthathwa isigqibo ngawo. I-TCB inika iinkokheli zemveli amagunya okwenza umthetho, ukumiliselela umthetho kunye nokuthatha isigqibo kwiimbambano ezivela kwizenzo zabo zokulawula. Ngale ndlela i-TCB yenza kubenzima ukuvavanya okanye ukucela umngeni izigqibo ezingachanekanga;
- Ulawulo lwezobulungisa lwenkundla ecingwayo lujongela phantsi ukubaluleka kwezigqibo ezizimeleyo ekubeni kufikelelwekuzo malunga nokubangubani omakamangalelwe kwisikhhalazo. Ukumangalela kufuneka kwenziwe bucala;
- Akuzi kubakho ndlela yokusebenza icacileyo kwizikhhalazo eziluhlobo olufanayo, kwaye akukho ndlela yokuthethelelela ukuba loluphi uhlobo lokuziphatha emaliphethshwe kwixesha elizayo. Inkokheli nganye ingachophela ngendlela ebona kufaneleke ngayo isisiqu yenze iinkokheli ezahlukileyo zisebenzise umthetho ngokwahlukileyo;
- Ilungelo lokuvula kunye nokukhuselwa kwamakhosikazi alixelwanga ngokucacileyo;
- Amalungelo abantwana awakhuselwanga ngokwaneleyo;
- Izigwebo ezinokubakho zingaquka ukunyanzelwa ngomsebenzi ongahlawulelwayo kwaye zingakhokelela ekwaphulweni kwamanye amalungelo, ngalo ndlela zijongela phantsi ilungelo lokuphathwa ngesidima;
- Nangona kukho ukwaphulwa kwamalungelo angundoqo, izigqibo eziliqela kunye nezohlwayo akunakho ukwenziwa izibheni ngakuzo. Oku kuya kuvimba abantu ilungelo lokuba umcimbi wabo umanyelwe okanye kufakwe isibheni kwinkundla yoluntu.

## Siphi ngoku?

I-TCB ithunyelwe kumaphondo kwaye uvakaliso-zimvo laqhutywa ngoAprili nangoMeyi kowama-2012. Kubekho ubunzima malunga nendlela ebezibizwe ngayo iindibano zovakaliso-zimvo; ingubani obezichophele; ukubanakho ukuthetha kwabantu; kunye namalungiselelo okuhamba kwabantu ukuya kwiindibano zovakaliso-zimvo. Naxa kunjalo, olunye uluntu lwasemaphandleni lukwazile ukufumana ithuba lokuba luxoxe nge-TCB.

I-SAHRC, ikunye nabo banomdla kwinyewe abaluluntu lwasekuhlaleni, ibambe ucweyo malunga ne-TCB kwaye bebekho kwiindibano zovakaliso-zimvo. I-SAHRC, kunye nabanye abaninzi, baphakamise izimvo ezinge-TCB ngembalelwano nangomlomo kwiKomiti yasePalamente ejongene nemiCimbi yezoBulungisa noPhuhliso loMgaqo-siseko. I-SAHRC ikwagxininise iinkxalabo zayo nge-TCB ngokusebenzisa izikhululo zikanomathotholo ezininzi.

IziNdlu zoWiso-mthetho zamaPhondo ziyiqwalasele i-TCB, kwaye onke amaphondo ngaphandle kwamabini ayikhabile xa ingolu hlobo ilulo, amanye ayikhabile kwaye aphakamisa izihlomelo kwizibonelelo. IKomiti ye-NCOP ngoko ke igqibe ngokufaka kwinkqubo into engeyinxal' enye yoludwe oluqhelekileyo lokujongana nomthetho – inyathelo elongezelelweyo apho amaphondo athi ajike ne-TCB ukuze kuphindwe inkqubo yothethathethwano kunye nokubuyela kwakwiKomiti ye-NCOP isihlandlo sesibini kuziswe isigunyaziso esiyivoti.

Ngo-Agasti kowama-2012, uMphathiswa wezaMakhosikazi, aBantwana kunye naBantu abanoKhubazeko uphakamise iinkxalabo malunga ne-TCB. ISebe lezoBulungisa noPhuhliso loMgaqo-siseko, elijongene ne-TCB, livakalise ukuba alizukuyirhoxisa, kodwa izihlomelo ziyawukwenziwa ngabameli beKomiti ye-NCOP.

## IsiSeko seMveli esingokuSonjululwa kweMbambano

Ukuze i-TCB ihambelane noMgaqo-siseko, kufuneka iqinisekise ukuba iqulunqwe kukho uthethathethwano olupheleleyo noluntu lwasemaphandleni, ingakumbi amakhosikazi, adityaniswa kunye ngendlela ekhulisa intatho-nxaxheba ephelelelyo kunye nokukhuselwa kuko konke ukoyikiswa okunokubakho. Kukho imfuno yokuba ezi ngxaki zingentla zichatshazelelwa ngoku zilungiswe.