



amalungelo am,
uxanduva lwam





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The Constitution

of the Republic of South Africa, 1996



Act 108 of 1996

amalungelo am, uxanduva lwam



Yintoni uMgaqo-siseko?

UMgaqo-siseko ngowona mthetho uphezulu okanye uphakamileyo waseMzantsi Afrika. Umisela indlela urhulumente akhiwe ngayo kwaye nokuba ilizwe lilawulwe njani. Nanjengoko ingowona mthetho uphezulu, akukho mithetho yimbi enokuphikisana noMgaqo-siseko. Imithetho ephikisana noMgaqo-siseko kufuneka itshintshwe kwaye ngamanye amaxesha imithetho emitsha iyenziwa ukuze iingcinga ezizefekileyo kuMgaqo-siseko ziqondwe.

USomqulu wamaLungelo kuMgaqo-siseko urekhoda onke amalungelo abantu abanawo eMzantsi Afrika. La malungelo awanakutshintshwa ngokulula yimithetho nanjengoko ekhuselwe ngokukodwa nguMgaqo-siseko. Amalungelo akuSomqulu wamaLungelo rhoqo asetyenziswa ziinkundla kunye nemithetho emalunga namalungelo okuthatha isigqibo ngamatyala amalunga namalungelo oluntu.



Yintoni uSomqulu wamaLungelo?

USomqulu wamaLungelo luhlu lwamalungelo oluntu wonke umntu anawo. Ufunyanwa kwisiQendu 2 soMgaqo-siseko. USomqulu wamaLungelo yintsika yoMgaqo-siseko.



Yintoni amalungelo oluntu?

Amalungelo oluntu ngamalungelo angundoqo wonke umntu anawo, ngenxa yokubanje bengabantu. Akunyanzelekanga ukuba azuzwe kwaye akangomalungelo awodwa anikwa ngumntu okanye ngurhulumente. Unawo ukusukela ekuzalweni kwakho kwaye, awanakuhluthwa.

USomqulu wamaLungelo unikeza la malungelo alandelayo:

1

Icandelo 9 linikeza ilungelo likamakulingwane

Eli candelo libalula ukuba bonke abantu bayalingana phambi komthetho kwaye banamalungelo okhuseleko alinganayo nenzuzo yomthetho. Akukho mntu makacalucalulwe ngokungenabulungisa.

USomqulu wamaLungelo udwelisa izizathu ezithile zocalucalulo kwaye ubalula ukuba ukucalucalulwa ngokuphathelele kulo naliphi na kula malungelo kuthathwa ngokuba akunabulungisa ngaphandle kokuba kufunyenwe ubungqina bokuba lunobulungisa.

Izizathu ezidwelisiweyo ziquka: uhlanga, ubuni, isini, ukukhulelwa, isimo somtshato, imvelaphi ngokobuzwe okanye ngokwentlalo, ibala, ukuziqonda ngokwesini, ubudala, ukhubazeko, inkolo, isazela, inkolelo, inkcubeko, ulwimi nokuzalwa.

Ilungelo likamakulingwane likhuselwa kwakhona yi-Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA).

La maziko alandelayo anganceda nabani na ocinga ukuba ucalucalulwe ngokungenabulungisa:

IiNkundla zikaMakulingwane

- Izikhalazo zocalucalulo olungenabulungisa zingangeniswa kwiNkundla kaMakulingwane. Ubusazi? INkundla kaMantyi nganye ikwachopha njengeNkundla kaMakulingwane!
- Ulwazi oluthe vetshe malunga neNkundla kaMakulingwane lufumaneka kwiwebhusayithi yeSebe lezoBulungisa:

www.justice.gov.za

IKomishini kamakuLingwane ngokweSini (i-CGE)

I-CGE liziko elizimeleyo eliyilwe ngokwayamene neSahluko 9 soMgaqo-siseko. Ngokwayamene noMgaqo-siseko eli ziko linikwe igunya lokukhuthaza, ukukhusela, ukubeka iliso nokuhlola umakulingwane ngokwesini. Ulwazi oluthe vetshe nge-CGE luyafumaneka kwiwebhusayithi yabo

www.cge.org.za

Xela uCalucalulo ngokweSini nokuXhatshazwa apha (0800) 007 709

IKomishini yamaLungelo oluNtu yaseMzantsi Afrika

I-ne-SAHRC isebenza ngomakulingwane ngokuthi:

- ikhuthaze ilungelo likamakulingwane ngemfundo, amacweyo, ngezixhobo ukulungiselela ukuba laziwe ngokwandileyo
- ikhusele ilungelo likamakulingwane ngokuphonononga izikhalazo nokuthatha amanyathelo ukulungisa kwakhona apho kuthe kwakhona ukunyhashwa
- ibeke iliso kwilungelo likamakulingwane ngokuphathelele kubantu abakhubazekileyo, abantu bangaphandle, abantu abadala nohlanga, kwaye yenze ingxelo nemo kamakulingwane eMzantsi Afrika, ukuquka nakwiibhodi zamazwe ngamazwe eziznikeleyo kumba ophathelele kwilungelo likamakulingwane njengeNgqungquthela yamaZwe ngamaZwe ekuNcothulweni kwazo zoNke iiNdelela zoCalucalulo ngokoBuhlanga (i-ICERD

lingxelo, iziphumo nezixhobo zeKomishini zifumaneka ngesicelo kwiKomishini nakwiwebhusayithi yayo www.sahrc.org.za

2 Icandelo 10 libalula ilungelo lesidima soluntu

Eli candelo libalula ukuba wonke umntu unesidima semvelo kwaye nelungelo lokuba isidima sakhe sihlonitshwe kwaye sikhuselwe.

Oku kuthetha ukuba wonke umntu unelungelo lokuhlontshwa ngokulinganayo.

Ilungelo lesidima ngokunzulu linxulumene namanye amalungelo angundoqo kwaye xa amanye amalungelo anjengelungelo lokufikelela kwiinkonzo zamanzi nezogutyulo lwelindle enyhashiwe, nelungelo lesidima ngokuqhelekileyo nalo linyhashiwe.

3 Icandelo 11 libalula ilungelo lobomi

Eli candelo libalula ukuba wonke umntu unelungelo lobomi. Akukho mntu uvumelekileyo ukuba aphelise ubomi bomnye umntu.

Ilungelo lobomi lithathwa ngokuba lifuna olona khuseleko luphezulu kangangoko nguRhulumente kwaye nangabo bonke abantu elizweni.

Inkundla ayisenako ukugweba abantu ngokubulawa kuba iNkundla yoMgaqo-siseko yabhengeza isigwebo sentambo njengesingahambelaniyo nomgaqo-siseko.

Izoyikiso zelungelo lobomi zithathwa njengolwaphulo-mthetho eMzantsi Afrika, kwaye ezo zoyikiso kufuneka zixelwe ngoko nangoko kwiinkonzo zamaPolisa zaseMzantsi Afrika (i-SAPS).

4

Icandelo 12 libalula ilungelo lenkululeko nokhuseleko lomntu

Eli lungelo libalula ukuba wonke umntu unelungelo lenkululeko nokhuseleko eliquka:

- Ukungavinjwa kwabo inkululeko yabo ngaphandle kwesizathu esivakalayo;
- Ukungavalelwa ejele kungakhange kuxoxwe ityala;
- Ukungabandakanyeki kuzo zonke iindlela zobundlobongela;
- Ukungangcungcuthekiswa ngayo nayiphi na indlela;
- Ukungaphathwa okanye wohlwaye ngendlela ekhohlakeleyo, engenalusini okanye indlela ehlazisayo;
- Ukwenza izigqibo ngokuphathelele ekuzaleni;
- Kukhuseleko nakulawulo lomzimba wakho kunye ;
- Ukunganyanzelwa ukuthabatha inxaxheba kwimifuniselo yezonyango neyezobunzululwazi.

Amalungelo eza noxanduva, kwaye akukho mntu uvumelekileyo ukunyhasha amalungelo abanye. Kuyimfuneko ukuba sinonophele ngokukodwa ukuphaphama ngokuphathelele kumalungelo abantu abanokuxhatshazwa ngokulula abanjengabantwana, abantu abakhubazekileyo kunye nabantu abadala, ngokwenza igalelo kukhuselo lwamalungelo abo bantu.

Nabani na oxhatshazwayo okanye obona omnye umntu oxhatshazwayo kufuneka aqhagamshelane neeNkonzo zamaPolisa aseMzantsi Afrika. IYunithi yobuNdlombongela basemaKhaya yeNkundla kaMantyi nganye inganceda nayo ngemiyalelo yokhuseleko.

5

Icandelo 13 libalula ilungelo elichasene nobukhoboka nomsebenzi onyanzeliswayo

Eli lungelo libalula ukuba akukho mntu makabe sesichengeni sobukhoboka okanye umsebenzi onyanzeliswayo. Ngelixa isehlo soko kunyhashwa siphantsi eMzantsi Afrika, abantu abasesichengeni basoloko bebaneengxaki ukufumana uncedo xa behlangabezana nomsebenzi onyanzeliswayo. ISebe lezabaSebenzi, amaqumrhu abemi athile, kunye ne-ne-SAHRC kufuneka laziswe ngokunyhashwa okubonakalisa ubukhoboka okanye umsebenzi onyanzeliswayo.

6

Icandelo 14 libalula ilungelo lobucala

Wonke umntu unelungelo lobucala eliquka ilungelo lokuba:

- Umzimba wakhe okanye ikhaya lakhe ligqogqwe;
- Ipropati yakhe igqogqwe;
- Athathelwe okukokwakhe okanye;
- Unxibelelwano lwakhe labucala lunyhashwe.

UBUSAZI?

Ngaphandle kokuba
amapolisa anesikrokro
esivakalayo sokuba kwaphulwe
umthetho okanye kuza kwaphulwa
umthetho awavumelekanga ukuba
akugqogqo okanye agqogqo
umzi wakho ngaphandle
komyalelo wokugqogqa!

Amagqwetha anganceda xa le ilungelo
linyhashiwe. Ngolwazi oluthe vetshe
ungaqhagamshelana nommeli wakho
wezomthetho.

Icebiso lezomthetho elingahlawulelwayo
kunye nokumelwa kwezomthetho
kuyafumaneka kwa-Legal Aid South Africa

www.legal-aid.org.za okanye kwii-ofisi
zoonobhala bezomthetho abohlukeneyo abanika
iingcebiso ngezomthetho www.nadcao.org.za

7

Icandelo 15 libalula ilungelo lenkululeko yezenkolo, inkolelo okanye ukuvakalisa izimvo

UMzantsi Afrika lilizwe elingazibophelelanga ngezifungo zomanyano oluthile,
ekufuneka lihloniphe izithethe ezahlukeneyo zezenkolo, zenkcubeko nezesintu.
Abantu akufuneki ukuba baqale bagwebe ngenxa yokwahlukana kwabo
ngokweengcinga, iinkolelo nokuvakalisa izimvo. Endaweni yoko ukwahlukana
nokuba ziintlanga ngeentlanga kufuneka kukhuthazwe ukuze kuphumelele
kwaye kutyebise uluntu.

Ulwazi oluthe vetshe ngala malungelo lufumaneka kwiKomishini
yokuKhuthazwa nokuKhuselwa kwamaLungelo eNkcubeko, uLuntu lweNkolo
nolweeLwimi www.crlcommission.org.za

8 Icandelo 16 libalula ilungelo lenkululeko yokuvakalisa izimvo

Wonke umntu unelungelo lokuvakalisa izimvo. Ilungelo elo liquka:

- Inkululeko yamajelo nokucholwa-cholwa kweendaba okukokunye;
- Inkululeko yokufumana okanye yokunika ulwazi okanye imibono;
- Inkululeko yobuchule bezobugcisa; kunye
- Nenkululeko yezeMfundo kunye nenkululeko yophando lwezobunzululwazi.

Eli lungelo lithetha ukuba wonke umntu unenkululeko yokuvakalisa izimvo ngolwazi nemibono, ngokuqonda nokukhuselwa okukodwa kwamalungelo okuvakalisa izimvo ngophando lwezobunzululwazi, amajelo endaba novakaliso lwezimvo zezemfundo. Ilungelo malivunyelwe ukuba lisetyenziswe ngokungaphaya, kwaye liqingqwe apho uvakaliso ngokwenene lukhuthaza ubundlobongela okanye luvuselela ukumoshwa kwabanye. Intetho ebonakalisa inzondo isoloko ikhalazelwa eMzantsi Afrika, ngokuqhelekileyo ngezizathu zohlanga, ubuhlanga, ubuni okanye inkolo, imvelaphi yezentlalo, kubangela iKomishini neenkundla zikamakulingwane zombini zibhengeze ezo zikhalazo.

Amaqumrhu anjengeKomishini yoSasazo lweziKhalazo yaseMzantsi Afrika, uMntu onamava ngegunya lokuvakalisa izikhalazo zabantu ePalamente wamaJelo eeNdaba, i-CCMA nazo zijongana nezikhalazo eziphathelele kwilungelo lenkululeko yokuvakalisa izimvo.

9

Icandelo 17 libalula ilungelo lendibano, lokuqhankqalaza, ukugwayimba kunye noxwebhu lwezikhalazo

Eli candelo libalula ukuba wonke umntu unelungelo, ngocwangco kwaye kungaxhotywangca:

- Ukwenza indibano, ukuqhankqalaza,
- Ukugwayimba kunye
- Nokudlulisa uxwebhu lwezikhalazo.

Ilungelo eli linika abantu ithuba lokuvakalisa ukungoneliseki okanye izinyanzelo ngocwangco. Awufuni mvume ukuqhankqalaza, kodwa kufuneka unike isaziso abasemagunyeni ubuncinane beentsuku ezisi-7 phambi kosuku loqhankqalazo.

Ulwazi oluthe vetshe malunga nelungelo lokuqhankqalaza lufumaneka kwiphapha-nkcazelo le-ne-SAHRRC: AmaLungelo oLuntu noQhankqalazo lwabaHlali kwiwebhusayithi yethu www.sahrc.org.za.

10

Icandelo 18 libalula ilungelo lokuzibandakanya nombutho othile

Eli candelo libalula ukuba wonke umntu unelungelo lenkululeko yokuzibandakanya nombutho othile.

Ngaphandle kokuba kufunwa ngokomthetho, othi umzekelo ufune ubulungu bamaqumrhu omsebenzi oqeqeshelweyo, okanye uthintele ulwakheko lwemibutho yolwaphulo-mthetho, abantu bangazimanya kwaye benze naluphi na ulwakheko, iqela okanye iqumrhu.

11

Icandelo 19 libalula amalungelo ezopolitiko

Wonke umntu unelungelo lokuzikhethela ngokwezopolitiko ngokukhululekileyo, njengelungelo:

- lokumisela iqela lezopolitiko; kunye
- Nelokuthabatha inxaxheba kwimisebenzi yeqela lezopolitiko.

Wonke ummi unelungelo:

- Lonyulo olukhululekileyo nolunobulungisa;
- Ukuvota bucala ngelixa lonyulo; kunye
- Ukumela i-ofisi karhulumente kwaye, ukuba wonyuliwe abambe isikhundla.

Iwebhusayithi nee-ofisi zeKomishini yoNyulo eziMeleyo (i-IEC) kuzwelonke inika iinkcukacha zolwazi malunga nelungelo lokuvota, unyulo nokuthabatha inxaxheba.

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

12

Icandelo 20 libalula ilungelo lokungavinjwa ubumi

Akukho mmi unokuvinjwa ubumi.

Eli lungelo lithetha ukuba ubumi abunakuhluthwa kubemi. I-South African Citizenship Act 88 of 1995 ibalula umzekelo apho ubumi bunokuhluthwa.

ISebe lezemiCimbi yeKhaya ngumgcini weli lungelo. Ngolwazi oluthe vetshe yiya: www.dha.gov.za

13 Icandelo 21 libalula ilungelo lenkululeko yokufuduka nelendawo yokuhlala

Wonke umntu unelungelo:

- Lokufudukela naphi na eMzantsi Afrika; kunye
- Nokushiya uMzantsi Afrika ukuba ukhetha njalo.

Wonke ummi unelungelo:

- Lokungena, lokuhlala nokumka naphi na eMzantsi Afrika; kunye
- Nokuba nencwadi yokundwendwela.

Ukwenza isicelo sencwadi yokundwendwela qhagamshelana ne-ofisi yengingqi yeSebe lezemiCimbi yaseKhaya.

14 Icandelo 22 libalula ilungelo lenkululeko yokurhweba, yomsebenzi kunye nomsebenzi oqeqeshelweyo

Wonke ummi unelungelo lokukhetha isakhono, umsebenzi okanye umsebenzi oqeqeshelweyo ngokukhululekileyo.

Eli lungelo lithetha ukuba ummi ngamnye unenkululeko yokukhetha nawuphi na umsebenzi afuna ukuwenza, okanye ukukhetha ukuqalisa ishishini lakhe. Ilungelo eli linomda ngokomthetho wethu ukuba lenze oko kusemthethweni kwaye iimeko ezongezelelweyo zibekwa kubantu abangengobemi.

Ngolwazi oluthe vetshe ngamakhono, ungaqhagamshelana nalo naliphi na iziko lemfundo ephakamileyo.

Ngolwazi oluthe vetshe ngokuqalisa ishishini nokwenza isicelo senkxaso-mali qhagamshelana neSebe loPhuhliso lwezamaShishini asaKhasayo ngewebhusayithi yabo www.dsbd.gov.za

15 Icandelo 23 libalula amalungelo abasebenzi nawabaqeshi (imicimbi yezabasebenzi)

Wonke umntu unelungelo lobulungisa ngokwezenqesho.

Uwiso-mthetho olungundoqo olulawula imicimbi yezabasebenzi luquka:

- I-Labour Relations Act 66 of 1995; kunye
- I-Basic Conditions of Employment Act 75 of 1995;

ISebe lezabaSebenzi ngumgcini weli lungelo. Ngolwazi oluthe vetshe yiya www.labour.gov.za

Amanye amaziko namaqela asebenza ngeembambano ezivela kwimeko-bume yezengqesho njenge-CCMA, kunye neenkundla zabasebenzi. AmaBhunga eeNgxoxo zabaSebenzi aKhethekileyo akhona kwicandelo lengqesho ngalinye eMzantsi Afrika. La mabhunga axoxisana ngeemeko zengqesho, imigaqo-nkqubo, imithetho-siseko neendlela ezilandelwayo kunye neembambano ezinempembelelo kubasebenzi.

16 Icandelo 24 libalula amalungelo aphaathelele kokusingqongileyo

Wonke umntu unelungelo lokusingqongileyo okungeyongozi kwimpilo yakhe okanye ekuphileni kwakhe. Amalungelo okusingqongileyo okukhuselekileyo aye enyukela ngokubaluleka ukuba abekwe iliso nanjengoko amashishini nabanye abachaphazelekayo beqhuba umsebenzi onje ngowezimbiwa onokuba negalelo kungcoliseko nokutshatyalaliswa kobutyebi bendalo. Ungcoliseko lokusingqongileyo lungabangela iimeko zempilo ezibalaseleyo kwiingingqi zabahlali abasesichengeni solo ngcoliseko. Ngeso sizathu eli lungelo lidala umsebenzi kurhulumente ukuqinisekisa ukuba okusingqongileyo kulawulwa ngokufanelekileyo.

ISebe lemiCimbi yezeNdalo ngumgcini weli lungelo. Ngolwazi oluthe vetshe yiya www.environment.gov.za

17 Icandelo 25 libalula amalungelo epropati

Akukho mntu unokuthathelwa ipropati ngaphandle kokuba oko kwayamene nomthetho osetyenziswa gabalala kwaye akukho mthetho unokuvumela ukuhlutha ipropati ngokuzithandela.

18 Icandelo 26 libalula ilungelo lokuba nendlu

Wonke umntu unelungelo lokuba nendlu ngokufanelekileyo.

I-ne-SAHRRC ifumana izikhalazo ezininzi ngokuphathelele kwilungelo lokuba nendlu. Ezi zizikhalazo malunga nokucotha kokunikezwa kwezindlu, ukukhutshwa ezindlwini kunye nomgangatho wezindlu.

Iinkundla zethu zayalela ngokubanzi malunga nelungelo lokuba nendlu kwaye zikunonophele ngakumbi ukukhusela eli lungelo ingakumbi apho abantu benokushiywa bengenamakhaya ngenxa yokukhutshwa ezindlwini.

Amanye owiso-mthetho angundoqo anempembelelo kwilungelo lokuba nendlu ngala:

- I-Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE)
- I-Extension of Security of Tenure Act 62 of 1997 (ESTA)

ISebe lezeziNdlu kwiphondo ngalinye kunye naphakathi koomasipala abambaxa kwiphondo ngalinye; nakwinqanaba likazwelonke ngabagcini beli lungelo.

19

Icandelo 27 libalula ilungelo lokufikelela kwiinkonzo zokhathalelo lwempilo, ukutya, amanzi nesibonelelo

Wonke umntu unelungelo lokufumana:

- Iinkonzo zokhathalelo lwempilo, ukuquka ezokhathalelo lwezempilo oluphathelele kwezokuzala;
- Intlutha namanzi ngokunjalo; kunye
- Nesibonelelo, ukuquka nokuba abakwazi ukuzondla bona kunye nabaxhomekeke kubo, isibonelelo soluntu.
- Akukho mntu unokwalelwa unyango olungxamisekileyo.

I-ne-SAHRC iphuhlise umsebenzi omninzi obonakalayo kulo ngalinye kula malungelo ngeengxelo zayo, uphando, kunye nokubekwa kweliso. Olu lwazi kunye nolwazi lwephethshana leenyaniiso ngelungelo lokutya kunye nephepha-nkcazelo ngeenkono zamanzi nezogutyulo lwelindle luyafumaneka kwiwebhusayithi ye-ne-SAHRC www.sahrc.org.za

Alandelayo: amaqumrhu anoxanduva lokhuselo, ukuqonda nokukhuthazwa kwala malungelo:

- ISebe lezeMpilo www.health.gov.za
- ISebe leeNkonzo zoLuntu www.dsd.gov.za
- I-Arhente yoKhuseleko loLuntu yaseMzantsi Afrika www.sassa.gov.za

20

Icandelo 28 libalula amalungelo abantwana

Wonke umntu ongaphantsi kweminyaka eli-18 unelungelo:

- Legama nobuzwe ukusukela ekuzalweni;
- Ukukhathalelwa lusapho okanye ukukhathalelwa ngabazali okanye ukhathalelo olulolunye olufanelekileyo xa esusiwe kwimeko-bume yosapho;
- Ukutya, indawo yokufihla intloko, iinkonzo zokhathalelo lwempilo neenkono zoluntu;

- Ukukhuseleka kwimpatho-gadalala, ukungakhathalelwa, ukuxhatshezwa nokuhlaziiswa;
- Ukukhuselwa ekusetyenzisweni gwenxa kwezengqesho;
- Ukungenzi umsebenzi oza kuphazamisana nempilo yakhe, imfundo, impilo ngokwasemzimbeni nangokwasengqondweni okanye uphuhliso ngokomoya, ngokwendlela yokuziphatha okanye loluntu;
- Ukungabanjwa, ngaphandle kwaxa kulinyathelo lokugqibela kwaye ngesona sithuba sifutshane sexesha kwaye ukugcinwa ngokwahlukaniswa nabanye abantu ababanjiweyo abangaphezulu kweminyaka eli-18;
- Kwigqwetha elingahlawulelwayo;
- Ukucingelwa komntwana yeyona nkxalabo ibalulekileyo kuyo nayiphi na imeko echaphazela umntwana. Oku kuquka imiba enjengokugcinwa kwabantwana nokufikelela kubo.

I-ne-SAHRRC inemfobe ngabantwana, ineendawo ezilungele abantwana, kwaye ineenkqubo ezizodwa zokufumana izikhalazo ebantwaneni kwaye isebenzela ukuphucula ukuqondwa kwamalungelo abantwana nokomeleza ukhuseleko lwamalungelo abo.

Kumazwe ngamazwe ingqungquthela ekhethekileyo ikhusela amalungelo abantwana kwaye uRhulumente ne-ne-SAHRRC bangenisa iingxelo kweli qumrhu malunga namalungelo abantwana eMzantsi Afrika.

Ulwazi lwamaphetshana eenyaniso, amaphepha-nkcazelo, iipowusta kunye nezinye izixhobo zifumaneka mahala kwiwebhusayithi ye-ne-SAHRRC. www.sahrc.org.za

Amanye amaqumrhu azinikezelayo ekugxileni kumalungelo abantwana ngala alandelayo:

- ISebe loPhuhliso loLuntu www.dsd.gov.za
- IYunithi yoKhuselo lwaBantwana kwa-SAPS - qhagamshelana nasiphi na isikhululo samapolisa ukufumana uncedo.

Omnye weyona mithetho ibalulekileyo emalunga namalungelo abantwana nguMthetho wabaNtwana kunye neMigaqo yoMthetho.

21 Icandelo 29 libalula ilungelo lezemfundo

Wonke umntu unelungelo:

- Lemfundo esisiseko, ukuquka nemfundo esisiseko yabadala; kunye
- Nemfundo ephakamileyo, ekufuneka urhulumente ngamanyathelo afanelekileyo ayenze ibekhona kwaye ifikeleleke ekuhambeni kwexesha.

Isbe leMfundo eSisiseko kunye neSebe leMfundo ePhezulu ngabagcini bala malungelo. Ngolwazi oluthe vetshe yiya kwezi webhusayithi zilandelayo:

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

22 Icandelo 30 libalula ilungelo lolwimi nenkcubeko

Wonke umntu unelungelo lokusebenzisa kwaye athabathe inxaxheba kubomi bezenkcubeko ngolwimi alukhethayo.

La maziko alandelayo ngabagcini bala malungelo. Ngolwazi oluthe vetshe yiya kwezi webhusayithi zilandelayo:

- IBhodi yeeLwimi zaseMzantsi Afrika apha www.pansalb.org
- I-CRL Komishini www.crlcommission.org.za

23 Icandelo 31 libalula ilungelo labahlali abankcubeko, inkolo nolwimi olunye

Abantu bengingqi enye abanenkcubeko, inkolo efanayo, bethetha ulwimi olufanayo ngokunjalo abanakuvinjwa ilungelo:

- Lokonwabela inkcubeko yabo, baqhube inkolo yabo kwaye basebenzise ulwimi lwabo kunye;
- Nokwakha, ukumanyana nokulondoloza imibutho yezenkcubeko, yezenkolo neyezolwimi kunye kwaye neminye imibutho yoluntu.

Ngolwazi oluthe vetshe ngeli lungelo yiya kwi-CRL Komishini apha

www.crlcommission.org.za

24 Icandelo 32 libalula ilungelo lokufikelela kulwazi

Wonke umntu unelungelo lokufikelela:

- Kulwazi lukarhulumente kunye
- Nolwazi lomnye umntu olufunelwa ukuqhuba okanye ukukhusela naliphi na kumalungelo abo.

I-ne-SAHRC isebenza nge-Promotion of Access to Ulwazi Act [PAIA] ejongene nelungelo lenkululeko yokufumana ulwazi. Eli lungelo libalulekile kwiidemokhrasi ezilungileyo ukuzisa ukuba selubala, ukubhentsisa urhwapihilizo, nokuqinisekisa ukuba abantu banikwa ulwazi olufunekayo ukuqhuba ubomi babo nokuthabatha inxaxheba ekwenziweni kwezigqibo ngendlela esekelwe kulwazi.

Ngowiso-mthetho olutsha olukhusela ulwazi lobuqu, uMzantsi Afrika umisele uMqondisi-mthetho woLwazi. UMqondisi-mthetho woLwazi uza kubeka iliso kuthobelo lowiso-mthetho lwe-PAIA aze anike isiqabu xa kusaliwa nolwazi ngabanini bolwazi.

25 Icandelo 33 libalula ilungelo lesenzo esinobulungisa solawulo

Wonke umntu unelungelo lesenzo esinobulungisa solawulo. Oku kuthetha ukuba wonke umntu unelungelo:

- Lesenzo solawulo esinobulungisa nesifanelekileyo esivunyelwayo ngumthetho; kunye
- Nelokunikwa izizathu zezenzo zolawulo olubachaphazelayo ngendlela engalunganga.

Ipalamente ipasise umthetho obizwa ngokuba yi-Promotion of Administrative Justice Act 3 of 2000 (PAJA). Lo Mthetho uphawula amaxesha amisiweyo ekufuneka iibhodi ezenza izigqibo emazinike ngawo iimpendulo ebantwini, kunye nezizathu zezigqibo zazo. Izigqibo zolawulo ezinje ngokwala ukunika iilayisenisi kungacelwa umngeni ngazo ngeenkqubo zokujongwa kwakhona.

26 Icandelo 34 ubalula ilungelo lokufikelela kwiinkundla

Wonke umntu unelungelo lokuba nayiphi na imbambano yomthetho kugqitywe ngayo yinkundla okanye apho kufanelekileyo yinkundla yamatyala ezimeleyo okanye engathathi cala okanye iqonga.

Ngolwazi oluthe vetshe ngeli lungelo yiya kwiSebe lezoBulungisa. Ibhodi ezininzi zineenkqubo zezisombululo zembambano ngokweenkundla zamatyala kunye nabantu abanamava negunya lokuvakalisa izikhalazo zabantu. Ezo bhodi zijonge ukunika isisombululo seembambano esikhawulezileyo ukukhusela amalungelo. Izigqibo zezoo bhodi zingajongwa kwakhona ngeenkundla. Imizekelo yezoo nkundla zamatyala yinkundla yamatyala kwi-Competition Tribunal, i-Housing Rental Tribunal kunye ne-Consumer Tribunal.

27 Icandelo 36 libalula umda wamalungelo

Amalungelo akuSomqulu wamaLungelo anganikwa umda ngumthetho osetyenziswa gabalala ukuba ufanelekile kwaye ukuba ufanelekile kwaye unesizathu esivakalayo kuluntu oluphandle nolukhululekileyo ngokusekelwe kwisidima somntu, umakulingwane kunye nenkululeko.

Oku kuthetha ukuba amalungelo akuSomqulu wamaLungelo awathandabuzeki. Abantu banamalungelo akhuphisanayo kunye namalungelo angquzulanayo. Isidima somnye umntu umzekelo singangqubana nenkululeko yokuvakalisa izimvo yomnye umntu, kwaye ngenxa yoko uMgaqo-siseko ubalula igatya lothintelo. Eli gatya landlala uvavanyo ekufuneka nasiphi na isithintelo sihlangabezane nalo phambi kokuba amalungelo asisiseko abe nokuthintelwa ngokusemthethweni.



Amalungelo oluntu angakhuselwa njani

Ukuze kukhuselwe kubekwe iliso ekuqondweni okuqhubekayo kwawo onke amalungelo akuSomqulu wamaLungelo, isiQendu 9 soMgaqo-siseko sibalula ukumiselwa kwamaziko azimeleyo kwaye ngokuxhomekeke kuMgaqo-siseko nomthetho. La maziko awathathi cala kwaye asebenzisa amagunya awo kwaye aqhuba imisebenzi yawo ngaphandle koloyiko, ukukhetha okanye ukudlela indlala.



IKomishini yamaLungelo oluNtu yaseMzantsi Afrika

I-ne-SAHRC liziko elizimeleyo elingelolikarhulumente, adalwe ngumgaqo-siseko ukukhuthaza, nokukhusela ukuhlonitshwa koxatyiso lwamalungelo abantu eMzantsi Afrika. IKomishini inesimo esikhethekileyo "A" ukusebenza neebhodi zamalungelo abantu zamazwe ngamazwe.

IKomishini kufuneka ke ngoko icebise urhulumente malunga nemigaqo-nkqubo yayo neenkqubo zayo, isebenze nabanye abachaphazelekayo ukukhuthaza ukuqondwa ngokunzulu kwamalungelo abantu ize ithathe amanyathelo apho amalungelo anyhashiweyo, ngaphandle koloyiko okanye ukudlela indlela ngokucingela bonke abantu baseMzantsi Afrika.



Umsebenzi we-ne-SAHRC

Ngokwayamene neCandelo 184 loMgaqo-siseko, i-ne-SAHRC kufuneka:

- Ikhuthaze ukuhlonitshwa kwamalungelo abantu kunye noxatyiso lwamalungelo abantu;
- Ikhuthaze ukhuseleko, uphuhliso nokufunyanwa kwamalungelo abantu;
- Ibeke iliso kwaye ihlole ingqwalasela yamalungelo oluntu kwiRiphabliki.



Yenza ntoni i-ne-SAHRC?

- I-ne-SAHRC iphanda izikhalazo zokunyhashwa kwamalungelo oluntu;
- Ibeka iliso kwaye inike ingxelo kanye ngonyaka ePalamente ngenkqubela phambili kaRhulumente ukuzisa amalungelo ahlanganisa ezoqoqosho nezentlalo kubo bonke abemi baseMzantsi Afrika;
- Iqhuba ugayo lwenkxaso nokwazisa ngokuya eluntwini ukufundisa uluntu jikelele malunga namalungelo alo noMgaqo-siseko;
- Ibeka iliso kuphuhliso lowiso-mthetho omtsha ukuqinisekisa ukuba olo wiso-mthetho luthathela ingqalelo imithetho-siseko neendlela ezilandelwayo zamalungelo oluntu;
- Isebenzisana namajelo endaba ukunika ulwazi olubalulekileyo lwamalungelo oluntu kwaye iqhubele phambili ulwaziso lwamalungelo oluntu; kwaye
- Iqhuba izikhalazo zoluntu ngokunyhaswa kwamalungelo oluntu okulungelelanisiweyo.
- Idala izithuba zeengcali nabanye abachaphazelekayo ukuba baxoxe ngemiba yamalungelo oluntu, izidingo nokuvelayo
- Isebenza neqela leentlanga ngeentlanga labachaphazelekayo ukulungisa kwakhona okufanelekileyo apho amalungelo enyhashiwe, okanye ukukhuthaza izenzo ezingcono, imigaqo-nkqubo nemithetho ngokuthathela ingqalelo okuluncedo lwamalungelo oluntu



Izikhalazo eziphandwa yi-ne-SAHRC

I-ne-SAHRC inegunya lokuqhuba naluphi na uphando isakufumana isikhalazo sesityholo sokunyhashwa kwelungelo loluntu elingundoqo. I-ne-SAHRC inamandla okuphanda ngokuthanda kwayo nakuphi na ukunyhashwa okanye isoyikiso selungelo elingundoqo.



Apho zinokungeniswa khona izikhalazo

Isikhalazo singangeniswa kuyo nayiphi na i-ofisi yephondo ye-ne-SAHRC kwiphondo apho isityholo sokunyahsha kwelungelo elingundoqo senzeke khona.



Ngubani onokungenisa isityholo?

- Nabani na oqhuba ngokwentando yakhe;
- Nabani na oqhuba egameni lomnye umntu ongenakuqhuba ngegama lakhe;
- Nabani na oqhuba njengelungu okanye ngokwentando yeqela okanye iqela labantu;
- Nabani na oqhuba ngokwentando yoluntu okanye;
- Nawuphi na umbutho okanye iqumrhu eliqhuba ngokwentando yamalungu alo.



Indlela ezinokungeniswa ngayo izikhalazo?

- Isikhalazo somlomo ngokobuqu okanye ngomnxeba.
- Isikhalazo singangeniswa futhi ngokubhala.
- Abakhalazi bangagcwalisa futhi ifomu yokukhalaza ekwi-intanethi efaneka apha: www.sahrc.org.za



Amanye amaZiko akhankanywe kwisaHluko 9 soMgaqo-siseko abeka iliso kukhuselo nokuqondwa kwamalungelo oluntu:

IKomishini yokuKhuthaza nokuKhusela amaLungelo oLuntu lweNkcubeko, lweNkolo enye boLwimi olunye(i-CRL Komishini)

Iinjongo ezingundoqo ze-CRL Komishini zezi:

- Kukukhuthaza ukuhlonitshwa kwamalungelo oluntu abankcubeko, inkolo nolwimi olufanayo;
- Ukukhuthaza nokuphuhlisa uxolo, ubuhlobo, ubuntu, unyamezelwano nomanyano lwesizwe phakathi kwabantu abanenkcubeko enye, inkolo enye bethetha ulwimi olunye, ngokusekelwe kumakulingwane, ukungacalucalulani nokuzimanya nawo nawuphi na umbutho ngokukhululekileyo kunye
- Ukundulula ukumiselwa okanye ukuqondwa ngokwayamene nowiso-mthetho lwesizwe, lwenkcubeko okanye elinye ibhunga okanye amabhunga oluntu okanye abantu baseMzantsi Afrika.

I-CRL Komishini inamagunya okubeka iliso, ukuphonononga, ukuphanda, ukufundisa, ukugaya, ukucebisa nokunika ingxelo ngemiba ephathelele kumalungelo abantu abahlanganiswe yinkcubeko, yinkolo nolwimi.

I-CRL Komishini kungaqhagamshelwana nayo kwezi nkcukacha zilandelayo:

Forum 4, Braampark Office Park

33 Hoofd Street Braamfontein

Johannesburg

Idilesi ye-imeyili: info@crlcommission.org.za

Umnxeba: (011) 358 9100

IKomishini kamakuLingwane ngokweSini (i-CGE)

I-CGE inesigunyaziso ngokwayamene noMgaqo-siseko ukukhuthaza ukuhlonitshwa umakulingwane ngokwesini nokhuselo, uphuhliso nokuphunyeeleliswa kukamakulingwane ngokwesini.

Ngokwayamene noMgaqo-siseko i-CGE inamagunya okubeka iliso, ukuphonononga, ukuphanda, ukufundisa, ukugaya, ukucebisa nokunika ingxelo ngemiba ephathelele kumakulingwane ngokwesini.

I-CGE kungaqhagamshelwana nayo kwezi nkukacha zilandelayo:

2 Kotze Street, Women's Jail

East Wing, Constitutional Hill

Braamfontein 2017

Umnxeba: (011) 403 7182

UMkhuseli woLuntu

UMkhuseli woLuntu unamagunya:

Okuphanda nayiphi na indlela yokuziphatha kwimicimbi karhulumente okanye kulawulo lukarhulumente kulo naliphi na icandelo likarhulumente elityholwa okanye elikrokreleka ukuba alikho mqaqweni okanye lingaqibelela nakokuphi na okungahambi ngendlela okanye ukudlela indlela,

- Okunika ingxelo ngalo ndlela yokuziphatha kunye
- Ukuthatha inyathelo elilikhubalo.
- UMkhuseli woLuntu kungaqhagamshelwana naye kwezi nkukacha zilandelayo:

175 Lunnon Street

Hillcrest Office Park, Hatfield, Pretoria,0083

Umnxeba: (0800) 11 20 40

IKomishini yoNyulo eziMeleyo (i-IEC)

I-IEC inikwe igunya ngokwayamene noMgaqo-siseko:

- Ukulawula unyulo lweebhodi zowiso-mthetho zesizwe, zephondo nezikamasipala ngokwayamene nowiso-mthetho lwesizwe kunye,
- Ukuqinisekisa ukuba olo nyulo lukhululekile kwaye lunobulunga.

I-IEC kungaqhagamshelwana nayo kwezi nkukacha:

Election House

Riverside Office Park

1303 Heuwel Avenue

Centurion

0157

Umnxeba: (011) 622 57 00

I-imeyli: info@elections.org.za

Yeyiphi enye indlela ekukhuselwa ngayo amalungelo oluntu?

Ukongeza kuSomqulu wamaLungelo, iibhodi zamazwe ngamazwe nezommandla kumaxesha ngamaxesha ziphuhlisa imithetho-siseko neendlela ezilandelwayo malunga namalungelo athile achaza abavumelana nabo, ekufuneka aqhutywe kumazwe abo. Le mithetho-siseko neendlela ezilandelwayo ithatha indlela yeengqungquthela nezivumelwano. Imizekelo yezo zixhobo yile, IsiBhengezo seHlabathi samaLungelo oLuntu, INgqungquthela yokuNcothula zonke iindlela zoCalucalulo looMama kunye neNgqungquthela yamaLungelo abaNtswana.

UMqulu wama-Afrika ngamaLungelo oluNtu nawaBantu njengesixhobo sommandla esinje ngoSomqulu wamaLungelo wommandla wase-Afrika wonke. Xa ilizwe lisayina naliphi na kula maxwebhu, livuma ukukhusela amalungelo awandlalwe kuwo ngokunjalo. Okwangoku, uMzantsi Afrika usayine onke la aphawulwe apha ngentla kwakunye nezibhengezo ezikhusela iimbacu kunye nokugxothwa kocalucalulo ngokobuhlanga. Iwebhusayithi yeziZwe eziManyeneyo ibalula ulwazi olumalunga neziVumelwano, iiNgqungquthela, iiProtokholi neziBhengezo ezisayinwe nguMzantsi Afrika apha www.un.org

Indlela yokuQhagamshelana ne-ne-SAHRC

Forum 3, Braampark Office Park, Braamfontein

Johannesburg

Umnxeba: 011 877 3600

www.sahrc.org.za

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complaints@sahrc.org.za

UTwitter: @SAHRCCommission

Facebook: SA Human Rights Commission

IiNkcukacha zoQhagamshelwano

II-OFISI ZAMAPHONDO

Impuma Koloni

Idilesi: 4th Floor Oxford House,
86 Oxford Street, East London, 5200
Umnxeba: 043 722 7828/21/25 | Ifeksi: 043 722
7830

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Mnu Abongile Sipondo

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Free State

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Limpopo

First Floor, Office 102, Library Garden Square,
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I-Ofisi yaseGauteng

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33 Hoofd Street, Braamfontein
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25 Heystek Street, Rustenburg
Umnxeba: 014 592 0694 | Ifeksi: 014 594
1069

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