

Amalungelo wobuNtu **emPhakathini** **Isinghonyayo**



south african
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ISENDLALELO



Inengi leenghonyoyilo eSewula Afrika lisukela emthlagweni nokungalingani. Ukungalingani kweenhlanganweni neekhungweni okuragela phambili eSewula Afrika kwenzeka khulu khulu ekungafumanekeni ngokwaneleko kwezenzelwa ezisisekelo eengabeni ezitlhagako zomphakathi weSewula Afrika. Ebujameni obunengi umphakathi namkha iingaba zawo ziveze ukuhlangahlangana kwazo ngetjhuguluko elibuthaka nokunganikelwa kwezenzelwa ezisisekelo ezifana namanzi, igezi, ukuhlanzeka, ngesenzo sokunghonyoyila. Iinghonyoyilo lezi ezaziwa njengeenghonyoyilo zokwethulwa kwezenzelwa, ziba nesikhathi sokuthi zibe nokuziphatha okunelunya nokuphazamisako, okuthathela phasi amanye amalungelo afana nalawo wefundo esisekelo.

Kulinganiswa bona iSewula Afrika ineenghonyoyilo ezingaphezu kwezi- 13 500 qobe mnyaka, okukuthi ezinengi zazo azinam^ouruguru¹. Isibopho somBuso sokuhlonipha ilungelo lokunghonyoyila sitjho bona kufanele ungavimbeli abantu ekunghonyoyileni kodwana kufanele uqinisekise bona kunamagadango akhona azokuqinisekisa bona abantu neenqhema basebenzisa amalungelwabo wokunghonyoyila.

Uthini umThethosisekelo?

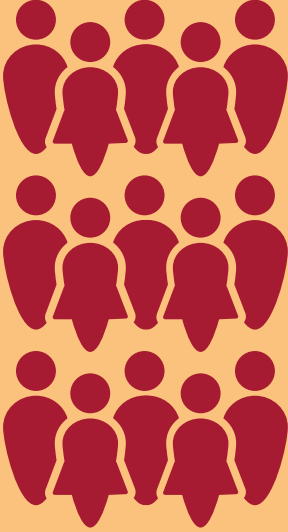
Woke umuntu unelungelo lokuhlanganyela nabanye nokuveza imibono yabo kunanyana ngiwuphi umraro ngokutjhaphuluka emphakathini kanye nokuthabela ukuvikelwa mbuso ngesikhathi benza njalo.

Isigaba se- 17 somThethosisekelo siqintela bona: woke umuntu unelungelo, ngokuthula nangaphandle kweenkhali, lokuhlanganyela, lokutjengisa ukunganeliseki, lokutjhitjhiriza nelokwethula incwadi yeenlilo.

Ukusetjenziswa kwamalungelo lawo kuzakwenzeka buthule nangokutjheja amalungelo wabanye.

¹ Ilwazi elinikelwe yi- SAPS ngesikhathi sokuLalelwa kwePhenyo lesiTjhaba le- SAHRC mayelana nomthelela wesenzo esiphathelene nokunghonyoyila mayelana nelungelo lefundo esisekelo eSewula Afrika

15



Uyini umthetholawulo womThetho we- 1993 wokuButhana

ESewula Afrika ukunghonghoyila kwabantu abangaphezu kwabali- 15 kulawulwa ngomThetholawulo womThetho wama- 205 we- 1993 wokuButhana. UmThetho lo waphasiselwa ukulawula ukubanjwa kombuthano womphakathi kanye nokutjengisa ukunganeliseki kwezinye iindawo kanye nokulungisela imiraro ephathelene nakho.

Umthetho ulawula imiraro ephathelene nokubuthana okuveza omunye nomunye umhlobo wokunghonghoyila, ukuphikisana namkha isenzo sokunyelisa endaweni yomphakathi.

Ngokuhlobana nomThetholawulo womThetho wokuButhana mThetho we- 15 we- 2013 weenKhali eziyiNgozi oqintela ukwalela okuthileko mayelana nokuphathwa kweenkhali eziyingozi.

Iyini indawo yomphakathi?



Indawo yomphakathi itjho esinye nesinye isitrada namkha indlela, isikwayere somphakathi, iintepisi namkha indawo yomakhiwo namkha enye nanye indawo efanako.

! Isaziso sokunghonghoyila

Akuthogeki bona ubawe imvumo yokunghonghoyila kodwana kufanele unikele isaziso sokwenza njalo.

Isigaba sesi- 3 (2) somThetholawulo womThetho wokuButhana siqintela bona umhleli kufanele anikele isiphathiswa esifaneleko isaziso sokubuthana kungakadluli amalanga alikhomba (7) ngaphambi kwelanga lokubanjwa kombuthano kwaphela nje nangabe akukhoneki bona umhleli anikele isaziso leso ngaphambi kwamalanga alikhomba (7) ngaphambi kwelanga lelo, uzakunikela isaziso ngethuba elinikelweko langaphambi kwesikhathi. Ngaphezu kwalokho, nangabe isaziso esinjalo sinikelwe ema- irini angaphasi kwama- 48 ngaphambi kokuthoma kombuthano, isiphathiswa esifaneleko singalela ukubuthana ngesaziso esiya kumhleli.

Omunye nomunye umbuthano owenzeka ngaphandle kokunikelwa kwesaziso mbuthano ongasisemthethweni.

Uyini umhleli?



Umhleli utjho omunye nomunye umuntu ohlela umbuthano ngokwakhe namkha omunye nomunye umuntu oqhatjwe yihlangano namkha ngelinye nelinye igatja lehlangano kobana ahlele umbuthano.

Lokho ekufanele kumumathwe sisaziso

Ilwazi elilandelako kufanele lifakwe ngesazisweni:

- Iminingwana yomhleli
- Ibizo lehlangano
- Umnqopho wombuthano
- Isikhathi, ubude besikhathi sombuthano
- Indawo ekuzokubanjelwa kiyo umbuthano
- Inani labakhambeli abalindelweko.



Liyini igunya langokomthethosisekelo leKoro yesiPholisa seSewula Afrika (SAPS)?

IKoro yesiPholisa seSewula Afrika (SAPS) inesibopho sokukhandela, ukulwisana nokuphenya ubulelesi, ukugcina ukuhleleka komphakathi, ukuvikela nokuphephisa abantu bendabuko yeRiphabhliki nepahlabo. Ngaphezu kwalokho, i- SAPS igunyazwe ngokuvikela nokukatelela umthetho kanye nokutlama ibhoduluko eliphephileko nelivikelekileko labo boke abantu beSewula Afrika. Amapholisa kufanele akhandele nanyana yini engasabisa ngokuphepha namkha ngokuvikeleka komunye nomunye umphakathi, aphenye obunye nobunye ubulelesi obusabisa ukuphepha nokuvikeleka komunye nomunye umphakathi, aqinisekise bona iinlelesi ziyabotjhwa bewahlanganyele nemizameni yokwethula imbangela yobulelesi.

police line

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Umsebenzi we- SAPS ngesikhathi sombuthano namkha sezenzo zokutjengisa ukunganeliseki

Nangabe umbuthano namkha ukutjengisa ukunganeliseki kuzokwenzeka, amapholisa:

- Nangabe aneenzathu ezizwisisekako zokukholwa bona ngeze akghone ukunikela ivikeleko elaneleko kubantu abahlanganyele embuthanweni lowo namkha ekutjengiseni ukunganeliseki lokho, kufanele azise umhleli namkha abantu labo ngokunjalo.
- Angakhandela abantu abahlanganyele embuthanweni ekurageleni phambili kwenye indawo namkha ngokusuka endleleni eveziweko esazisweni esifaneleko namkha ikhibelelo ngalokho namkha ngokungathobeli omunye nomunye umbandela ukubanjwa kombuthano okusime kiwo.
- Angalayela nanyana ngiwuphi umuntu namkha isiqhema sabantu abaphazamisa umbuthano namkha ukutjengisa ukunganeliseki kobana balise ukuziphatha okunjalo kanye nokuhlala kude nombuthano namkha ukutjengisa ukunganeliseki okunjalo.
- Angabopha nanyana ngiwuphi umuntu owenza nanyana ngibuphi ubulelesi ngesikhathi sombuthano.

Ayini amalungelo neembopho zabanghoyili?

Umnghonyoyili ngamunye unelungelo nesibopho:

- Setjhaphuluko yekolo, yekolelo neyokubeka umbono. Lokhu kutjho bona unelungelo lokucabanga, lokukholwa nokulotjha ngenye nenye indlela oyikhethako.
- Ikululeko yokuveza amaziso. Woke umuntu unelungelo lokutjho, lokufunda nelokufundela okhunye nokhunye akufunako. Ikulumo yenzondo ayivunyelwa.
- Ukuhlangana, ukutjengisa ukunganeliseki, ukutjhitjhiriza nencwadi yeenlilo. Woke umuntu unelungelo lokubamba namkha lokuhlanganyela ekutjengiseni ukunganeliseki, lokutjhitjhiriza nelokwethula incwadi yeenlilo. Lokhu kufanele kwenziwe ngokuthula ngasosoke isikhathi.
- Ubudlelwano kezemisebenzi. Unelungelo lokujoyina ihlangano yeensebenzi bewustrayige. Esinye nesinye isisebenzi kanye/namkha umqhatjhi banelungelo lokuhlela nokukhulumisana ukuphumelelisa iminqopho yabo. Lokhu kufanele kwenziwe ngokomthetho nangaphandle kokwesabiswa kweensebenzi ezingastrayigiko.



Umsebenzi we- SAHRC



IKOMITJHINI YAMALUNGELO WOBUNTU YESEWULA AFRIKA (IKOMITJHINI) ISIKHUNGO SESITJHABA SAMALUNGELO WOBUNTU ESIGUNYAZWE MTHETHOSISEKELO KOBANA SIVIKELE, SITHUTHUKISE BESITJHEJE NAMALUNGELO WOBUNTU NGENARHENI LE. NGAPHEZU KWALOKHO, IKOMITJHINI INEGUNYA LOKUPHENYA, LOKUBIKA, LOKUKGHONAKALISA UKULUNGISA LAPHO EKUFANELE KHONA, LOKWENZA IRHUBHULULO NOKUFUNDISA NGAMALUNGELO WOBUNTU.

IKomitjhini igunyazwa ngokwesiGaba se- 13 nese- 14 somThetho wama- 40 we- 2013 wamaLungelo wobuNtu weSewula Afrika kobana yenze ukulalelwa kwephenyo ngemiraro yomphakathi kobana yenze iimphakamiso ezifuna ukuvikela ukwepfulwa kwamalungelo wobuntu.

Ngo- 2016, iKomitjhini yabamba ukuLalelwa kwesiTjhaba ngomThelela weZenzo eziPhathelene nokuNghonghoyila mayelana neLungelo leFundo esiSekelo. Phakathi kweminye imiphumela iKomitjhini eyayiyiphethe kukobana:

- Ilungelo lefundo esisekelo liphazanyiswa zizenzo eziphatelene nokunghonghoyila ezivela ezenzweni ebujameni obunengi ezingahlobani nokunikelwa kwefundo esisekelo.
- Abanghonghoyili abalela ukufunyanwa kwefundo esisekelo baphula ilungelo lefundo esisekelo yabafundi abathintekako.
- Abafundi baphazanyiswa zizenzo ezithileko eziphatelene nokunghonghoyila ngombana bayavimbeleka namkha bayathuselwa nabaya esikolweni begodu nomthangalasisekelo abafundi abathembele kiwo ukufumana ifundo nawo wonakele/ umotjhekile.

- Ipendulo yomNyango wezeFundo esiSekelo ne- SAPS kobunye ubujamo beyibuthaka begodu kubonakala ngathi awukho umgomo ofanako namkha indlela ebekiweko yokusebenza ngezehlakalo ezinjalo.
- Itlhogeko elifaneleko nokuthintana okuhlelekileko hlangana neemphathimandla nemiphakathi ethintekako efuna iindlela zokutjhejwa mayelana nobudisi bayo. Ngokuqothela iinkolo, ilungelo labentwana lefundo esisekelo lithathelwa phasi.
- Isibopho sokuqinisekisa ukuphepha kwabafundi, kwabafundisi neenkolo akusingesomnyango munye, begodu bekungacaci bona ngiwuphi umnyango odose phambili ebujameni lapho izenzo eziphathelene nokunghonghoyila ziqothele khona iinkolo.
- Kobunye ubujamo ukubhalelwa koburholi emkhakheni karhulumende wendawo kunomphumela omumbi emizameni yokulungisa imiraro evelako, ngalokho- ke bese kuthatheleka phasi ilungelo lefundo esisekelo.
- Kunetlhogeko lokobana iminyango karhulumende, khulu khulu emkhakheni weendawo kobana ibandakanye imiphakathi emirarweni eqakathekileko yomphakathi.
- Kunetlhogeko lokukhuthaza abantu kobana bathole iindlela ezitjha zokuveza amatshwenyeko wabo kobana izenzo zabo zingabi nomthelela omumbi kwamanye amalungelo afana nelungelo lefundo esisekelo.

Ukunghonghoyila kwemiphakathi ngobunengi

Ilwazi elinikelwe yi- SAPS ngesikhathi sokulalelwa kwePhenyo lesiTjhaba le- SAHRC mayelana nomThelela weSenzo esiPhathelene nokuNghonghoyila mayelana neLungelo leFundo esiSekelo eSewula Afrika okwabanjelwa eBraamfontein ngo- 2016 liveze bona:

- Ngesikhathi seminyaka emithathu saka- 2012 – 2014 iRhawuteni ilemuke ukunghonghoyila okunengi kunezinye iimfunda.
- IKapa bekungumasipala othandwa ziinghonyoyilo ngeenghonyoyilo ezima- 84, ilandelwe yiJwanisbhege, eThekwini, yiTshwane ne- Ekurhuleni. Phakathi kwabo abomasipala abakhulwaba abahlanu bebaziinzathu zesiquntu sakho koke ukunghonghoyila okurekhodiweko.
- Ukuvama komguruguru ophathelene nokunghonyoyila kuragele phambili nokungezeleleka. Inani leenghonyoyilo ezinomguruguru lifikelele irekhodi eliphezulu ngo- 2014. Ngo- 2007 iinghonyoyilo ezingaphasi kwesiquntu beziphatelene nomguruguru. Ngo- 2014 pheze ama- 80% weenghonyoyilo bezibandakanya umguruguru kungcenywe yabahlanganyeli namkha yeemphathimandla.

Amalinki aqakathekileko

I- Ofisi kaKomitjhinara oPhakemeko wamaLungelo wobuNtu - www.ohchr.org.za; freeassembly@ohcr.org.za (Umbiki oKhethekileko weenTjhaba eziBumbeneko mayelana nelungelo lokuhlanganyela nokubuthana ngokutjaphuluka).

The freedom of Expression Institute - www.fxj.org.za

Umbiko lo uyatholakala kuwebhusayidi ku- www.sahrc.org.za

Iminingwana yokuthintana

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