



south african
human
rights
commission

Mayelana
ne-SAHRC

UMLANDO OMFISHANE



IKhomishana Yamalungelo Esintu LaseNingizimu Afrika (i-ne-SAHRC) yabekwa mhla ka 2 Okthoba 1995 ngaphansi koMthetho WeKhomishana Yamalungelo Esintu 54 ka 1994, osewuchithiwe kwamiswa uMthetho weKhomishana Yamalungelo Esintu eNingizimu Afrika 40 ka 2013.

UMthetho WeKhomishana Yamalungelo Esintu eNingizimu Afrika 40 ka 2013 uhlinzekela ukubunjwa, amandla kanye nemisebenzi yeKhomishana Yamalungelo Esintu ENingizimu Afrika.

UMthethosisekelo WeRiphabhulikhi yaseNingizimu Afrika, 1996 wamukelwa Inhlango yezoMthethosisekelo mhla ka 8 Meyi 1996. UMthethosisekelo nguwo ongumthetho omkhulukazi ezweni futhi wamukelwa ukuze upholise amanxeba okwahlukahlukana kwangaphambilini, kwakhiwe umphakathi owakhelwe phezu kwemigomo yentandoyeningi, ubulungiswa emphakathini kanye namalungelo esintu ayisisekelo.

UMthethosisekelo uhlinzekela ukusungulwa kwezikhungo ukuqinisa intandoyeningi ngokomthethosisekelo kanye nokugqugquzela amalungelo esintu. Lezi zikhungo zivame ukubizwa ngokuthi izikhungo zesahluko 9. I-ne-SAHRC ingenye yezikhungo ezasungulwa njengophiko oluzimele lokugqugquzela, ukuvikela nokuqapha amalungelo esintu eNingizimu Afrika.

UMSEBENZI OMISELWE I-NE-SAHRC

I-ne-SAHRC iyisikhungo esizimele, ayisiwo umnyango kahulumeni, yize ithola uxhaso kuhulumeni. I-ne-SAHRC ayisilo iqembu lezepolitiki futhi ayeseki noma ayiqhubi mbono weqembu lezepolitiki.

I-ne-SAHRC kumele iphendule kuMthethosisekelo kanye nakumthetho kanjalo nakwiNhlango Kazwelonke yePhalamende eNingizimu Afrika.

Umsebenzi we-ne-SAHRC ususelwe kuMthethosisekelo lapho Isigaba 184 soMthethosisekelo sihlinzeka ngokuthi iKhomishana kumele:

- Ikhuthaze ukuhlonishwa kwamalungelo esintu kanye nosiko lwamalungelo esintu
- Ikhuthaze ukuvikeleka, ukuthuthukiswa nokugcwaliseka kwamalungelo esintu futhi;
- Iqaphe futhi ihlole ukulandelwa kwamalungelo esintu eRiphabhulikhi.

IPhalamende lamisa umthetho kazwelonke ngoMthetho WeKhomishana Yamalungelo Esintu WaseNingizimu Afrika 40 ka 2013 ohlinzeka ngamandla adingekayo kuSAHRC ukuze ikwazi ukwenza imisebenzi yayo. NgokoMthetho i-SAHRC inamandla adingekayo ukuze iqhube imisebenzi yayo, okubandakanya amandla:



Okuphenya nokubika ngokulandelwa kwamalungelo esintu;



Okuthatha izinyathelo nokuqinisekisa ukulungiswa ngokufanele kwamalungelo esintu lapho ephazanyiswe khona;



Ukwenza ucwaningo, kanye



Nokufundisa.

Minyaka yonke i-ne-SAHC idinga ukuthi zonke izinhlaka zikahulumeni ezithintekayo zithumele ulwazi ngezinyathelo ezithathwe izinhlaka zikahulumeni ukuze kugcwaliseke amalungelo aqukethe kuSomqulu Wamalungelo maqondana nezezindlu, ukuhlinzeka ngemisebenzi yezempilo, amanzi, isibonelelo sezenhlalakahle, ezemfundo kanye nezemvelo.

I-ne-SAHC inamandla nemisebenzi engeziwe emiswe ngeminye imithetho kazwelonke, okubandakanya uMthetho Wokugqugquzela Ukulingana Nokuvikela Ukucwaswa Okungalungile 2 ka 2000 (i-PEPUDA) kanye noMthetho Wokukhuthaza Ukuphatha Kwezobulungiswa 3 ka 2000 (i-PAJA).

Okhomishana

I-ne-SAHC yakhiwe Okhomishana kanye Nehhovisi Elibhekelele Imisebenzi. Ngaphansi kobuholi bukasihlalo, oKhomishana bahlinzeka ngobuholi obungokohlelo kanye nokweluleka ihhovisi likanobhala ngokuqinisekisa ukuthi izinqubomgomo, izinhlelo kanye nezinsiza ezabiwe kuhambisana nombono wenhlangano.

Bonke oKhomishana baqokwa uMengameli ukuze basebenze ihlandla leminyaka eyisikhombisa elingavuselelwa kube kanye kuphela.

I-ne-SAHC inoKhomishana abangu-8. UKhomishana ngamunye wabelwe umkhakha othile wamalungelo esintu okumele agxile kuwo. IKhomishana ihlonza amalungelo esintu acacisiwe okuzogxilwa kuwo abalulekile naphathelene nokugxila emalungelweni esintu ezweni.



U-Adv. Bongani Majola



U-Adv. Priscilla Jana



U-Adv. Mohamed Ammermia



U-Adv. André Gaum



UNKsz. Angie Makwetla



U-Adv. Bokankatla Malatji



UMnu. Chris Nissen



UMnu. Jonas Sibanyoni

1. U-Adv. Bongani Majola

Usihlalo



Umkhakha Agxile kuwo:
Ukuhlinzekela Ezempilo
Nezofuduko

2. U-Adv. Priscilla Jana

Iphini Likasihlalo



Umkhakha Agxile kuwo:
Ezokucwasa Nokulingana

3. U-Adv. Mohamed Ammermia



Umkhakha Agxile kuwo:
Ukuthola Izindlu Nokuthola
Ubulungiswa

4. U-Adv. André Gaum



Umkhakha Agxile kuwo:
Ezemfundo

5. UNksz. Angie Makwetla



Umkhakha Agxile kuwo:
Amalungelo Ezingane

6. U-Adv. Bokankatla Malatji



Umkhakha Agxile kuwo:
Ezokuphila Nokukhubazeka
Nezabantu Abakhulile

7. UMnu. Chris Nissen



Umkhakha Agxile kuwo:
Ezezinsiza Zemvelo,
Ukuphoqelelwa Komthetho
Nezemvelo

8. UMnu. Jonas Sibanyoni



Umkhakha Agxile
kuwo: Ukuthuthukiswa
Kwezindawo Zasemakhaya
kanye Nelungelo Lokuthola
Ukudla

Ihhovisi Elibhekelele Imisebenzi

Ihhovisi likaNobhala lakhiwe abanye abasebenzi be-ne-SAARC, ngaphandle koKhomishana. Ihhovisi likaNobhala linomsebenzi wokuqalisa iqhingasulo lenhlangano kanye nokuqhuba umsebenzi we-ne-SAARC futhi liholwa Isikhulu Esiphezulu, u-Adv. Tseliso Thipanyane. I-ne-SAARC inamahhovisi kuzo zonke izifundazwe ezingu-9.

Izikhalo ezingase ziphenywe i-ne-SAHRC

I-ne-SAHRC inamandla okuqhuba noma okwenza ukuthi kuqhutshwe uphenyo:

- Lapho kwamukelwa isikhalo ngezinsolo zokuphazanyiswa kwelungelo eliyisisekelo noma,
- Ngokwayo lapho kunezinsolo zokuphazanyiswa noma izinsongo zokuphazanyiswa kwelungelo eliyisisekelo.



Izikhalo i-ne-SAHRC engabhekani nazo

I-ne-SAHRC ayinawo amandla okubhekana nezikhalo ezimayelana nokwenziwa noma okungenziwanga ngaphambi komhla wama-27 Ephreli 1994.

I-ne-SAHRC ingase isichithe isikhalo lapho:

- Sisuselwa kunzwabethi, amahlebezi noma imibiko engenasisekelo evele ngemithombo yezindaba. I-ne-SAHRC ingase yenze uphenyo lokuqinisekisa izinsolo zokuphazanyiswa kwelungelo eliyisisekelo okubikwe ngalo kumithombo yezindaba noma ezitholakele komunye umthombo; uma lezo zinsolo seziqinisekisiwe kumele zidingidwe ngokoMthetho we-ne-SAHRC.
- Sifakwe ngolimi oluhlabayo, olunamazwi ayisisiswana, olukhombisa ukuba luhlaza noma olujivazayo. I-ne-SAHRC ingase icubungule isikhalo uma lolo limi lususwa.

- Kuwudaba okungaphikiswana ngalo enkantolo yomthetho, enkundleni, kanye nakunoma iluphi uhlaka lomthetho olunezindlela zangaphakathi zokuxazulula izinkinga noma zixazululwe abathintekayo noma lapho kunesinqumo somthetho ngalezo zikhalo noma okutholakele enkantolo yomthetho, enkundleni, ophikweni lezomthetho noma kolunye uphiko.
- Yisikhalo somuntu ongazidalulanga. I-ne-SAHRC ingase yenze uphenyo lokuqinisekisa izinsolo zokuphazanyiswa kwelungelo eliyisisekelo, ngokwalo, kuthi lapho seyiqinisekisile i-ne-SAHRC ingakwazi ukubhekana nesikhalo ngokoMthetho we-ne-SAHRC.
- Sibonakala singesenkohlakalo, esikhohlisayo, esingadingeki, esingaqondakali, nesingahambisani namalungelo ayisisekelo noma esingahambisani nezinhlinzeko zoMthetho we-ne-SAHRC.
- Sifakwe sekudlule isikhathi somnqamula-juqu esiyiminyaka emithathu kusukela ngosuku okwaphazanyiswa ilungelo eliyisisekelo ngalo.



Zingafakwa kuphi izikhalo

Isikhalo singafakwa kunoma eliphi ihhovisi le-ne-SAHRC lapho kusolakala ukuthi kube nokuphazanyiswa kwelungelo eliyisisekelo. Isikhalo singafakwa ngumuntu ngqo, ngocingo, ngokubhala noma ngokugcwalisa ifomu lezikhalo elithokala ku-: www.sahrc.org.za

Ubani ongafaka isikhalo

- Noma ubani oqhuba izintshisekelo zakhe;
- Noma ubani owenzela omunye umuntu ongeke akwazi ukuzenzela ngokwakhe;
- Noma ubani osebenza njengelungu noma onentshisekelo eqenjini noma eqoqweni labantu;
- Noma ubani osebenza eqhuba intshisekelo yomphakathi;
- Noma eyiphi inhlangano esebenzela izintshisekelo zamalungu ayo.



Ukuphumelela kwe-ne-SAHRC

Selokhu yasungulwa i-ne-SAHRC ibe negalelo ekuqwashiseni nasekugcwalisekeni kwamalungelo esintu eNingizimu Afrika ngokwenza okulandelayo:

- Ukuphenya ngezikhalo mayelana, kanye nokuqhuba uphenyo emphakathini mayelana nokwanda kokuphazanyiswa kwamalungelo esintu;
- Ukuqapha ubucayi becala lokuphazanyiswa kwamalungelo esintu kanye nokuqhubeka kwecala ezinkantolo;
- Ukuqapha nokwethula umbiko ePhalamende mayelana nosekwenziwe uhulumeni ukuze kugcwaliseke amalungelo ezenhlalomnotho eNingizimu Afrika iyonke;
- Ukuqhuba imihlangano yokufundisa, izinhlelo zokuqeqesha, ukufundisa umphakathi kanye nemikhankaso yokwelulela isandla emphakathini, izingqungquthela, imihlangano yokwabelana ngolwazi kanye nokuthulwa kwezinkulumo;

- Ukudidiyela nokwaba impahla yokufundisa kanye nokushicilelwayo ngamalungelo esintu;
- Ukuqapha nokweseka ukuqaliswa uMthetho WokuGqugquzela Ukutholakala Kolwazi (i-PAIA) kanye noMthetho Wokugqugquzela Ukulingana Nokuvikela Ukucwasa Okungalungile (i-PEPUDA);
- Ukuqapha imithombo yezindaba ukuze kulandelelwe izindaba zamalungelo esintu;
- Ukubamba iqhaza nasekubeni negalelo enqubweni yamalungelo esintu ezingeni lesifunda, likazwelonke kanye nelasemhlabeni jikelele.

Umbiko uyatholakala kuwebhusayithi ethi www.sahrc.org.za

Iminingwane Yokuxhumana

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