



**IMIGOMO YOKUSEBENZA YESIGCAWU SOKULALELWA KOPHENYO
LUKAZWELONKE OLUMAYELANA NEZIBHELU EZENZEKA NGENYANGA
KANTULIKAZI WEZI-2021 IKAKHULU ESIFUNDAZWENI SASE-GAUTENG
KANYE NESAKWAZULU- NATALI**

kuMandulo wezi-2021

1. ISINGENISO

- 1.1. IKhomishini Yamalungelo Esintu yaseNingizimu Afrika (“iKhomishini”) iyisikhungo sikahulumeni esasungulwa ngaphansi kwesahluko 9 soMthethosisekelo. Igunyazwe ngokwesigaba 184(1) soMthethosisekelo, ukukhuthaza ukuhlonishwa kwamalungelo esintu kanye nosiko lamalungelo esintu; ukukhuthaza ukuvikeleka, ukuthuthukiswa kanye nokufezekiswa kwamalungelo esintu; kanye nokuqapha nokuhlola ukuhlonishwa kwamalungelo esintu eRiphabhlikhi.
- 1.2. Ngaphansi kwesigaba 184(2) soMthethosisekelo, iKhomishini inikezwe amandla okuphenya kanye nokubika maqondana nokuhlonishwa kwamalungelo esintu, kanye nokuthatha izinyathelo ezimaqondana nokulungisa okonakele ngendlela ephaphile lapho kuphazanyiswe khona amalungelo esintu.
- 1.3. Ngaphezu kwalokho, iKhomishini kumele icele izinhlaka zikahulumeni ezithintekayo ukuba ziyihlinzeke ngolwazi olumaqondana nezinyathelo ezthathwe yizo izinhlaka lezo ukuqinisekisa ukuthi ayafezekiswa amalungelo aqukethwe kuSomqulu Wamalungelo amaqondana nezezindlu, ukunakekelwa kwempilo, ukudla, amanzi, ukubonelelwa kwenhlalakahle yomphakathi, imfundo nemvelo, kanjalo nokuphepha, inkululeko kanye nokuvikeleka kwabantu.
- 1.4. IKhomishini inamandla engeziwe amiswe ngokweminye imithetho kazwelonke ebandakanya uMthetho omaqondana neKhomishini Yamalungelo Esintu eNingizimu

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Afrika, uMthetho uNo.40 wezi-2013 (“**uMthetho we-SAHRC**”). Ngokwesigaba 13(3) (a) soMthetho we-SAHRC, iKhomishini iyakwazi futhi inesibopho “sokwenza uphenyo ngokwayo noma emva kokwamukela isikhalo, *nganoma yiziphi izinsolo zokuphazanyiswa kwamalungelo esintu*”.

- 1.5. Ngenhloso yokubheka ukuthi aphazamiseka kangakanani amalungelo esintu ngenkathi isiFundazwe sase-Gauteng nesakwaZulu-Natali sikhungethwe izigameko ezazingezinhle ezenzeka phakathi kwamhla ziyi-8 namhla ziyi-19 kuNtulikazi wezi-2021i, iKhomishini, ngokusebenzisa igunya layo langokomthethosisekelo kanye nomthetho, ifisa ukuphenya ukuthi yini eyabangela lezi zibhelu ezenzeka e-Gauteng naKwaZulu-Natali ngoNtulikazi wezi-2021; nokuthi ngakube zaba nomthelela muni kumalungela esintu.

2. ISENDLALELO

- 2.1. Ngenyanga kaNtulikazi wezi-2021, ezweni lonke kwaqubuka izibhelu, ikakhulu e-Gauteng naKwaZulu-Natali.
- 2.2. Phakathi kokunye okwakushiwo ngumphakathi, kunenzisolo zokuthi izibhelu zangoNtulikazi zaqutshulwa yisinqumo seNkantolo yoMthethosisekelo samhla zingama-29 kuNhlangulana wezi-2021 lapho iNkantolo yathola owanguMengameli, uBaba uJacob Zuma, enecala lokudelela, inkantolo yabe isimgweba isikhathi esiyizinyanga eziyi-15 ebhadla ejele.
- 2.3. Kunezinolo zokuthi ingxenye ethile yomphakathi ayizange yaneliseke ngesinqumo, lokhu kungeneliseki kusoleka ukuthi yikona okwaqubula izibhelu ezabhebhetheka kuso sonke isiFundazwe saseGauteng nesaKwaZulu-Natali. Kuneminye imibono ethi lezi zibhelu zazihleliwe, kwaba nokuhlela kanye nokuphehlwa kodweshu okusezingeni eliphezulu okwaholela kulezi zibhelu, nokuthi labo abasemagunyeni kwakumele ngabe babazi futhi bazilungiselela ngendlela efanele ukuze bavikele amadolobha amancane namakhulu akhahlanyezwa yilezi zibhelu. ayo.
- 2.4. Ngesikhathi kunezibhelu kwafa abantu, kwaba nemibhikisho eyayihambisana nokuhlaselwa kwezitolo, izinxanxathela zezitolo, amabhezini izikole kanye nezokuthutha. Kwezinye zalezi zikhungo kwatathwa impahla, zacekelwa phansi,

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ezinye zaphinde zathungelwa ngomlilo abantu babezitapela impahla yokuhweba okubalwa kuyo ukudla, imithi, izingubo zokugqoka, utshwala, impahla esebenza ngogesi, kanye nezinye izimpahla zasendlini.

2.5. Lezi zibhelu kanye nezigameko ezihambisana nazo zaba nomthelela omubi kakhulu emnothweni wezwe, obuvele ukhandlekile ngenxa yobhubhane lwe-Covid-19, okwaholela ekutheni amabhizinisi amancane, amaphakathi namakhulu alahlekelwe kakhulu imali – amanye ala mabhizinisi angeke asakwazi ukuvuka aphinde ahwebe kabusha okuzophetha ngokuba kulahleke imisebenzi eminingi. Lezi zibhelu, phakathi kokunye, zibhebhethekise ukungalingani phakathi kwemiphakathi ethile, amazinga okuntuleka kwemisebenzi, ububha, indlala kanye nokuntuleka kokudla.

2.6. Uphiko Lwezamaphoyisa aseNingizimu Afrika (“i-SAPS”) kanye nezinye izinhlaka ezibhekele ukuqinisa umthetho zagxekwa kakhulu ngenxa yezinsolo zokungalingeli kanye nokungabonakali/ ukungabibikho ezindaweni ezazithintekile kanjalo nezinsolo zokuhluleka ukudambisa isimo nokubuyisa uzinzo ngokushesha. Kuthiwa lokhu kwenza ukuba imiphakathi eminingi igcwale imigwaqo ukuze ivikele izindawo ezihlala kuzo kanye namabhizinisi, kanti kwezinye izindawo kwaba nezinsolo zokuba zokusebenzisa amandla ngesankahlu, ukucwasana ngokobuhlanga, ukuhlaselwa, ukushiswa kwempahla nokubulawa kwabantu. Eziningi zalezi zigameko kubikwa ukuthi ziyaphenywa futhi kubhekenwe nazo ngokulandela inqubo yezobulungiswa eqondene namacala obugebengu. Lokhu sekuqubule imibuzo emayelana namandla kanye neqhaza lamaphoyisa nezinhlaka zezokuphepha lokukwazi ukuhlonza nokubhekana ngokushesha nangempumelelo nezigameko zezibhelu, okuyinto ebukela phansi ilungelo lokuvikeleka ebese iholela ekufeni kwabantu.

3. UKUSEBENZA KWESIGCAWU SOKULALELWA KOPHENYO LUKAZWELONKE

3.1. Isigungu sizophenya, sihlanganise imiphumela yophenyo, sibike bese senza izincomo kanye/noma imiyalelo emaqondana nale minxa ebanzi elandelayo:

3.1.1. Imbangela yezibhelu zangoNtulikazi, ikakhulu esifundazweni sase-Gauteng nesaKwaZulu-Natali.

3.1.2. Izimbangela zokuhlaselwa kanye nokubulawa kwabantu okusolakala ukuthi kugqugquzelwa ubuhlanga ezweni.

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- 3.1.3. Izimbangela zokuhluleka kwezinhlaka zomthetho ukuqinisa umthetho, ikakhulu uPhiko Lwezamaphoyisa aseNingizimu Afrika; kanye neqhaza lezinkampani ezizimele zezokuvikela ngokumaqondana nezibhelu.
- 3.1.4. Izimo zezenhlo, zomnotho, zendawo kanye nezepolitiki ezidlangile ezindaweni ezehlukene ezithintekile kanye nokuthi lezi zimo zabamba iqhaza elingakanani ekudlondlobaliseni izibhelu.

4. INQUBO

- 4.1 Isigaba 15(1) soMthetho we-SAHR sithi iKhomishini, ngenhloso yokuba ikwazi ukusebenzisa amandla ayo kanye nokwenza imisebenzi yayo, ingaqhuba noma yenze kuqhutshwe nanoma yiluphi oludingeka ngaleyo nhloso.
- 4.2 IKhomishini iyokwamukela izethulo ezibhaliwe nezilethwe ngomlomo ezivela eminyangweni kahulumeni ehlonziwe, ezinhakeni zikahulumeni, kumabhezini, emphakathini kanye nasezinhakeni ezinentshisekelo ukuze ikwazi ukuqhuba uphenyo.
- 4.3 Le migomo yokusebenza ihlinzeka ngohlaka lokuqhutshwa kophenyo futhi angeke ichtshiyelwe ngaphandle uma lokho kuchibiyela kugunyazwe ngqo yiKhomishini.
- 4.4 Abathintekayo bangameleleka ngokomthetho, kodwa kumele izethulo ezenziwa ngomlomo zenziwe yilabo abathintekayo uqobo lwabo.
- 4.5 Kungenzeka ukuba labo abathintekayo bacelwe ukuba bahlinzeke ngezincwadi ezifungelwe (ama-afidavithi) ngenhloso yokulalelwa kophenyo.
- 4.6 Lena yinqubo okubuzwa kuyo imibuzo. Labo abahola ubufakazi kanye namalungu esigungu bazobuza ofakazi/ abathintekayo imibuzo.
- 4.7 Kuyokuya ngohlobo lobufakazi obunikezwe iKhomishini, abathintekayo bangacelwa ukuba balethe amanye ama-afidavithi ngenkathi kuqhubeka isigcawu sokulalelwa kophenyo kumbe ekupheleni kokulalelwa kophenyo. IKhomishini iyohlinzeka ngezikhathi ezibekiwe zokwamukelwa kwalezo zethulo.

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4.8 USihlalo weSigungu unqume ukuthi lezi zinqubo kumele zivuleleke kumalungu omphakathi kanye nabezindaba ngokubhekelela

- uhlobo lwentshisekelo yomphakathi maqondana nalolu daba; kanye.
- nesibopho sangokomthethosisekelo seKhomishini sokugcina imigomo yokuba nesibopho sokubika nokuphendula, ukuvuleleka kanye nokungachemi.

4.9 USihlalo weSigungu uyovuma ukuba atholakale amarekhodi akho konke ukuqhutshwa kwesigawu sophenyo ngendlela ayobona ifanele uma ecelwa.

4.10 USihlalo weSigungu uzonquma ukuthi yiziphi nokuthi kunini lapho izingxanye zokulalelwa kophenyo okumele zingabi nazo izethameli.

5. UKWAKHEKA KWESIGUNGU SOKULALELWA KWESIGCAWU SOPHENYO

5.1 USihlalo // (UKhomishana Gaum)

5.2 USekela Sihlalo // (UKhomishana Nissen)

5.3 INhloko Eyangemele isiSigugu // (UKhomishana Ntuli)

5.4 Ongoti bangaphandle abanxenxwe/ abaqokwe yiSigungu uma kudingeka

6. ITHIMBA LABAHOLA UBUFAKAZI

6.1 Ohola Ubufakazi // (Buang Jones, PM)

6.2 Ohola Ubufakazi // (Lloyd Lotz, PM)

6.3 Ohola Ubufakazi // (LSU noma lowo omele ihhovisi lesifundazwe)

6.4 Ongoti bangaphandle abanxenxwe/ abaqokwe yiSigungu uma kudingeka.