

ISHATHA YETINSITA TEBAHLUKUNYETWA BEBUGEBENGU ENINGIZIMU AFRIKA

KUHLANGANISWA
KWELUHLAKAMSEBENTI
LOLUKHONA
LOLUSEMTSETFWENI
MACONDZANA
NEMALUNGELO
NETINSITA LETINIKETWA
BAHLUKUNYETWA
BEBUGEBENGU

SISWATI



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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**EMAVI EKUVULA ANDVU-
NANKULU WEMTSETFO
NEKUTFUTFUKISWA
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Ishatha yetinsita tebahlukunyetwa ebugebengwini baseNingizimu Afrika (Ishatha yebahlukunyetwa) ilithulusi lelibaluleke kakhulu lekutfutfukisa bulungiswa kuwo wonkhe umuntu. Leshatha yebahlukunyetwa ihambisana nemoya weMtsetfosisekelo waseNingizimu Afrika, wango 1996 (umtsetfo namba 108 wango 1996) neSimemetelosincumo saMhlabuhlangene semGomosisekelo weBulungiswa beBahlukunyetwa nekuHlunyetwa kweMandla (GAVRES/40/34).



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lilunga lasePhalamende,
Ndvunankhulu weBulungiswa
nekuTfutfukiswa
kweMtsetfosisekelo***

Kusukela nga 1994, nasekugcineni kutfutukiswa kwemasiko emuntfu, kunaka sekusuke kancane kumtsetfo webulungiswa wekuvimbela nekujezisa waya kubulungiswa bekubuyisela. Ekhatsi kulomcondvo webulungiswa bekubuyisela kunakwa kakhulu bugebengu kwendlula licala lelentiwe embusweni, nekulimala noma kwenta lokubi kulomunye umuntfu.

Loku kuhambisana neNdlela Jikelele yekuVikela Bugebengu yembono locabangela umhlukunyetwa kumtsetfo webulungiswa webugebengu. Inhlolo lenkhulu yekuhlonyiswa kwemhlukunyetwa ngekuhlangabetena netidzingo takhe, kungaba nguletiphatsekako noma temoya.

Leshatha yebahlukunyetwa nalencwajana yemazingancane lefakiwe emathulusi labalulekile lachaza abuye ahlanganise emalungelo netibopho leticondziswe etinsiteni letisetjentiswa kubahlukunyetwa nalabasindze ebugebengwini baseNingizimu Afrika. Leshatha yebahlukunyetwa ihambisana nalokushiwo kusigaba 234 weMtsetfosisekelo.

Ngiyatsemba kutsi ngekutinikela nekutibophelela kwawo wonkhe lobalulekile kunchubo yebulungiswa bebugebengu, leShatha yebaHlukunyetwa itoncedza ekusetjentisweni kwemitetfo lesebentako ngendlela letofeza injongo yawo-kwente bulungiswa bube yintfo lekhona kubo bonkhe bantfu.

SENDVULELO

Hulumende waseNingizimu Afrika nema- ejensi labandzakanyeka kumtsetfo webulungiswa bebugebengu :

Kuvuma

Kutibophelela kwaHulumende ekusebentiseni tindlela lekuhloswe ngato kugucula umtsetfo webulungiswa bebugebengu kuvikela nekuftufukisa emalungelo ebahlukunyetwa ngekuhambisana netibopho temave emhlaba ngaphasi kwemathulusi emalungelo ebantfu emave angaphandle, njengeSimemetelosincumo saMhlabuhlangene semGomosisekelo weBulungiswa

beBahlukunyetwa bebuGebengu nekuHlukunyetwa kweMandla wango (1985) nekuVinjelwa nekuCedwa kwesihlanganiswa sebudlova kulabasikati nebantfwana kusimemetelo sanga 1997 se SADC ekutfufukisweni kwebulili.

Kukholwa

Kutsi kuyincenye yemsebenti wembuso kutfutukisa kutsakaselela lokulinganako kwawo onkhe emalungelo nenkululeko lecinisekiswe kuMtsetfosisekelo nanguwo wonkhe umuntfu nekutsi umtsetfo webulungiswa bebugebengu locotfo ungatfolwa uma emalungelo ebahlukunyetwa bobabili nembekwacala ahlonishwa, avikelwe abuya alinganiswa.

Kubona

Umphumela lomkhulu webugebengu kubahlukunyetwa, nemandla awo ekubukela phasi emalungelo eluntfu emhlukunyetwa.

Kucaphela

Inchubekela embili lebonakalako leyentiwe kusukela kwacala inkululeko , ngekuguculwa kwemtsetfo webulungiswa bebugebengu kucinisekisa kutfolakala kwebulungiswa kwemiphumela yetinchubo kubo bonkhe bantfu, ngaphandle kwebuve, bulili, lisiko nelizinga. Kusetjentiswe tindlela letinyenti letihlukile njengencye yekuguculwa kwemtsetfo webulungiswa, ngekucabangela kuciniseka kubaluleka kwebahlukunyetwa , ngekulinganisa emalungelo abo nalawa ebaekwacala nekuncishiswa kwekuhlukunyetwa lokukhulu etigabeni letehlukene tENCHUBO yebulungiswa bebugebengu.

Kwamukela leshatha yebahlukunyetwa

Kuvumela kuhlanganiswa kweluhlakamsebenti lolusemtsetfweni lolukhona eNingizimu Afrika lekucondzene nemalungelo netinsita letiniketwa bahlukunyetwa bebugebengu ku:

- Kucedwa kwekhlukunyetwa lokukhulu enchubeni yebulungiswa bebugebengu;
- Kucinisekisa kutsi bahlukunyetwa bahlala bavikelwe yinchubo yebulungiswa bebugebengu'
- Kucacisa emazinga etinsita langalindzelwa futsi kufanele avumeleke kubahlukunyetwa uma batsintsana nemtsetfo webulungiswa bebugebengu'
- Kwentiwe sibonelelo sekusitwa kwebahlukunyetwa uma emazinga angakaphumeleli.

EMALUNGELO AKHO NJENGMHLUKUNYETWA WEBUGEBENGU

Uma ube ngumhlukunyetwa webugebengu, lamalungelo lalandzelako, njengoba acuketfwe kuMtsetfosisekelo nasemitseshwaneni lehambisana nayo, atociniswa ngesikhatsi sekuchumana nemtsetfo webulungiswa bebugebengu.

1. Lilungelo lekuphatfwa ngebucotfo nangekuhlonipha sitfunti nelingase lakho

- Unelilungelo lekunakwa ngekuphutfuma nangekucophelela, uphatfwe ngekuhlonipha sitfunti nelingase nguwo onkhe emalunga anoma nguliphi litiko, sikhungo, ema- ejensi noma inhlango lekutfulela tinsita (lebitwa ngekutsi umphakelitinsita)
- Liphoyisa (ngesikhatsi seluphenyo), bashushisi netikhulu tasenkantolo (ngesikhatsi balungiselela nalesikhatsi kutekwa licala), nabo bonkhe baphakelitinsita batosebentisa tindlela tekunciphisa tintfo letingakucekela phansi, lokufaka ekhatsi,

kubanjwa kwenkulumoluhlolo nawe ngelulwimi lolutsandzako nangasese, uma kunesidzingo.

- Letindlela titovimbela kutsi usengotini yekuhlukunyetwa lokukhulu.

2. Lilungelo lekuniketa lwati

- Unelilungelo lekuniketa imininingwane ngesikhatsi seluphenyo lwebugebengu nangesikhatsi sekutsetfwa kwelicala
- Liphoyisa, umshushisi nesikhulu sesikhungo sekulungiswa kwesimilo batowenta tindlela tekucinisekisa kutsi nanoma nguwuphi umbono longaba nawo eluphenyweni , ekushushisweni, nasekulalelweni kwepharoli ulalelwe futsi ucatjangelwe uma kuncunywa kutsi kuchutjekwe neluphenyo, noma ngesikhatsi kushushiswa noma ngesikhatsi sekulalelwa kweBhodi yepharoli.
- Lelilungelo lisho kutsi ungaba nendzima loyidlalako (uma kunesidzingo noma kwenteka) enchubeni yebulungiswa bebugebengu, ngekuhambela

kulalelwa kwebheyili, kutekwa kwelicala, inchubo yekukhishwa kwesigwebo ne/noma kulalelwa kweBhodi yePharoli.

- Kusho kutsi unelitfuba lekwenta lesinye sitatimende ephoyiseni uma ubona kutsi sitatimende sakho asikapheleli. Ungenta sitatimende enkantolo noma unikete bufakazi ngesikhatsi senchubo yekugwetjwa kuletsa sisindvo salobugebengu kutsi inkantolo ibunake.
- Kungeta, ungenta sicelo lesibhaliwe kuSihlalo weBhodi yePharoli kutsi uhambele kulalelwa kwepharoli ubuye uhambise umbono lobhaliwe.

3. Lilungelo lekuniketwa lwati

- Unelilungelo lekwatiswa ngemalungelo akho nekutsi ungawasebentisa njani
- Njegencenye yalomtsetfo, ungacela kuchazelwa ngelulwimi lwakho nanoma ngabe yini lenye longayivisisi.
- Unelilungelo lekutfole lwati nekwatiswa ngato tonkhe

tinsita letifanele longatitfola kubaphakelitinsita.

- Utotjelwa ngendzima lotoyidlala ecaleni nesilinganiso sesikhatsi selicala. Ungacela imininingwane mayelana netinsuku tasenkantolo, tindleko tafakazi neluhlelo lwekuvikelwa kwafakazi.
- Ungacela kwatiswa ngesimo selicala, kutsi ummangalelwa sewuboshiwe noma cha, ugwetjiwe, uniketwe ibheyili, utfweswe licala, utfolakele anelicala wavalelwa.
- Ungacela tizatfu tesincumo lesitsetfwe ecaleni lakho sekushushisa noma sekungashushiswa.
- Ufanele kutfola tincwajana leti umtsetfo uvumela kutsi ube nato.
- Ungacela kutfola satiso ngetinchubo longafuna kutihambela.
- Ungacela umshushisi kutsi atise umcashi wakho nganoma ngutiphi tinchubo letodzinga kutsi ulove emsebentini.

4. Lilungelo lekuvikeleka

- Unelilungelo lekukhululeka ekusatjsweni, ekuhlukunyetweni, ekusabeni, ekungeneleleni, ekudizeni, enkohlakalweni nasekuhlukunyetweni. Uma ungufakazi, kufanele ubike noma ngabe ngukuphi kusatjiswa emaphoyiseni noma kumshushisi wembuso lomkhulu.
- Uma ulandzela letinye tidzingo, liphoyisa lingakufakela sicelo sekutsi ufakwe ehlelweni lekuvikela bofakazi.
- Uma ufakwe ehlelweni lwekuvikela bofakazi, utovikelwa, kunanoma nguluphi luhlobo lwekufaka umoya, kuhlukunyetwa nekusatjiswa.
- Loko kutocinisekisa kuphepha kwakho njengafakazi, nekubakhona kwebufakazi, nekuvimbela kutsi uhocise ekwetfuleni bufakazi ngenca yalokufakwa umoya.
- Lelilungelo lifaka ekhatsi kutsi, kuletinye tikhatsi, inkantolo ingavimbela kushicilelwa kwanoma nguyiphi imininingwane (kufaka ekhatsi libito lakho),

noma ingayala kutsi lokutekwa kwelicala kubanjelwe engwace.

- Ungacela sikhungo sekulungiswa kwesimilo kutsi sikwatise uma ummangalelwa abalekile noma ayiswe kulenye indzawo.

5. Lilungelo lekusitwa:

- Unelilungelo lekucela kusitwa, lapho kufanele khona, ube nelilungelo lwelusito lwenhlalo, imphilo, netinsita tekwelulekwa, kanjalo nelusito lwetemtsetfo
- Liphoyisa litokusita ngekukuchazela inchubo yemaphoyisa, likwatise ngemalungelo akho nekukutfumela etindzaweni letifanele kubaphakelitinsita labafanele.
- Umphatsi welihhovisi noma loyinhloko yelihhovisi lenkantolo utokusita ngetinsita temtoligi.
- Umshushisi utowenta siciniseko sekutsi kutsatfwa tindlela letisipesheli ecaleni letemacansi, budlova basekhaya nesondlo semntfwana noma tindzaba letiphatselene nesondlo nekutsi, uma kwenteka, emacala lanjalo alalelwa etinkantolo letisipesheli.

- Uma unetidzingo letisipesheli, bonkhe baphakelitinsita ngalokudzingwa imisebenti yabo, batotsatsa tinyatselo letivakalako kukufaka babuye baciniseke kutsi uphatfwa ngendlela levela imiva

6. Lilungelo lesincephetelo

- Unelilungelo lekunceshetelwa ngekulahlekelwa noma kulimala kwemphahla lokubangelwe bugebengu lobentiwe kuwe.
- Ungacela kutsi ube khona enkantolo ngelusuku lwekugwetjwa kwembekwacala ungacela umshushisi akufakele sicelo semyalo wekunceshetelwa enkantolo ngeke sigaba 297 na 300 wemtsetfo wenchubo yebugebengu, wango 1977 (Umtsetfo wesi 51 wango 1977)
- “Sincephetelo” sichaza samba semali lesi inkantolo yebugebengu isiniketa umhlukunyetwa lolahlekelwe noma lolinyalelwe yimphahla, kufaka ekhatsi imali, lokubangelwe sento sebugebengu.noma kushiywa ngulomuntfu logwetjelwe kwenta lobugebengu.

- Umshushisi utokwatisa uma sincephetelo sakho sesivunyiwe, akuchazele lesikucuketse nekutsi ugasisebentisa njani. Ungamangalela umbekwacala ebukhosini lapho inkantolo yebugebengu ingakakhiphi umyalo wesincephetelo. Loku kuvame kwenteka lapho umonakalo ungabaleki kalula ngekwemali, sibonelo, etikhatsini tekulimala kwengcondvo noma buhlungu nekuhlupheka.
- Mabhalane wasenkantolo utokusita ngekusetjentsiswa kwemyalo wesincephetelo losiniketwe yinkantolo.

7. Lilungelo lekubuyiselwa

- Unelilungelo lekubuyiselwa etikhatsini lapho utsatselwe tintfo noma imphahla ngalokungekho emtsetfweni, noma lapho tintfo noma imphahla ilinyatwe ngalokungekho emtsetfweni.
- “Kubuyiselwa” kuchaza tikhatsi lapho inkantolo, ngemva kwekugweba, iyale umbekwacala kutsi abuyisele imphahla yakho noma tintfo letitsetfwe kuwe ngalokungekho emtsetfweni, noma kulungisa imphahla noma tintfo letilinyatwe ngalokungekho emtsetfweni, kute utobuyela esimeni bewukuso

ngembi kwekwentiwa kwalelicala.

- Umshushisi utokwatisa kutsi kubuyiselwa kuphatselene nani namabhalane wasenkatolo utokusita ekusebentiseni lelilungelo.

TIKHALO

Ngekucabanga kutsi unelilungelo lekufaka sikhalo, ungatsintsana nelitiko lahulumeni lelifanele noma umphakelitinsita uma unesikhalo macondzana netinsita lotitfolako, noma uma emalungelo akho anganakwa. Uma ungeneliseki ngendlela sikhalo sakho siphETFwe ngayo, ungatsintsana naletinhlangano letilandzelako:

- a) LiHhovisi leMvikeli weMphakatsi
- b) Ikhomishini yeMalungelo eLunfu yaseNingizimu Afrika
- c) Ikhomishini yeKulingana kweBulili
- d) Lumphiko lweTikhalo loluTimele
- e) EmaPhoyisa aka Metro
- f) Umkhandlu wemiSebenti yeteMphilo yaseNingizimu Afrika
- g) Ummeli lotsandwwa nguwe lotobhadalwa nguwe

Uma ufuna imininingwane lengetiwe lephatselene neShatha yebaHlukunyetwa, uyacelwa kutsi uhlole emazingancane yemisebenti yebahlukunyetwa beBugebengu. Lencwajana iyatfolakala emahhovisini ematiko ahulumende ladlala indzima lenkhulu.

Labadlala indzima lenkhulu emtsetfweni webulungiswa bebugebengu batowenta siciniseko sekutsi emakhophi eShatha yebaHlukunyetwa ayatfolakala kulamahhovisi lalandzelako:

- Etinkantolo
- Emahhovisi eliTiko lekuCondziswa kwetimilo
- Emahhovisi ebaCondzisi bekushushiswa kweMphakatsi
- Emajele
- EtiTeshini temaPhoyisa neTikhungo taBofokisi
- Emahhovisi eMsebenti weTenhlalakahle noma ema- ejensi

- Emahhovisi emaPhoyisa aka Metro
- Tikhungo teTemphilo teMphakatsi

IMININGWANE LENGETIWE

Uma udzinga iminingwane lengetiwe kunoma nguluphi ludzaba lolucuketfwe kulencwajana, ungachumana nelihhovisi leBuholi beBulili beliTiko leteBulungiswa nekutfufukiswa kweMtsetfosisekelo kuletinombolo letilandzelako.

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KUBONGA

Imisebenti yeShatha yebaHlukunyetwa yaseNingizimu Afrika yasungulwa lihhovisi lebuholi leBulili eTikweni leteBulungiswa nekuTfutukiswa kweMtsetfosisekelo, ngekuhlanganyela neliTiko lekuTfutukiswa kweMphakatsi, Tikhungo teKulungiswa kwetimilo, teMfundvo, neteMphilo, kanjalo neBuholi bekuShushisa Jikelele, uMbutfo wemaPhoyisa aseNingizimu Afrika, Nkomisheni wekuGuculwa kweMtsetfo waseNingizimu Afrika, Ikhomishini yemalungelo eLuntfu yaseNingizimu Afrika, liHhovisi leMvikeli weMphakatsi, Luphiko lwetikhalo lolutimele, emalunga ekhomishini yaboMantji nemalunga ekhomishini yekusebenta kwebulungiswa, nemalunga emaphoyisa aseTshwane iMetro.

LiTiko leteBulungiswa nekuTfutukiswa kweMphakatsi libonga sandla lesifakwe tinhlango letingekho ngaphasi kwahulumeni netikhungo tetemfundvo ekusungulweni kwaleShatha yebaHlukunyetwa









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