

Imibandela Eyeseka uMthethosisekelo

WaseRiphabhuliki yaseNingizimu
Afrika, Owenzelwe Abafundi



ISENDLALELO, IMIBANDELA EYESEKA UMQULU
WAMALUNGelo

"Umbhalo wesiNgisi umbhalo osemthethweni woMthethosisekelo"

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Isendlalelo, Imibandela Eyeseka uMqulu
wamaLungelo

ISINGENISO UYINI UMTHETHOSISEKELO?

UMthethosisekelo incwadi equkethe imigomo esemqoka okufanele kulawulwe ngayo umbuso. Uveza ukuthi izinhlaka zikahulumeni zihlelwe kanjani futhi uqukethe imithetho eveza ukuthi amandla asetshenziswa kanjani, ubani owasebenzisayo futhi uwasebenzisa kanjani uma kulawula izwe. Ungathathwa njengesivumelwane esiphakathi kwalabo ababusayo nalabo okufanele balandele lawa mandla. Uchaza amalungelo nezibophezelo zezakhamuzi, kanye nekhambi lokuqapha labo ababusayo.

UMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika ungumthetho omkhulu wezwe. Uhlinzekela umsuka womthetho okhona eRiphabhuliki, ubeka amalungelo nezibophezelo zezakhamuzi, futhi uchaza isakhiwo sikaHulumeni. Ubizwa ngokuthi "isitifiketi sokuzalwa" kweNingizimu Afrika entsha futhi yentando yeningi.

UMthethosisekelo wethu ubaluleke kakhulu - noma ungumthetho omkhulu - ezweni lethu. Awukho omunye umthetho okufanele ushayisane nawo; futhi akukho okufanele kwenziwe uhulumeni okuphikisana nawo. Ezweni lentando yeningi elifana naleli izwe lethu, uMthethosisekelo iwona omkhulu ePhalamende futhi ungumhlahlandlela olawula eminye imithetho. Usebenza kuzo zonke izinhlaka zikahulumeni. INkantolo yoMthethosisekelo iyinkantolo enkulu eNingizimu Afrika yezindaba ezithinta umthethosisekelo futhi iyigatsha elinezwi lokugcina uma kuchazwa uMthethosisekelo.

UMthethosisekelo waseNingizimu Afrika, isibonelo, uchaza ukuthi uHulumeni wakheke kanjani, ukhethwa kanjani futhi usebenza kanjani. Uveza amandla kaHulumeni - kanye nemikhawulo yalawo mandla - futhi uqhakambisa amalungelo abantu. Futhi uveza ukuthi uHulumeni uzobabhekelela kanjani abantu abakhethe lowo hulumeni.

UMthethosisekelo ungumsuka wempilo eNingizimu Afrika. Awugcini nje ngokuchaza okufanele kwenziwe - nokungafanele kwenziwe mayelana nemisebenzi yoMbuso. UMthethosisekelo wethu unika ithemba futhi uvuselela isizwe.

**UKUBALULEKA KWESENDLALELO, ISAHLUKO 1
(IMIBANDELA ENGUMSUKA) KANYE NESAHLULO 2
(UMQULU WAMALUNGELO) KUMTHETHOSISEKELO**

Esikhathini esiningi umthethosisekelo usungulwa ngoba kunezimo ezithile ezikhethekile. INingizimu Afrika yabe ibhekene nesikhathi soguquko olukhulu ukusuka esikhathini sobandlululo (uhlelo olwasungulwa ngomthetho wephalamende) ukuba umthethosisekelo wentando yeningi ozinikele ukwakha umphakathi onamagugu entando yeningi, ubulungiswa emphakathini namalungelongqangi abantu.

UMthethosisekelo wethu uveza umlando ohlukile kanye nokulangazelela inkululeko nentando yeningi. Uma sibuka umlando weNingizimu Afrika, akuthusi ukubona uMthethosisekelo ngaso sonke isikhathi uqhakambisa isidingo sokwakha umphakathi "ovulelekile futhi wentando yeningi", futhi ugqizelela isithunzi, ubulungiswa nokulingana.

Isendlalelo siyisititimende esibeka kafishane injongo yomhlahlandlela nemigomo yoMthethosisekelo. Isahluko 1 siqukethe imigomo yoMthethosisekelo ebaluleke kakhulu futhi okunzima ukuyishintsha.

Isigaba 1 singachitshiyelwa kuphelangokugunyazwako Mthethosivivinywa iSigungu sikaZwelonke, owesekwa amavoti okungenani angamaphesenti angama-75 kumalungu aso kanye noMkhandlu kaZwelonke weziFundazwe, wesekwa okungenani amavoti ezifundazwe eziyisithupha.

UMthethosisekelo nenkambiso yomthethosisekelo kuhambisana namalungelo esintu. Ngokujwayelekile amalungelo agcinwe engxenyeni ekhethekile yomthethosisekelo, ebizwa ngokuthi uMqulu wamaLungelo. Isahluko 2 soMthethosisekelo, 1996 siqukethe uMqulu wamaLungelo. Ile ngxenye yoMthethosisekelo edonsa abantu - futhi ibe nomthelela omkhulu eNingizimu Afrika - eminyakeni embalwa edlule. Le mibandela idingida amalungelo okulingana, isithunzi somuntu, impilo nemfihlo, kanye nenkululeko kwezenkolo nokukhuluma. Iphinde ithinte izindaba zemisebenzi, izingane, ezemfundo nezinhlelo zomthetho.

Lo Mqulu wamaLungelo uyisisekelo sentando yeningi eNingizimu Afrika. Ugcizelela amagugu entando yeningi, ukulingana nenkululeko. UMqulu wamaLungelo esaHlukweni 2 soMthethosisekelo uqukethe amalungelo esintu abaluleke kakhulu okuhloswe ngawo ukuchaza amalungelo abantu, abahlinzekelwa ngamalungelo nokuthi lawo malungelo asebenza kanjani, futhi ulawula imikhawulo yalawo malungelo.

Isahluko 2 singachitshiyelwa kuphela ngokugunyazwa ngoMthethosivivinywa nesiGungu sikaZwelonke, sesekwa amavoti okungenani ayingxenye yokubili kokuthathu kanye noMkhandlu kaZwelonke weziFundazwe, ngamavoti asekeyo okungenani ezifundazwe eziyisithupha.

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“Umbhalo wesiNgisi umbhalo osemthethweni woMthethosisekelo.”

ISENDLALELO

*Thina, bantu baseNingizimu Afrika,
Siyazamukela izenzo ezingalungile zesikhathi esadlula;
Siphakamisa labo abahluphekela ubulungiswa nenkululeko emhlabeni
wethu;
Sihlonipha labo abasebenzele ukwakha nokuthuthukisa izwe lethu; futhi
Sikholelwa ukuthi iNingizimu Afrika ingeyabo bonke abahlala kuyo,
sibumbene nakuba singafani.
Ngakho-ke, ngokusebenzisa labo abasimele esibakhethe ngokukhululeka,
samukela lo Mthethosisekelo njengomthetho omkhulu weRiphabhuliki
ukuba -*

*Silungise ukwehlukana kwesikhathi esedlule futhi sakhe
umphakathi owesekelwe ngamagugu entando yeningi,
ubulungiswa emphakathini nakumalungelo abantu ayisisekelo;*

*Sibeke izisekelo zomphakathi oqhuba ngendlela yentando
yeningi novulelekile, lapho uhulumeni esekelwe ngentando
yabantu futhi zonke izakhamuzi zivikelwe ngumthetho
ngokulinganayo;*

*Senza ngcono izinga lokuphila lazo zonke izakhamuzi futhi
sikhulula abantu kwabangakwenza; futhi*

*Sakha iNingizimu Afrika ebumbene futhi yentando yeningi
ekwazi ukuthatha indawo yayo efanele njengombuso ozimele
emkhakheni yamazwe.*

*Sengathi uNkulunkulu angavikela abantu bakithi.
Nkosi Sikelel' i-Afrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika.
Hosi katekisa Afrika.*

ISAHLUKO 1

IMIBANDELA YOKWESEKWA

IRiphabhuliki yaseNingizimu Afrika

1. IRiphabhuliki yaseNingizimu Afrika ingumbuso ozimele wentando yeningi owesekwe phezu kwezibopho ezilandelayo:
 - (a) Isithunzi sobuntu, ukuzuza ukulingana nenqubekela phambili yamalungelo esintu nenkululeko.
 - (b) Ukungabandlululi ngokobuhlanga nangokobulili.
 - (c) Ubukhulu bomthethosisekelo nokubusa komthetho.
 - (d) Ilungelo lokuvota kwabobonke abantu abadala, uhlu lwabo bonke abavoti, ukhetho olwenziwa njalo ngezikhathi ezimisiwe nohlelo lwamaqembu amaningi kuhulumeni wentando yeningi, ukuze kuqinisekiswa ukubhekelela, ukunakekela nokuvuleleka.

Ubukhulu boMthethosisekelo

2. Lo Mthethosisekelo ungumthetho omkhulu weRiphabhuliki; umthetho noma isenzo esingahambisani nawo asikho emthethweni, futhi izibopho ezibekwe yiwo kufanele zilandelwe.

Ubuzwe

3. (1) Ubuzwe bezakhamuzi zaseNingizimu Afrika buyafana.
 - (2) Zonke izakhamuzi -
 - (a) zinegunya elilinganayo lokuthola amalungelo, ilungelomvume nezinzuzo zobuzwe; futhi
 - (b) zethweswe ngokulinganayo izibopho nemithwalo ehambisana nobuzwe.
 - (3) Umthetho kazwelonke kufanele uhlinzekele ukutholakala, ukulahlekelwa nokubuyiselwa kobuzwe.

Iculo lesizwe

4. Iculo lesizwe laseRiphabhuliki linqunywa nguMongameli ngokwenza isimemezelo.

Ifulegi lesizwe

5. Ifulegi lesizwe laseRiphabhuliki linombala omnyama, osagolide, oluhlaza okotshani, omhlophe, obomvu noluhlaza okwesibhakabhaka, njengoba lichaziwe futhi ladwetshwa esiThasiselweni soku 1.

Izilimi

- 6 (1) Izilimi ezisemthethweni eRiphabhuliki iSepedi, iSesotho, iSetswana, iSiswati, iTshivenda, iXitsonga, isiBhunu, isiNgisi, isiNdebele, isiXhosa nesiZulu.
- (2) Ngokubuka umlando wokwehla kokusetshenziswa nezinga lezilimi zendabuko zabantu bethu, umbuso kufanele uthathe izinyathelo ezingasebenza nezinenqubekela phambili ukuphakamisa izinga nokudlondlobalisa ukusetshenziswa kwalezi zilimi.
- (3) (a) Uhulumeni kazwelonke nohulumeni bezifundazwe bangasebenzisa noma yiziphi izilimi ezithile ezisemthethweni emsebenzini kahulumeni, ngokubheka ukusetshenziswa kwalezo zilimi, isidingo, izindleko, izimo zezifunda, kanye nokuqhathaniswa kwezidingo nalokho okuthandwa ngumphakathi wonkana noma okuthandwa esifundazweni esithintekile; kodwa uhulumeni kazwelonke noma uhulumeni wesifundazwe ngasinye kufanele asebenzise okungenani izilimi ezimbili ezisemthethweni.
- (b) Omasipala kufanele babhekele ukusetshenziswa kwezilimi nokuthandwa kwazo izakhamuzi.
- (4) Uhulumeni kazwelonke nohulumeni bezifundazwe, kufanele balawule futhi baqaphe ukusetshenziswa kwezilimi ezisemthethweningokuthibasebenzise izinyathelo zomthetho kanye nezinye. Ngaphandle kokuphambuka kumibandela yesigatshana sesi-(2), zonke izilimi ezisemthethweni kufanele zihlonishwe ngokufanayo futhi ziphathwe ngendlela efanayo.
- (5) IBhodi yeziLimi zonke zaseNingizimu Afrika esungulwe

ngomthetho kazwelonke kufanele-

- (a) ikhuthaze, futhi yakhe izimo ezilungele ukuthuthukiswa nokusetshenziswa -
 - (i) kwazo zonke izilimi ezisemthethweni;
 - (ii) kolimi lwamaKhoi, amaNama namaSan; kanye
 - (iii) nolimi lwabakhuluma ngezandla; futhi
- (b) ikhuthaze iphinde iqinisekise ukuhlonishwa -
 - (i) kwazo zonke izilimi ezivame ukusetshenziswa emiphakathini yaseNingizimu Afrika ezimbandakanya isiJalimani, isiGrikhi, isiGujerati, isiHindi, isiPhuthukezi, isiTamil, isiTelegu, nesi-Urdu; kanye
 - (ii) nesi-Arabhu, isiHebheru, isiSanskrit nezinye izilimi ezisetshenziselwa ezenkolo eNingizimu Afrika.

ISAHLUKO 2

UMQULU WAMALUNGELO

Amalungelo

7. (1) Lo Mqulu wamaLungelo uyisisekelo sentando yeningi eNingizimu Afrika. Ugcizelela amalungelo abo bonke abantu ezweni lethu futhi uqinisekisa amagugu entando yeningi yokwazisa isithunzi somuntu, ukulingana nokukhululeka.
- (2) Umbuso kufanele uhloniphe, uvikele, ukhuthaze, futhi ufeze amalungelo akuMqulu wamaLungelo.
- (3) Amalungelo akuMqulu wamaLungelo anemikhawulo equkethwe noma okukhulunywe ngayo esigatsheni sama-36, noma kwezinye izingxenye zoMqulu.

Ukusebenza koMqulu

8. (1) UMqulu wamaLungelo usebenza kuyo yonke imithetho futhi ubophezela isishayamthetho, iziphathimandla, izinkantolo, nazo zonke inhlaka zombuso.
- (2) Umbandela woMqulu wamaLungelo ubophezela abantu noma lezo zakhiwo ezithathwa ngumthetho njengabantu uma, futhi ngezinga elingasebenza, uma kubhekwe uhlobo lwelungelo nomsuka wanoma yiziphi izibopho ezibekwa yilelo lungelo.
- (3) Uma kusetshenziswa izimiso zoMqulu wamaLungelo kubantu noma kulezo zakhiwo ezithathwa ngumthetho njengabantu, ngokwemigomo yesigatshana sesi-(2), inkantolo -
 - (a) ukuze ilenze libe nomphumela ilungelo elikuMqulu, kufanele isebenzise, noma uma kunesidingo, ithuthukise umthetho owesekwe kuzinqumo nasezinkambisweni ngendlela ezonika ilungelo umphumela lapho umthetho osemabhukwini ungakwenzi lokhu; futhi
 - (b) ingathuthukisa imitheshwana yomthetho owejwayelekile ukuze ikhawule ilungelo, inqobo uma lowo mkhawulo uhambisana nesigaba sama-36(1).

- (4) Lezo zakhiwo ezithathwa njengabantu ngumthetho zinegunya lokuthola amalungelo akuMqulu Wamalungelo, ngendlela edingwa uhlobo lwamaLungelo kanye nolwaleso sakhwiwo esithathwa njengomuntu ngumthetho.

Ukulingana

9. (1) Wonke umuntu uyalingana phambi komthetho, futhi unelungelo elilinganayo lokuvikelwa ngumthetho nokusizakala ngomthetho.
- (2) Ukulingana kumbandakanya ukuthokozela onke amalungelo nenkululeko ngokugcwele nangokulingana. Ukuze kukhuthazwe ukulingana, kungahle kuthathwe izinyathelo zomithetho nezinye ezenzelwe ukuthi kuvikelwe noma kuthuthukiswe abantu noma imikhakha yabantu, abancishiselwe amathuba ngenxa yobandlululo olungafanele.
- (3) Umbuso ungebandlulule umuntu ngokungafanele, ngendlela esobala noma ngendlela ecashile, ngesizathu noma ngezizathu ezibandakanya ukubandlulula ngokobuhlanga, ubulili, ukukhulelwa, isimo somuntu kwezomshado, ubuzwe noma umphakathi umuntu adabuka kuwo, ibala, ubulili umuntu azifanisa noma afaniswa nabo, iminyaka, kukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi kanye nokuzalwa.
- (4) Akekho umuntu ovunyelwe ukubandlulula omunye ngokungafanele ngendlela esobala noma ecashile ngesizathu noma ngezizathu ngokwemigomo yesigatshana sesi (3). Kufanele kushaywe umthetho kazwelonke ukuze kugwenywe noma kunqandwe ubandlululo olungafanele.
- (5) Ukubandlulula ngesizathu noma ngezizathu ezibalulwe esigatshaneni sesi (3) akufanele ngaphandle uma kuboniswa ukuthi lolo bandlululo lufanele.

Isithunzi somuntu

10. Wonke umuntu unesithunzi ngokwemvelo futhi unelungelo lokuthi isithunzi sakhe sihlonishwe futhi sivikelwe.

Impilo

11. Wonke umuntu unelungelo lokuphila.

Inkululeko nokuphepha komuntu

12. (1) Wonke umuntu unelungelo lenkululeko nokuphepha kwakhe, okumbandakanya ilungelo -

- (a) lokungephucwa inkululeko ngaphandle kokunikwa ithuba lokuziphendulela noma ngaphandle kwesizathu esilungile;
- (b) lokungavalelwa ngaphandle kokuqulwa kwecala;
- (c) lokukhululeka kuzo zonke izinhlobo zodlame ezivela emithonjeni yombuso noma yangasese;
- (d) lokungahlukunyezwa nganoma iyiphi indlela; kanye
- (e) nelokungaphathwa noma ukujeziswe ngendlela enesihluku, engenabo ubuntu nelulazayo.

(2) Wonke umuntu unelungelo lokukhululeka nokuhlonishwa komzimba kanye nengqondo, okumbandakanya ilungelo -

- (a) lokwenza izinqumo ezimayelana nokuzala;
- (b) lokuphepha komzimba nokuzilawulela umzimba; kanye
- (c) nelokungasetshenziselwa ukufunisela kwezokwelapha noma kwezesayensi ngaphandle kwemvume yakhe ayinikeza lapho esethole ulwazi.

Ubugqila, ukusetshenziswa njengesigqila, nokusetshenziswa ngenkani

13. Akekho umuntu ongenziwa isigqila, asetshenziswe njengesigqila noma asetshenziswe ngenkani.

Ukungaphazanyiswa

14. Wonke umuntu unelungelo lokungaphazanyiswa, okumbandakanya ilungelo lokunga -
- (a) seshwa umzimba noma umuzi wakhe;
 - (b) seshwa kwempahla yakhe;
 - (c) phucwa impahla anelungelo layo; noma
 - (d) phazanyiswa kokuxhumana kwakhe nabanye abantu.

Inkululeko kwezenkolo, yenkolelo neyombono

15. (1) Wonke umuntu unelungelo lokuba nenkululeko kanembeza, eyenkolo, eyokucabanga, eyenkolelo kanye neyombono.
- (2) Imigubho yezenkolo ingabanjelwa ezikhungweni zombuso, noma kulezo zikhungo ezisizwa ngumbuso ngezimali inqobo nje uma -
- (a) leyo migubho yezenkolo ilandela imitheshwana eyenziwe yiziphathimandla zomphakathi ezifanele;
 - (b) iqhutshwa ngendlela efanele; futhi
 - (c) ukuthanyelwa kwayo kumahhala futhi kungaphoqelelwa.
- (3) (a) Lesi sigaba asivimbeli umthetho ovumela -
- (i) imishado ehlanganiswe ngaphansi kwanoma yiliphi isiko noma ngokohlelo lomthetho wenkolo, noma womuntu noma womdeni; noma
 - (ii) izinhlelo zomthetho womuntu nowomndeni ngaphansi kwanoma yiliphi isiko noma olandelwa ngabantu benkolo ethile.
- (b) Okwemukelwa ngokwemigomo yendima (a), kufanele kuhambisane nalesi sigaba kanye nezinye izimiso zoMthethosisekelo.

Ukuveza imibono ngokukhululeka

16. (1) Wonke umuntu unelungelo lokuveza imibono yakhe ngokukhululeka, Okumbandakanya,
- (a) inkululeko yamaphephandaba neminye imithombo yabezindaba;

- (b) inkululeko yokuthola noma ukudlulisa imininingwane noma imibono;
 - (c) inkululeko yobuchule ko\wezobuciko; kanye
 - (d) nenkululeko kwezemfundo kanye nenkululeko yocwaningo lwesayensi.
- (2) Ilungelo elikusigatshana soku (1) aledluleli -
- (a) kunkulumoze egqugquzelela impi;
 - (b) ekugqugquzeleni udlame olufufusayo; noma
 - (c) ekutshaleni inzondo eyesekwe ngokobuzwe, ubuhlanga, ubulili noma inkolo, kanye nalokho okungukugqugquzela ngenhloso yokudala umonakalo.

Ukubuthana, ukubhikisha, ukuphiketha nokwethula izicelo

17. Wonke umuntu unelungelo lokubuthana nabanye, ukubhikisha, ukuphiketha nokwethula izicelo ezibhaliwe ngokuthula futhi kungahlonyiwe.

Ilungelo lokuzimbandakanya

18. Wonke umuntu unelungelo lokuzimbandakanya ngokukhululeka.

Amalungelo ezombusazwe

19. (1) Yilesi naleso sakhamuzi sikhululekile ukuzikhethela nokuzenzela izinqumo eziphathelene nezombusazwe, okumbandakanya ilungelo -
- (a) lokusungula iqembu lezombusazwe;
 - (b) lokubamba iqhaza emisebenzini yenhlangano yezombusazwe, noma lokuyifunela amalungu; kanye
 - (c) nelokukhankasela iqembu lezombusazwe noma izinjongo ezithile zezombusazwe.
- (2) Yilesi naleso sakhamuzi sinelungelo lokhetho olukhululekile, olungenzeleli nolubanjwa njalo ngezikhathi ezimisiwe lwanoma yisiphi isakhiwo sesishayamthetho esisungulwe ngokoMthethosisekelo.

- (3) Yileso naleso sakhamuzi esingumuntu omdala sinelungelo -
- (a) lokuvota okhethweni lwanoma yisiphi isishayamthetho esisungulwe ngokoMthethosisekelo, futhi lokwenza lokhu ngokuyimfihlo; kanye
 - (b) nelokungenela ukhetho lwesikhundla sokumela umphakathi, futhi uma sikhethiwe, sithathe lesi sikhundla.

Ubuzwe

20. Asikho isakhamuzi okufanele sincishwe ilungelo lobuzwe.

Ilungelo lokuhamba nokuhlala

21. (1) Wonke umuntu unelungelo lokuhamba ngenkululeko.
(2) Wonke umuntu unelungelo lokushiya iRiphabhuliki.
(3) Wonke umuntu unelungelo lokungena, lokusala nokuhlala noma kuphi eRiphabhuliki.
(4) Yileso naleso sakhamuzi sinelungelo lokuthola iphasiphothi.

Ilungelo lomsebenzi wezandla, lomsebenzi owenziwayo nelomsebenzi ofundelwe

22. Yileso naleso sakhamuzi sinelungelo lokukhetha ngokukhululeka umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe. Indlela yokuqhuba umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe ungase ulawulwe ngomthetho.

Ubudlelwane phakathi kwabasebenzi nabaqashi

23. (1) Bonke abantu banelungelo lokuphathwa ngendlela efanele emsebenzini.
(2) Yilowo nalowo msebenzi unelungelo -
(a) lokusungula nokujoyina inyunyana yabasebenzi;
(b) lokuzibandakanya kokwenziwayo nasezinhlelweni zenyunyana yabasebenzi; kanye
(c) nelokuteleka.
(3) Yilowo nalowo mqashi unelungelo-

- (a) lokusungula nokujoyina izinhlango zabaqashi; futhi
 - (b) nelokuzibandakanya kokwenziwayo nasezinhlelweni zezinhlango zabaqashi.
- (4) Zonke izinyunyana zabasebenzi nezinhlangano zabaqashi zinelungelo -
- (a) lokuzithathela izinqumo ngezokuphathwa, ngezinhlelo kanye nangezokwenzayo;
 - (b) lokuhlela; kanye
 - (c) nokusungula nelokujoyina umfelandawonye.
- (5) Zonke izinyunyana zabasebenzi, izinhlangano zabaqashi nomqashi banelungelo lokuvumelana ngokuhlanganyela. Umthetho kazwelonke ungabekwa ukulawula ukuvumelana okwenziwa ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi saHluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1).
- (6) Umthetho kazwelonke ungavumela amalungiselelo okuphepha enhlangano yabasebenzi aqokethwe kuzivumelwano ezenziwe ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi sahluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1).

Indawo okuphilwa kuyo

24. Wonke umuntu unelungelo-

- (a) lokuphila endaweni engesiyo ingozi empilweni noma kunhlalakahle yakhe; kanye
- (b) nelokuba kuvikelwe imvelo, ukuze kusizakale izizukulwana zamanje nezizayo, ngemithetho nezinye izinyathelo ezemukelekayo -
 - (i) ezivimbela ukunukubezeka nokucekelwa phansi kwempilo yezitshalo neyezilwane;
 - (ii) ezikhuthaza ukulondolozwa kwemvelo; kanye

- (iii) neziqinisekisa intuthuko engapheli nokusetshenziswa kahle kwemithombo yemvelo kube kugqugquzelwa intuthuko efanele yezomnotho nakwezenhlalakahle.

Impahla

- 25. (1) Akekho umuntu ongephucwa impahla ngaphandle kwalapho kumiswe umthetho osebenza ngokufanayo kubo bonke abantu, futhi awukho umthetho ongavumela ukuthi umuntu enqatshelwe impahla engazange anikezwe ithuba lokuziphendulela.
- (2) Impahla ingathathwa kuphela njengoba kubekwe wumthetho osebenza kubo bonke abantu ngokufanayo -
 - (a) uma kuyisidingo somphakathi noma kuzozuza umphakathi; futhi
 - (b) uma kuzoba nesinxephezelo inani laso nesikhathi nendlela yokusikhokha okuvunyelwane ngaso yilabo abathintekayo noma okunqunywe noma okwamukelwe yinkantolo.
- (3) Inani lesinxephezelo nesikhathi nendlela yokunxephezela kufanele kube ngokulungile nokulinganayo, kuveze ukulingana phakathi kwezintshisekelo zomphakathi kanye nezintshisekelo zalabo abathintekayo libhekisise zonke izimo ezifanele ezibandakanya -
 - (a) ukusetshenziswa kwempahla ngaleso sikhathi;
 - (b) umlando wokutholwa kwempahla nokusetshenziswa kwayo;
 - (c) inani engadayiswa ngalo ngaleso sikhathi;
 - (d) ubungako benani lezimali ezatshalwa umbuso nemali umbuso owasiza ngayo, ekutholakaleni kwaleyo mpahla nasekuyithuthukiseni ukuze ibeyinzuzo; kanye
 - (e) nesizathu sokuthathwa kwempahla.
- (4) Mayelana nalesi sigaba-
 - (a) intshisekelo yomphakathi ibandakanya ukuzibophezela kwesizwe enguqukwani yezomhlaba, nasezinguqukwani

- zokuletha ukufinyeleleka okulinganayo kuyo yonke ingcebo yemvelo yaseNingizimu Afrika; nokuthi
- (b) impahla ayigcini kuphela ngomhlaba.
- (5) Umbuso kufanele uthathe izinyathelo zomthetho nezinye izinyathelo, ezamukelekayo, ngokusemandleni awo, ukweseka isimo esizokwenza izakhamuzi zikwazi ukuthola umhlaba ngendlela egculisayo.
- (6) Umuntu noma umphakathi onelungelo lomhlaba elintengantengayo ngokomthetho ngenxa yomthetho noma izenzo zesikhathi esedlule ezibandlulula ngobuzwe, unelungelo, ngendlela ehlinzikelwe nguMthetho wePhalamende, lokuthola ilungelo elime laqina emthethweni noma lokunikezwa usizo olungafaniswa nokuqiniswa kwalo.
- (7) Umuntu noma umphakathi owathathelwa impahla ngemuva kwamhla zi-19 kuNhlanguvana 1913, ngenxa yemithetho noma izenzo zesikhathi esedlule ezazibandlulula ngokohlanga, unelungelo njengoba kuhlinzekelwa nguMthetho wePhalamende, lokubuyiselwa leyo mpahla, noma lokuthola usizo olulinganayo.
- (8) Akunazimiso zalesi sigaba ezingavimba umbuso ekubeni uthathe izinyathelo zokushaya imithetho nezinye izinyathelo ngenhloso yokuphumelelisa uguquko kwezomhlaba, amanzi nokunye okuhambelana nalokho, ukuze ulungise imiphumela yesikhathi esedlule yobandlululo ngokohlanga, inqobo uma noma yikuphi ukuqhela ezimisweni zalesi sigaba kufanele kuhambisana nezimiso zesigaba 36(1).
- (9) IPhalamende kufanele lishaye umthetho oshiwo kusigatshana (6).

Izindlu

26. (1) Wonke umuntu unelungelo lokuthola indlu efanelekile.
- (2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, zokwenza ukuba leli lungelo libe yimpumelelo eyinqubekela phambili.

- (3) Akukho bantu abangasuswa emzini wabo noma kudilizwe ikhaya labo ngaphandle kwesinqumo senkantolo esenziwe ngemuva kokuba kubhekwe zonke izimo ezifanele. Awukho umthetho oyovumela ukususwa kwabathintekayo benganikwanga ithuba lokuziphendulela.

Ukunakekelwa ngezempilo, ukudla, amanzi, nenhlalakahle

27. (1) Wonke umuntu unelungelo lokukwazi ukuthi athole -
- (a) ukunakekelwa kwezempilo, okubandakanya ukunakekelwa kwezempilo okuqondene nokubeletha;
 - (b) amanzi nokudla okwenele; kanye
 - (c) nenhlalakahle, okubandakanya, usizo olufanele uma umuntu engakwazi ukuzondla yena kanye nalabo okufanele abondle.
- (2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, u k u z e ufinyelele ukuphumelela kwalelo nalelo lungelo okuqhubekela phambili.
- (3) Akekho umuntu ongalakwa ukuba athole usizo lwezokwelashwa oluphuthumayo.

Izingane

28. (1) Zonke izingane zinelungelo -
- (a) lokuba negama nobuzwe kusukela ngesikhathi zizalwa;
 - (b) lokuthola ukunakekelwa ngumndeni, noma ukunakekelwa ngabazali noma okunye ukunakekelwa okufanele uma lowo mntwana esusiwe ngaphansi kwesimo somndeni;
 - (c) lokuthola ukudla okunomsoco, indawo yokuhlala, ukusizakala ngokwelashwa okuyisisekelo kanye nokusizakala ngezenhlalakahle;
 - (d) lokuvikelwa ekuphathweni ngendlela engafanele, ukunganakekelwa, ukuhlukunyezwa nokuphathwa ngendlela eyehlisa isithunzi;

- (e) lokuvikelwa kuzinqubo zokuxhashazwa emsebenzini;
- (f) lokuthi kungadingeki noma kungavunyelwa ukuthi zenze umsebenzi -
 - (i) ongamfanele umuntu oneminyaka yobudala elingana neyaleyo ngane; noma
 - (ii) obeka engcupheni inhlalakahle, imfundo, impilo yomzimba noma yengqondo, noma ukuthuthuka komoya, kwesimilo noma kobudlelwano nomphakathi, kwengane;
- (g) lokungaboshwa ngaphandle kwalapho ukuboshwa kwazo sekuyisinyathelo sokugcina esingathathwa, okuyothi uma kwenzeka, ngaphezulu kwamalungelo anikwe ingane ngaphansi kwezigaba se-12 nesama-35, ingane ingahle iboshwe ukuphela kwesikhathi okuyisona esifushane engaboshwa ngaso, futhi inelungelo -
 - (i) lokungahlanganiswa nabanye abantu ababoshiwe abaneminyaka yobudala engaphezulu kwe-18 leminyaka; futhi
 - (ii) iphathwe ngendlela, ibuye igcinwe ezimweni ezikhombisa ukubonelela iminyaka yayo yobudala;
 - (h) lokubanommeli ezimnikezwa ngumbuso, nangezindleko zombuso, emacaleni ombango athinta ingane, uma ukunganikezwa ummeli kungaba nomphumela wokwehluleka okukhulu kobulungiswa; kanye
 - (i) nelokungasetshenziswa ngqo ekulweni kuhlonyiwe, nelokuthi ivikelwe ngazozonke izikhathi lapho kuliwa kuhlonyiwe.
- (2) Kuzona zonke izinto ezithinta ingane, kuyobekwa phambili izidingo zayo.
- (3) Kulesi sigaba "ingane" kusho umuntu oneminyaka yobudala engaphansi kweyi-18.

Imfundo

29. (1) Wonke umuntu unelungelo -

- (a) lokuthola imfundo eyisisekelo, kuhlanganisa imfundo eyisisekelo yabantu abadala; kanye
 - (b) nelemfundo eqhubekayo, okufanele ukuthi umbuso ngezinyathelo ezifanele uyenze iqhubeke nokutholakala futhi kufinyeleleke kuyona.
- (2) Wonke umuntu unelungelo lokuthola imfundo ngolimi olusemthethweni alukhethayo ezikhungweni zemfundo zomphakathi lapho leyo mfundo ikwazi ukutholakala ngendlela efanelekile. Ukuze kuqinisekiswa ukuthi leli lungelo kuyafinyelelwa kulona ngempumelelo, nokuthi lenziwe leli lungelo, umbuso kufanele uhlolisise yonke imigudu efanele yemfundo, kubandakanya nezikhungo zemfundo ezifundisa ngolimi olulodwa, kube kuqikelelwe -
- (a) ukulingana;
 - (b) ukuthi kungenzeka yini; kanye
 - (c) nesidingo sokulungisa imiphumela yemithetho nenqubo eyedlule eyayibandlulula ngokohlanga.
- (3) Wonke umuntu unelungelo lokusungula nokugcina, ngezindleko zakhe, izikhungo zemfundo ezizimele -
- (a) ezingabandlululi ngokohlanga;
 - (b) ezibhaliswe nombuso; futhi
 - (c) ezigcina amazinga angekho ngaphansi kwamazinga asezikhungweni ezingaqhathaniswa nazo nezixhaswa yizimali zombuso.
- (4) Isigatshana (3) asizivimbeli izikhungo zemfundo ezizimele ezimalini zoxhaso lombuso.

Ulimi namasiko

30. Wonke umuntu unelungelo lokusebenzisa ulimi aluthandayo futhi abambe iqhaza empilweni yamasiko ayithandayo, kodwa akekho ovunyelwe ukusebenzisa lawa malungelo ngendlela engahambisani nanoma yisiphi isimiso soMqulu wamaLungelo.

Imiphakathi yamasiko, izinkolo kanye nezilimi ezithile

31. (1) Abantu abangamalungu emiphakathi yamasiko, izinkolo noma izilimi ezithile abanakuphucwa ilungelo, kanye namanye amalungu alowo mphakathi -
- (a) lokuthokozela amasiko abo, ukuqhuba inkolo yabo nokusebenzisa ulimi lwabo; kanye
 - (b) nokubumba, bajoyine futhi bagcine izinhlangano zamasiko, zenkolo nezezilimi kanye nezinye izinhlangano zomphakathi wezakhamuzi.
- (2) Amalungelo esigatshana sesi (1) akufanele asetshenziswe ngendlela engahambisani nanoma yisiphi isimiso esikuMqulu wamaLungelo.

Ukuthola ulwazi

32. (1) Wonke umuntu unelungelo lokuthola -
- (a) nanoma yiluphi ulwazi olusezandleni zombuso; kanye
 - (b) nanoma yiluphi ulwazi olusezandleni zomunye umuntu noludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma yimaphi amalungelo.
- (2) Kufanele kushaywe umthetho kazwelonke ukuze leli lungelo lisebenze, futhi ungahlinzekela ngezinyathelo ezifanele ukunciphisa umthwalo wokwengamela nowezimali embusweni.

Ukuphatha ngokusemthethweni okulungileyo

33. (1) Wonke umuntu unelungelo lokuphathwa ngendlela esemthethweni, efanele kanye nengenzeleli ngokwenqubo elandelwayo.
- (2) Wonke umuntu onamalungelo ahlukunyezwe kabi yisinyathelo sokuphatha, unelungelo lokunikezwa izizathu ezibhaliwe ngalokho.
- (3) Kufanele kushaywe umthetho kazwelonke ukuze lawa malungelo asebenze futhi lo mthetho kufanele -

- (a) uhlinzekele ukubukezwa kwesinyathelo sokuphatha yinkantolo noma, lapho kufanele, kubukeze inkundla ezimele nengavuni hlangothi;
- (b) ubeke isibopho phezu kombuso ukuthi amalungelo akuzigatshana soku (1) nesesi (2) asebenze; futhi
- (c) ukhuthaze ukusingatha ngempumelelo.

Ukufinyelela ezinkantolo

34. Wonke umuntu unelungelo lokuthi noma iyiphi ingxabano engaxazululwa ngokusebenzisa umthetho, inqunywe ngokulalela okungenzeleli yinkantolo yomphakathi noma, lapho kulungile, leyo ngxabano ingaxazululwa yinkundla noma yisithangamu esizimele nesingavuni hlangothi.

Abantu ababoshiwe, abavalelwe nababekwe amacala

35. (1) Wonke umuntu oboshwe ngoba esolwa ukuthi wenze icala unelungelo -
- (a) lokuthula angasho lutho;;
 - (b) lokwaziswa ngokushesha -
 - (i) ngelungelo lokuthula angasho lutho; kanye
 - (ii) nangomphumela wokuthi angathuli;
 - (c) lokuba angaphoqwa ukuhlambuluka noma ukuvuma izinto ezingase zisetshenziswe njengobufakazi ecaleni lakhe;
 - (d) lokuba ayiswe enkantolo ngokushesha okungase kwenzeke, kodwa kungakedluli -
 - (i) amahora angama 48 emuva kokuboshwa; noma
 - (ii) ekupheleni kosuku lokuqala lwenkantolo ngemuva kokudlula kwesikhathi esingamahora angama-48, uma ngabe amahora angama-48 edlula ngaphandle kwesikhathi esejwayelekile sokusebenza kwenkantolo, noma ngosuku olungelona olwejwayelekile lokusebenza kwenkantolo;

- (e) ekuveleni kokuqala phambi kwenkantolo emuva kokuboshwa, lokuba ethweswe icala noma aziswe ngesizathu sokuthi aqhubeke nokuvalelwa, noma adedelwe; kanye
 - (f) nelokudedelwa ekuvalelweni uma izidingo zobulungiswa zivuma, kodwa lokho kunqike emibandeleni efanele.
- (2) Wonke umuntu ovalelwe, kubandakanya noma yisiphi isiboshwa esidonsa isigwebo, unelungelo -
- (a) lokwaziswa ngokushesha ngezizathu zokuvalelwa kwakhe;
 - (b) lokuzikhethela kanye nokubonana nommeli nokwaziswa ngokushesha ngaleli lungelo;
 - (c) lokunikezwa ummeli ngezindleko zombuso, uma ngabe ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi aziswe ngaleli lungelo ngokushesha;
 - (d) lokuphikisa ukuba semthethweni kokuvalelwa kwakhe akwenze mathupha phambi kwenkantolo, futhi uma kutholakala ukuthi lokho kuvalelwa akukho emthethweni, adedelwe;
 - (e) lokuba avalelwe ngaphansikwezimoezi hlonipha isithunzi sobuntu, kubandakanye ukuthi okungenani akwazi ukulolonga umzimba futhi ahlinzekwe, ngezindleko zombuso, indawo yokumgcina eyanele, ukondliwa okwanele, izinto zokufunda ezanele kanye nokwelashwa kwempilo okwanele; kanye
 - (f) nelokuxhumana kanye, futhi avakashelwe -
 - (i) ngowakwakhe noma lowo azwana naye;
 - (ii) yisihlobo esisondelene naye;
 - (iii) umeluleki kwezenkolo oqokwe nguye; kanye
 - (iv) nodokotela oqokwe nguye.
3. Wonke umuntu owethweswe icala unelungelo lokuthi icala lakhe lithethwe ngendlela elungile, okubandakanya ilungelo -

- (a) lokwaziswa ngecala abekwe lona ngemininingwane eyenele ukuze aziphendulele;
- (b) lokuba nesikhathi esenele nezidingo ezanele ukulungiselela ukuziphendulela;
- (c) lokuba icala lakhe lethanyelwe ngumphakathi ngaphambi kwenkantolo eyejwayelekile;
- (d) lokuba ukuthethwa kwecala lakhe kuqalwe futhi kuqedwe ngaphandle kokulibaziseka okungafanele;
- (e) lokuba khona uma kuthethwa icala lakhe;
- (f) lokukhetha ummeli nokumelwa ngummeli futhi abenelungelo lokwaziswa ngaleli lungelo ngokushesha;
- (g) lokuba nommeli onikezwe ngumbuso futhi ngezindleko zombuso uma ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi nelungelo lokwaziswa ngaleli lungelo ngokushesha;
- (h) lokuthathwa ngokuthi akanacala, lokuthula angasho lutho, kanye nelokunganiki bufakazi ngesikhathi kuqulwa icala lakhe;
- (i) lokunika kanye nelokuphikisa ubufakazi;
- (j) lokungaphoqwa ukuba anike ubufakazi obuzomethwesa ngecala;
- (k) lokuba icala liqulwe ngolimi aluzwayo, noma uma lokho kungaphumeleli, athole ithuba lokuthi ukuqulwa kwalo kutolikwe ngalolo limi;
- (l) lokungagwetshelwa ukwenza noma ukungenzi okuthile okwakungelona icala ngokomthetho wezwe noma wamazwe ngamazwe ngesikhathi ekwenza noma engakwenzi;
- (m) lokungabhekani necala enkantolo eliphathelene nalokho asatholwa engenacala lako noma asagwetshelwa kona;
- (n) lokunikezwa isigwebo esisinda kancane kunesinye esimisiwe uma isigwebo esimiselwe lelo cala sishintshiwe phakathi kwesikhathi sokwenziwa kwecala nesikhathi sokugwetshwa; kanye

- (o) nelokufaka isicelo sokudlulisa icala, noma ukuhlaziywa kwalo, yinkantolo ephakeme.
- (4) Lapho lesi sigaba sidinga ukuba umuntu aziswe okuthile, lolo lwazi kufanele lowo muntu alunikwe ngolimi aluqondayo.
- (5) Ubufakazi obutholakale ngendlela ephambene nanomayiliphi ilungelo elikuMqulu wamaLungelo kufanele bungangeniswa njengobufakazi ecaleni uma ukungeniswa kwalobo bufakazi bungenza ukuthi icala lingagculisi noma kungakhinyabeza ukuphathwa kobulungiswa.

Ukuncishiswa kwamalungelo

36. (1) Amalungelo aqukethwe kuMqulu wamaLungelo angancishiswa kuphela ngokusho komthetho osebenza kunoma yimuphi umuntu, kungadluli ezingeni lokuthi ukuncishiswa kube kufanele futhi kwamukelekile emphakathini ovulekile, nowentando yeningi nowesekelwe kusithunzi sobuntu, ukulingana nenkululeko, kube kunakwe zonke izinto ezithintekayo ezibandakanya -
- (a) ubunjalo belungelo;
 - (b) ukubaluleka kwezinjongo zokuncishiswa;
 - (c) ubunjalo nobungako bokuncishiswa;
 - (d) ubudlelwane phakathi kokunciphisa nezinjongo zako; kanye
 - (e) nezinye izindlela ezinezihibe ezingaphansana ukufeza injongo leyo.
- (3) Ngaphandle kwanjengoba kuhlinzekelwe kusigatshana(1) noma kunoma yisiphi esinye sezimiso zoMthethosisekelo, awukho umthetho onganciphisa noma yiliphi ilungelo elihlinzekelwe kuMqulu wamaLungelo.

Izimo ezibucayi

37. (1) Isimo esibucayi singamenyezelwa kuphela ngokulandela uMthetho wePhalamende, futhi kuphela uma -

- (a) impilo yezwe yesatshelwa ngenxa yempi, ukuphanga, ukuvukela umbuso, yeziphithiphithi, yenhlekelele yemvelo noma yesinye isehlakalo esibucayi emphakathini; futhi
 - (b) isimemezelo sidingekile ukuze kubuyiselwe uxolo nokuthula.
- (2) Ukumenyenzelwa kwesimo esibucayi, kanye nomthetho oshayiwe noma isinyathelo esithathwe kulandela leso simemezelo, kungasebenza kuphela -
- (a) kuye esikhathini esilandelayo; futhi
 - (b) ngesikhathi esingeqile ezinsukwini ezingama 21 kusukela osukwini lwesimemezelo sesimo esibucayi ngaphandle uma isiGungu sikaZwelonke sinquma ukwelula isikhathi sesimemezelo. IsiGungu sikaZwelonke singelula isikhathi sokusebenza kwesimemezelo sesimo esibucayi ngesikhathi esingeqile ezinyangeni ezintathu. Ukwelulwa kokuqala kwesikhathi sesimo esibucayi kufanele kwenziwe ngesinqumo esivunywe yiningi lamavoti angamalungu esiGungu. Ukwelulwa kwesikhathi sesimo esibucayi okulandelayo kufanele kwenziwe ngesinqumo esesekwe okungenani ngamalungu angamaphesenti angama 60 angamalungu esiGungu. Isinqumo esishiwo kulesi sigatshana kufanele sithathwe ngemuva kwenkulomompikiswano ebandakanya umphakathi esiGungwini.
- (3) Noma iyiphi inkantolo efanele ingathatha isinqumo mayelana nokubasemthethweni -
- (a) kwesimemezelo sesimo esibucayi;
 - (b) ngokwelulwa kwesimemezelo sesimo esibucayi; noma
 - (c) umthetho oshayiwe, noma isinyathelo esithathiwe ngokulandelwa kwaleso simemezelo sesimo esibucayi.
- (4) Noma yimuphi umthetho oshayiwe ngenxa yokumenyenzelwa kwesimo esibucayi ungazitshwa kuMqulu wamaLungelo

kuphela uma –

- (a) ukuzitshwa kwesimemezelu kudingwa yisimo esibucayi kuphela; futhi
 - (b) umthetho -
 - (i) uvumelana nezibopho zeRiphabhuliki ngaphansi komthetho wamazwe ngamazwe omiselwe izimo ezibucayi; futhi
 - (ii) uhambisana nesigatshana(5); futhi
 - (iii) ushicelelwe kusoMqulu kaHulumeni kazwelonke ngokushesha okunokwenzeka ngemuva kokuba umisiwe.
- (5) Awukho uMthetho wePhalamende onikeza igunya lokumenyezela kwesimo esibucayi, futhi akunamthetho oshayiwe noma esinye isinyathelo esithathwe ngenxa yesimemezelu ongavumela noma onganikeza igunya –
- (a) ukuxolelwa kombuso, noma komuntu noma yimuphi mayelana nesenzo esingekho emthethweni;
 - (b) ukuzitshwa kwalesi sigaba;
 - (c) lanoma yikuphi ukuzitshwa kwesigaba esishiwo kukholomu 1 yoHla lwamaLungelo Angenakuzitshwa, ngokwezinga elivezwe laqondana nesigaba lesi kukholomu 3 yoHla.

Uhla lwamalungelo angeke ajivazwa.

1 Inombolo yesigaba	2 Isihloko sesigaba	3 Izinga lokuvikelwa kwelungelo
9	Ukulingana	Mayelana nokubandlululwa okungamukelekile ngokobuhlanga, ibala, ubuzwe noma imvelaphi, ubulili, inkolo noma ulimi.
10	Isithunzi somuntu	Ngokuphelele
11	Impilo	Ngokuphelele.
12	Inkululeko nokuphepha komuntu	Mayelana nezigatshana soku (1) (d) no (e) kanye nesesi 2(c)
13	Ubugqila, ukwenziwa isigqila nokusetshenziswa ngempoqo	Mayelana nobugqila nokwenziwa isigqila.
28	Izingane	Mayelana: - nesigatshana soku 1(d), kanye no (e); - namalungelo ezindimana (i) kanye no (ii) zesigatshana soku (1)(g); kanye - nesigatshana soku (1)(i) esimayelana nezingane ezineminyaka eyi 15 nezingaphansi.

1 Inombolo yesigaba	2 Isihloko sesigaba	3 Izinga lokuvikelwa kwelungelo
35	Abantu ababoshiwe, abatokile nabethweswe icala	<p>Mayelana:</p> <ul style="list-style-type: none"> - nesigatshana soku (1)(a), (b) no (c) nesesi (2)(d); - amalungelo ezindimeni (a) kuye ku (o) esigatshana sesi (3), ngaphandle kwendima (d); - isigatshana sesi (4); kanye - nesigatshana sesi (5) mayelana nokukhishwa ngaphandle kobufakazi uma ukwamukelwa kwalobo bufakazi kungenza ukuqulwa kwecala kwenzelele

- (6) Noma yinini lapho umuntu evalelwe ngaphandle kokuthethwa kwecala ngenxa yokuzitshwa kwamaLungelo okuqhamuka ekumenyenzelweni kwesimo esibucayi, kufanele kuqikelelwe izimo ezilandelayo -
- (a) Umuntu omdala oyilungu lomndeni noma umngane walowo ovalelwe kufanele athintwe ngokushesha okungase kwenzeke, bese aziswa ngokuvalelwa kwalowo muntu.
 - (b) Isaziso kufanele sishicilelwe kuGazethi kazwelonke kaHulumeni zingakapheli izinsuku ezinhlanu umuntu evalelwe, sisho igama lomuntu nalapho evalelwe khona, sibuye sisho nesimo esibucayi aboshwe ngenxa yaso.
 - (c) Umuntu ovalelwe kufanele avunyelwe ukuqoka, kanye nokuvakashelwa ngudokotela noma ngasiphi isikhathi esamukelekayo.

- (d) Umuntu ovaletwe kufanele avunyelwe ukuqoka, ukuvakashelwa ngummeli noma ngasiphi isikhathi esamukelekayo.
 - (e) Inkantolo kufanele ibuyekeze ukuvalelwa komuntu ngokushesha okungase kwenzekwe, kodwa zingakapheli izinsuku eziyi-10 ngemuva kosuku lokuvalwa kwakhe, futhi inkantolo kufanele imdedele lowo ovaletwe ngaphandle uma kunesidingo sokuqhubeka nokumvalela ukuze kubuyiselwe isimo soxolo nokuthula.
 - (f) Umuntu ovaletwe ongadedelwanga ngokwemigomo yesibuyekezo sendimana (e) noma ongadedelwanga ngemuva kokubuyekezwa ngaphansi kwale ndima angenza isicelo enkantolo sokuba kuphinde kubuyekezwe ukuvalelwa kwakhe noma ngasiphi isikhathi ngemuva kwezinsuku eziyi-10 lwenziwe uhlaziyo lwangaphambilini, futhi inkantolo kufanele imdedele umuntu ovaletwe ngaphandle uma kusadingekile ukuba aqhubeka evalelwe ukuze kubuyiselwe uxolo nokuthula.
 - (g) Umuntu ovaletwe kufanele avunyelwe ukuvela mathupha phambi kwanoma iyiphi inkantolo ebhekene nokuvalelwa kwakhe, amelwe ngummeli kuloko kwethanyelwa, futhi akwazi ukwethula izizathu eziphikisa ukuthi aqhubeka nokuvalelwa.
 - (h) Umbuso kufanele wethule phambi kwenkantolo izizathu ezibhalwe phansi zokuthi kubaluleke ngani ukuvalelwa kwalowo ovaletwe, futhi kufanele ulethe ikhophi yalezo zizathu kumuntu ovaletwe okungenani esikhathini esiyizinsuku ezimbili ngaphambi kokuthi inkantolo ibuyekeze ukuvalelwa kwakhe.
- (7) Uma inkantolo idedela obevalelwe, lowo muntu angeke aphinde avalelwe ngezizathu ezifanayo, ngaphandle uma umbuso ungethula phambi kwenkantolo izizathu esiqinile esenza kube nesidingo sokuthi lowo muntu aphinde avalelwe.

- (8) Izigatshana sesi (6) nesesi (7) azisebenzi kubantu abangezona izakhamuzi zaseNingizimu Afrika futhi abavalelwe ngenxa yokulwa kuhlonyiwe okuphakathi kwamazwe. Esikhundleni salokho, umbuso kufanele uhambisane nemigomo ebopha iRiphabhuliki ngaphansi komthetho wobuntu wamazwe ngamazwe mayelana nokuvalelwa kwalabo bantu.

Ukuphoqelelwa kwamalungelo

38. Noma ngubani obalulwe kulesi sigaba unelungelo lokufaka isicelo enkantolo efanele, aveze ukuthi ilungelo eliseMqulwini wamaLungelo lephuliwe noma kungenzeka lephulwe, futhi nenkantolo inganikeza usizo olufanele, olumbandakanya ukumenyenzelwa kwamalungelo. Abantu abangaya enkantolo -
- (a) yinoma ngubani ozifakela yena isicelo;
 - (b) yinoma ngubani owenza isicelo egameni lomunye umuntu ongakwazi ukuzenzela yena;
 - (c) yinoma ngubani ofaka isicelo njengelungu, noma owenza lokho egameni leqembu noma lomkhakha othile wabantu;
 - (d) yinoma ngubani ofaka isicelo ukuzuzela umphakathi; kanye
 - (e) nenhlangano efaka isicelo ngenhloso yokuzuzela amalungu ayo.

Ukuhunyushwa koMqulu wamaLungelo

39. (1) Uma kuhunyushwa uMqulu wamaLungelo, yileyo naleyo nkantolo, inkundla noma isithangamu –
- (a) kufanele sikhuthaze imigomo eyeseka umphakathi ovulekile nobuswa yinqubo yentando yeningi eyesekelweyisithunzi somuntu, ukulingana nenkululeko;
 - (b) kufanele sibheke umthetho wamazwe ngamazwe; futhi
 - (c) singabuka umthetho wezinye izizwe.
- (2) Uma kuhunyushwa noma omuphi umthetho, futhi uma kuthuthukiswa umthetho owejwayelekile noma umthetho

wesintu, yileyo naleyo nkantolo, inkundla noma isithangamu kufanele sikhuthaze umoya, inhloso kanye nezinjongo zoMqulu wamaLungelo.

- (3) UMqulu wamaLungelo awukuphiki ukuba khona kwanoma yimaphi amanye amalungelo noma izinkululeko ezemukelwe noma ezibekwe ngumthetho owejwayelekile, umthetho wesintu noma umthetho oshayiwe, ngendlela ohambisana ngayo noMqulu.

IZIKHUNGO OKUNGAXHUNYANWA NAZO MAYELANA NAMALUNGELO OLUNTU

1. IHhovisi loMvikeli woMphakathi

IHhovisi loMvikeli woMphakathi lihlose ukufeza igunya lomthethosisekelo ukuze lidlondlobalise umthethosisekelo wentando yeningi ngokuqhuba uphenyo ngendlela yokuziphatha esolwayo egatsheni loMbuso, ukusiza ngokusombulula umbango, ukubika nokuphakamisa izinyathelo zokulungisa isimo nokuphakambisa ukuqwashiseka mayelana nendima nemisebenzi yoMvikeli woMphakathi.

Imininingwane yokuxhumana

Ikheli lendawo:	175 Lunnon Street Hillcrest Office Park Pretoria 0083
Ikheli laseposini:	Private Bag X677 Pretoria 0001
Inombolo Yocingo:	012 366 7000
Inombolo yamahhala:	0800 11 20 40
Inombolo Yocingo:	012 362 3473 / 086 575 3292
Umbikombani:	customerservice@pprotect.org registration2@pprotect.org.za
Isizindalwazi:	www.pprotect.org

2. IKhomishana yamaLungelo esiNtu

IKhomishana yamaLungeso esiNtu eNingizimu Afrika iyisikhungo sikazwelonke esisungulelwe ukukhuthaza umthethosisekelo wentando yeningi ngokukhuthaza nokuvikela amalungelo esintu ngokuba idingide ukuhlukunyezwa kamalungelo abantu futhi nokubheka ikhambi lokulungisa lokhu kuhlukunyezwa ngokuqapha nokuhlola ukulandelwa kwamalungelo esintu nemikhankaso yokuqwashisa ngezindaba zamalungelo esintu kanye nezemfundo nokuqeqesha mayelana namalungelo esintu.

Imininingwane yokuxhumana

Ikheli lendawo:	Braampark Forum 3, 33 Hoofd Street Braamfontein Johannesburg
Ikheli laseposini:	Private Bag X2700 Houghton Johannesburg 2041
Inombolo Yocingo:	011 877 3600
Inombolo Yocingo:	011 403 6621
Umbikombani:	info@sahrc.org.za complaints@sahrc.org.za
Isizindalwazi:	www.sahrc.org.za

3. IKhomishana yokuKhuthaza nokuVikela amaLungelo amaSiko, ezeNkolo nemiPhakathi esebenzisa iziLimi

IKhomishana yokuVikela amaLungelo amaSiko, ezeNkolo, neMiphakathi esebenzisa izilimi ezihlukene (kulokhu ebizwa ngokuthi iKhomishana ye-CRL) ihlose ukukhuthaza nokutshala ukuthula, ukuzwana, ubuntu, ukubekezelelana nobumbano kuzwelonke emiphakathini esebenzisa amasiko, ezeNkolo nezilimi ezihlukene.

Imininingwane yokuxhumana

Ikheli lendawo:	Braampark Forum 4, 33 Hoofd Street Braamfontein Johannesburg
Ikheli laseposini:	Private Bag X 90 000 Houghton 2041
Inombolo Yocingo:	011 537 7631
Inombolo Yocingo:	011 880 3495 / 086 660 8986
Umbikombani:	chairperson@crlcommission.org.za ceo@crlcommission.org.za info@crlcommission.org.za complaints@crlcommission.org.za
Isizindalwazi:	www.crlcommission.org.za

4. IKhomishana Yezokulingana Ngobulili

IKhomishana yezokulingana ngobulili (CGE) isungulelwe ukukhuthaza nokuhlonipha ukulingana ngokobulili kanye nokuqikelela ukufezeka kokulingana ngokobulili emikhakheni yonke yemiphakathi. I-CGE izama ngakho okusemandleni ukwakha umphakathi ongacwaswa ngezobulili nangazo zonke izindlela zokucindezelwa, lapho abantu bezoba nethuba nezindlela zokuzuza lokhu abakuphokophele, noma ngabe bengobaluphi uhlanga, izinga, ubulili, ubulili abazikhethele bona, ukukhubazeka noma indazo abahlala kuzona.

Imininingwane yokuxhumana

Ikheli lendawo:	i-Constitutional Hill Uphiko lweJele Labantu Besifazane 2 Kotze Street Braamfontein Johannesburg
Ikheli laseposini:	P.O Box 32175 Braamfontein 2017
Inombolo Yocingo:	011 403 7182
Inombolo Yocingo:	011 403 7188
Umbikombani:	cgeinfo@cge.org.za
Isizindalwazi:	www.cge.org.za

5. **IKhomishana yeHhovisi Eliphakela Ngosizo Lwemisebenzi Yomphakathi**

IKhomishana yeHhovisi Eliphakela Ngosizo Lwemisebenzi Yomphakathi igunya lalo lisekelwe isigaba 195 nese-196 zoMthethosisekelo. I-PSC udutshiwe futhi ikhuthazwa ukuba, iphenye, iqaphe, futhi uhlole ukuhleleka nokusingathwa Kwemisebenzi Kahulumeni.

Leli gunya liphinde libandakanye ukuhlola okuzuziwe, noma ukuntuleka kwezinhlelo zikaHulumeni. I-PSC iphinde ibe nesibophezelo sokukhuthaza izinyathelo ezizoqikelela ukuqhuba umsebenzi ngempumelelo nangenqubekela phambili eMisebenzini kaHulumeni futhi ikhuthaza amagugu nomgomo wokusingathwa komphakathi njengoba kuveziwe kuMthethosisekelo, mayelana neMisebenzi kaHulumeni.

Imininingwane yokuxhumana

Ikheli lendawo: Commission House
Cnr Hamilton & Ziervogel Streets
Pretoria

Ikheli laseposini: Private Bag X121
Pretoria
0083

Inombolo Yocingo: 012 352 1000
Inombolo Yocingo: 012 325 8382

Ikheli lendawo: info@opsc.gov.za
Isizindalwazi: www.psc.gov.za

6. UMnyango wezoBulungiswa nokuThuthukiswa koMthethosisekelo

UMnyango wezoBulungiswa nokuThuthukiswa koMthethosisekelo uneGatsha: EliThuthukisa uMthethosisekelo. Injongo yaleli Gatsha ukukhuthaza, ukuchibiyela, nokuthuthukisa uMthethosisekelo, amalungelo esintu nokuzibandakanya nentandoyeningi limele uhulumeni.

Imininingwane yokuxhumana

Ikheli lendawo: 329 Pretorius Street
(c/o Pretorius & Sisulu Streets)
First Floor,
Momentum Building
Pretoria

Ikheli laseposini: Private Bag X81
Pretoria
0001

Inombolo Yocingo: 012 315 1111

Ikheli lendawo: constitutionalrights@justice.gov.za

Isizindalwazi: www.justice.gov.za

7. Aba Mmeli Bakahulumeni eNingizimu Afrika

Aba Mmeli Bakahulumeni eNingizimu Afrika igatsha lomthetho elisungulwe ngenhloso yokuhlinzekela ngezeluleko zomthetho noma ukwenza usizo lomthetho lufinyelele kubantu abantulayo ngendlela ehambisana nezinga labo kwezezimali. Baphinde bamele abantu bakhokhelwe uMbuso, njengoba kuveziwe kuMthethosisekelo nasemthethweni eqondene eveza ilungelo lokummelwa ngokomthetho izindleko zakho ezizokhokhwa uMbuso.

Imininingwane yokuxhumana

Ukuze uthole ihhovisi lesifunda labaMmeli bakaHulumeni eNingizimu Afrika, isikhungo sezobulungiswa noma ihhovisi elingumahamba nendlwana, xhumana nabaMmeli bakaHulumeni eNingizimu Afrika kule mininingwane elandelayo:

Ikheli lendawo:	292 Kotze Street Braamfontein Johannesburg 2017
Ikheli laseposini:	Private Bag X121 Braamfontein 2017
Inombolo Yocingo:	011 877 2000
Inombolo yamahhala:	0800 110 110
Inombolo Yocingo:	011 877 2222
Ikheli lendawo:	Communications2@legal-aid.co.za
Isizindalwazi:	www.legal-aid.co.za

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