

ISAHLUKO 2

UMTLOLO WAMALUNGELO WOBUNTU

Amalungelo

7. (1) UmTlolo wamaLungelo wobuNtu usisekelo okwakhelwe phezu kwaso intando yenengi eSewula Afrika. Umumethe amalungelo wabo boke abantu benarha yekhethu begodu uqinisa amagugu wentando yenengi nesithunzi sobuntu, ukulingana kanye netjhaphuluko.
- (2) Umbuso kumele uhloniphe, uvikele, uthuthukise begodu uzalise amalungelo amunyethwe mTlolo wamaLungelo wobuNtu.
- (3) Amalungelo amunyethwe mTlolo wamaLungelo wobuNtu ngokulawulwa mikhawulo emunyethweko namkha okukhulunywa ngayo esigabeni 36, namkha ngokutjhiwo kwenye indawo ngaphakathi kwalomtlole lo.

Ukusetjenziswa kwawo

8. (1) UmTlolo wamaLungelo wobuNtu lo usebenza kiwo woke umThetho begodu ubopha isiBethamthetho, isiGungu, iphiko lezobuLungiswa nazo zoke iinJamiso zomBuso.
- (2) Isiqalelelo somTlolo lo wamaLungelo wobuNtu sibopha umuntu wendabuko namkha womThetho nangabe, begodu nokufikela ezingeni lapha ukghona khona ukusebenza, ngokutjhejwa komhlobo welungelo begodu nomhlobo womsebenzi lowo onikelwa lilungelwelo.
- (3) Nakungenzeka usebenzise isiqalelelo somTlolo wamaLungelo wobuNtu emuntwni wendabuko namkha womthetho ngokuya kwesigatjana (2), ikhotho—
 - (a) ukuze iphumelelise ilungelo elithileko elisemTlolweni, kumele usebenzise, namkha nangabe kunethhogakalo, ithuthukise umThetho wesintu kuze kufike ezingeni lapha umThetho okukhulunywa ngawo ungasaphumelelisi khona ilungelwelo, begodu
 - (b) kungenzeka bona ithuthukisa imilayo yomThetho wesintu ukurhunyeka ilungelo, kodwana nangabe ukurhunyezokho kukhambisana nesigaba 36(1).
- (4) Umuntu womThetho naye unelungelo lokufumana amalungelo asemTlolweni wamaLungelo wobuNtu ngokuya kwendlela ethogwa lihlobo lamalungelo begodu nehlobo lomuntu womThetho.

Ukulingana

9. (1) Boke abantu bayalingana phambi komThetho, begodu banelungelo lokuvikeleka kanye nokusizwa mThetho ngokulinganako.
- (2) Ukulingana kufaka hlanguka ukuthabela amalungelo nepumelelo ngokuzeleka nangokulingana. Ukuthuthukisa ukufikeleleka kokulingana, imithetho begodu namanye amagadango ahlelelwe ukuvikela namkha ukuthuthukisa abantu, namkha iinqhema zabantu ebegade zidlelezwe ngebanga lebandlululo elingasifeya.
- (3) Angekhe kwenzeka bona umBuso ubandlulule ngokungasifeya, bunqopha namkha ingasibunqopha nanyana ngubani ngombandela owodwa namkha ngaphezulu, ukufaka hlanguka ukubandlulula ngokwebala, ngokobulili, ngokobana umuntu usidisi, utjhadile namkha akakatjhadile, ngokobuhlobo ngokobana umuntu udabuka kusiphi isitjhaba, ngokombala, ngokuzibandakanya nobulili obuthileko, ngeminyaka yobudala, ngokukhubazeka, ngokwekolo, unembeza, ikolelo, ngokwamasiko, ngokwelimi nango kubelethwa.
- (4) Akekho umuntu okungenzeka bona abandlululwe nginayana ngubani ngokungasifeya, bunqopha namkha awa, ngombandela owodwa nanyana ngaphezulu, ngokuya kwesigatjana (3). UmThetho wenarha wokuvimbela namkha wokujamisa ibandlululo elingasifeya kumele uphasiswe.
- (5) Ibandlululo ngebanga lombandela owodwa namkha ngaphezulu erheliswe kusigatjana (3) ayisifeya ngaphandle kobana kutholakale bona ibandlululweli kwamambala lifeya.

IsiThunzi SobuNtu

10. Omunye nomunye umuntu unesithunzi ngokwemvelo, begodu unelungelo lokobana isithunzi sakhe sihlonitjhe besivikelwe.

Ipilo

11. Omunye nomunye umuntu unelungelo lokuphila.

Itjhaphuluko Nokuvikeleka Komuntu

12. (1) Omunye nomunye umuntu unelungelo letjhaphuluko nokuvikeleka okufaka hlanguka ilungelo—

- (a) lokungadinywa itjhaphuluko ngokungasimthetho namkha ngaphandle kombandela ozwakalako;
 - (b) lokungavalelwa ejele ngaphandle kokuvela ekhotho;
 - (c) lokutjhaphuluka kiyo yoke imihlobo yenturhu kungaba ngevela emithonjeni yomphakathi namkha yangeqadi;
 - (d) lokungathloriswa nanganyana ngiyiphi indlela; begodu
 - (e) nelokungaphathwa namkha ajeziswe ngendlela esihluku, enganabantu namkha eyehlisa isithunzi.
- (2) Omunye nomunye umuntu unelungelo lokobana ubujamo bakhe bomzimba nebonkhumbulo bungathathelwa phasi, lokhu kufaka hlangana nelungelo—
- (a) lokuthatha isiqu nto malungana nokubeletha;
 - (b) lokuvikeleka nelelawulo ngemizimbabo; begodu
 - (c) nelokungasetjenziselwa ukulingelela ukusebenza kwesihlahla namkha nanyana ngisiphi isisetjenziswa esiphathelene nezesayensi ngaphandle kwemvumakhe.

Ubugqila, Ukukatelelwa Ukuhlonipha Omunye Namkha Ukukatelelwa Ukusebenza

13. Akekho noyedwa umuntu ozakwenziwa isigqila, akatelelwe ukuhlonipha omunye namkha akatelelwe ukusebenza.

Ukuba Wedwa

14. Omunye nomunye umuntu unelungelo lokungaphazanyiswa, lokhu kufaka hlangana nelungelo lokobana—
- (a) umzimbakhe namkha umuzakhe ungasetjiswa;
 - (b) ipahlakhe ingasetjiswa;
 - (c) ipahlakhe ingathathwa ngekani; namkha
 - (d) nekulumakhe ebuntumba ingacajelwa.

Itjhaphuluko Yekolo, Ikolelo Begodu Nombono

15. (1) Omunye nomunye umuntu unelungelo letjhaphuluko kanembeza, ikolo, ukucabanga, ikolelo begodu nokuveza umbono.
- (2) linkonzo zingabanjelwa eenjamisweni zombuso namkha eenjamisweni ezirhelelwa mbuso, nangabe—

- (a) iinkonzwezo zilandela imilayo yekambiso ebekwe ziimphathiswa zomphakathi ezifaneleko.
 - (b) iinkonzwezo zikhanjiswa ngendlela efaneleko; begodu
 - (c) nokuzikhambela kutjhaphulukile begodu akukakatelelwa.
- (3) (a) Isigabesi asivimbeli umThetho owamukela—
- (i) imitjhado ephethwa ngananyana ngiliphi isiko, namkha irherho lekolo, ngomThetho womndeni namkha womtjhadi; begodu
 - (ii) amarherho womThetho womndeni newomtjhadi ngaphasi kwananyana ngiliphi isiko, namkha kungaba ngelabantu abalandela ikambiso yekolo ethileko.
- (b) Ukwamukelwa ngokuya kwepharagrafu (a) kumele kukhambisane nesigabesi begodu nezinye iinqalelelo zomThethosisekelo.

Itjhaphuluko Yokuveza Amazizo

16. (1) Omunye nomunye umuntu unelungelo letjhaphuluko yokuveza amazizwakhe, okufaka hlangana—
- (a) itjhaphuluko yamaphephandaba namanye amamidiya;
 - (b) itjhaphuluko yokwamukela namkha ukudlulisa ilwazi namkha imibono
 - (c) itjhaphuluko yokuveza ikghono lokubumba nokusungula; begodu
 - (d) netjhaphuluko yezokufunda begodu netjhaphuluko yokwenza irhubhululo elubusayensi.
- (2) Ilungelo elitjhiwo esigatjaneni (1) alifaki lokhu—
- (a) ukukhuluma ngendlela epehla ipi
 - (b) ukutjala umoya ongabangela inturhu; namkha
 - (c) ukuletha ukuhloyana okudzimelele ekuhlukakeni ngokwebala, ngokobuhlobo, ngokobulili, namkha ngokwekolo begodu lokho kuphehla inturhu engabangela ukulimala.

Ukubuthana, Ukutjhagala, Ukurhwanta Nokwethula Iinghonyayo

17. Omunye nomunye umuntu unelungelo lokubuthana, ukungenela ijima lokutjhagala, lokurhwanta nokwethula iinghonyayo ngaphandle kwenturhu neenkxhali.

Itjhaphuluko Yokuhlanganyela

18. Omunye nomunye umuntu unelungelo lokuhlanganyela.

Amalungelo Wezombanganarha

19. (1) Esinye nesinye isakhamuzi sitjhaphulukile bona singazikhethela esikufunako manqophana nezombanganarha, lokhu kufaka hlangana nelungelo loku—
- sungula ihlangano yezombanganarha
 - zibandakanya emisebenzini yehlangano, namkha uyifunele ihlangano leyo amalunga, begodu
 - nokukhankasela ihlangano leyo yezombanganarha.
- (2) Esinye nesinye isakhamuzi sinelungelo lokungenela amakhetho atjhaphulukileko, afeya neza qobe ngemva kwesikhathi esithileko, wesinye nesinye isiBethamthetho esitlhanywe ngokuya komThethosisekelo.
- (3) Omunye nomunye umuntu omdala unelungelo—
- lokuvowuda, emakhethweni wokuvowudela nanyana ngiliphi ibandla lesiBethamthetho, elitlhanywe ngokuya komThethosisekelo, begodu nokuvowuda buntumba; begodu
 - nokujamela ukuba ngunkhethani esikhundleni sokusebenzela umphakathi, nangabe kwenzekile bona ukhethwe, uphathe isikhundla sokusebenzela umphakathi.

Ubuzwe

20. Asikho isakhamuzi esingadinywa ubuzwe baso.

Itjhaphuluko Yokukhamba Nokuhlala Umathanda

21. (1) Omunye nomunye umuntu unelungelo lokukhamba ngokutjhaphuluka.
- (2) Omunye nomunye umuntu unelungelo lokufuduka la eRiphabliki.
- (3) Esinye nesinye isakhamuzi sinelungelo lokungena, nokuhlala nanyana kukuphi la eRiphabliki.
- (4) Esinye nesinye isakhamuzi sinelungelo lokuba nepasipoti.

Itjhaphuluko Yokurhweba, Yesikhundla Somsebenzi Nebizelo

22. Ngokulawulwa mThetho, esinye nesinye isakhamuzi sinelungelo lokuzikhethela irhwebo, ukufumana isikhundla somsebenzi nokuba nebizelo.

Itjhebiswano Kezemisebenzi

23. (1) Omunye nomunye umuntu unelungelo lokuphathwa ngendlela efaneleko emsebenzini.
- (2) Esinye nesinye isisebenzi sinelungelo—
- lokubumba nokujoyina iinhlango zabasebenzi;
 - lokuzibandakanya emisebenzini nemahlelweni weenhlango zabasebenzi; begodu
 - nelokunghala umsebenzi.
- (3) Omunye nomunye umqatjhi unelungelo—
- lokubumba nokujoyina iinhlango zabaqatjhi, begodu
 - nokuzibandakanya emisebenzini nemahlelweni weenhlango zabaqatjhi.
- (4) Enye nyenye ihlango yabasebenzi begodu nyenye nyenye ihlango yabaqatjhi inelungelo—
- lokukhetha abaphathi, amahlelo nemisebenzawo;
 - lokuhlela; begodu
 - nelokubumba nokujoyina umfelandawonye .
- (5) Enye nyenye ihlango yabasebenzi, ihlango yabaqatjhi begodu nomqatjhi banelungelo lokuzibandakanya eenkulumiswaneni zokubonisana. UmThetho wenarha ungabekwa ukulawula ikulumiswano yokubonisana. Kangangobana umThetho ungaqunta ilungelo eSahlukwenesi, ukuquntwa kumele kukhambisane nesigaba 36 (1)
- (6) UmThetho weNarha ungamukela amalungiselelo wokuvikela iinhlango amunyethwe eemvumelwaneni zebambiswano. Kangangobana umThetho ungaqunta eSahlukwenesi, ukuqunta kufanele kukhambisane nesigaba 36(1).

Ibhoduluko

24. Omunye nomunye umuntu unelungelo—
- lokuba sebhodulukweni engekhe lahlunguphaza ipilo nehlahakuhle yakhe; begodu
 - nokuba nebhoduluko elivikelekileko, ukwenzela bona kuzuze isizukulwana sakhathesi nesizako, ngokusetjenziswa komThetho ozwakalako namanye amagadango ahlelelwe—
- ukuvimbela ukusilaphazeka kwebhoduluko nokurhuhleka kwehlabathi
 - ukukhuthaza ukuthogonyelwa kwemvelo; begodu

- (iii) nokuqinisekisa ituthuko edzimeleleko nokusetjenziswa kuhle kwemithombo yemvelo, ngakelinye ihlangothi kuthuthukiswa ngokuqinisekisiweko zomnotho nezomphakathi.

Ipahla

25. (1) Akakho umuntu ozakudinywa ipahla ngaphandle kwalokha kwenziwa ngokulandela umThetho osebenza ngokuvamileko, begodu awukho umThetho ongavumela bona umuntu adinywe ipahla ngokungasimthetho.
- (2) Ungamukwa ipahla kwaphela ngokuya komThetho osebenza ngokuvamileko—
- (a) nangabe kwenzelwa iindingo namkha iinrhuluphelo zomphakathi; begodu
- (b) ngokulawulwa kuliliswa ngemali, inani layo begodu nesikhathi nendlela ezakubhadelwa ngayo okungenzeka bona kuvunyelwane ngayo hlanguana nalabo abathintekako namkha kuthathwe isiqu nto namkha kuquntwe yikhotho.
- (3) Inani lemali yesililiso, isikhathi nendlela ezakubhadelwa ngayo kufanele kube ngelungileko nelinganako, etjengisa ukulinganiswa okufaneleko hlanguana kweenrhuluphelo zomphakathi neenrhuluphelo zalabo abathintekako, begodu kutjhejwe yoke imibandela efaneleko, okufaka hlanguana—
- (a) ukusetjenziswa kwepahla njenganje;
- (b) umlando wokutholakala nokusetjenziswa kwayo;
- (c) bona ingabiza malini nange ithengiswa;
- (d) izinga elinqophileko lokubulunga nokurhelebha kombuso ngeemali ekutholweni nekuthuthukisweni kwenani lenzuzo yepahla; begodu
- (e) nomnqopho wokwemukwa ipahla leyo.
- (4) Ngokomnqopho wesigabesi—
- (a) iinrhuluphelo zomphakathi zifaka hlanguana isibopho sesitjhaba sokutjhugululwa kwenarha namatjhuguluko abonelela ukutholakala kwayo yoke imithombo yemvelo yeSewula Afrika; begodu
- (b) nokobana ipahla ayifaki hlanguana inarha kwaphela.
- (5) Umbuso kumele ubeke umThetho begodu uthathe namagadango azwakalako ngaphakathi kwemithombo enayo, ukukatelela imibandela eyenza bona izakhamuzi zikghone ukuthola inarha ngendlela elinganako.
- (6) Umuntu namkha umphakathi lowo isikhathi sawo sokusebenzisa inarha esingakavikeleki ngokomThetho ngebanga lomThetho wangesikhathi sebandlululo

obandlulula ngokwebala namkha izenzo, unelungelo ukufikela ezingeni elitjihiwo mThetho wePalamende, nofana isikhathi esivikelekileko ngokomThetho namkha ngokulungisa okumadanisekako.

- (7) Umuntu namkha umphakathi omukwe ipahla ngemva kwamhlana zili-19 kuMgwengweni 1913 ngebanga lomThetho wengesikhathi sebandlululo, obandlulula ngokwebala namkha izenzo, unelungelo ukufikela ezingeni elitjihiwo mThetho wePalamende, namkha ngokubuyiswa kwepahla leyo namkha ngokulungiswa ngendlela elinganako.
- (8) Asikho nesisodwa isiqalelelo sesigabesi esingavimbela umbuso ekuthatheni umThetho namanye amagadango ukwenzela bona bothole inarha, amanzi nokhanye okukhambelana namatjhuguluko la, ukuze kulungiseke imiphumela yebandlululo ngokwebala kwangesikhathi esadlulako, ngaphandle kwanyana ukutjhida okhanye nokhanye eenqalelelweni zesigabesi kukhambisana neenqalelelo zesigaba 36 (1).
- (9) IPalamende kumele imemezele umThetho otjhiwo esigatjaneni (6).

Zezindlu

26. (1) Omunye nomunye umuntu unelungelo lekghono lokufunyanwa kwezindlu ngokwaneleko.
- (2) Umbuso kumele uthathe amagadango azwakalako womThetho namanye amagadango, ngokusemandleni wawo, ukukghonakalisa ngokupheleleko ilungelweli.
- (3) Akekho noyedwa ongakhutjha ngendlinakhe, namkha indlwakhe engabhidlizwa, ngaphandle kwencwadi yesigunyazo sekhotho eyenziwa emva kokutjhejwa kwawo woke amaphuzu aqakathekileko. Awukho nowodwa umThetho ngakuvumela bona umuntu akhutjhe endlinakhe ngokungasimthetho.

Zamaphilo, Ukudla, Amanzi Begodu Nokuvikeleka Kwezehlalakhuhle

27. (1) Omunye nomunye umuntu unelungelo lekghono lokufumana lokhu—
 - (a) ukuthogonyelwa kezamaphilo, okufaka hlanguka ukuthogonyelwa ngehlangothini lezokubeletha;
 - (b) ukuthola ukudla okwaneleko namanzi ahlanzekileko; begodu

- (c) ukuvikeleka kwezehlalakuhle, okufaka hlangana, ukurhelejwa okufaneleko kwezehlalakuhle nangabe umuntu ubhalelwa kuzondla yena, nalabo okumele abondle.
- (2) umbuso kumele uthathe amagadango afaneleko wangokomThetho namanye amagadango, ngokusebenzisa imithombo yawo ekhona, ukuphumelelisa elinye nelinye lamalungelo la.
- (3) Akakho noyedwa umuntu ongalelwa irhelelho elirhabako lokwelatjiswa.

Abantwana

28. (1) Omunye nomunye umntwana unelungelo—
- (a) lokuba nebizo nobutjhaba kusukela nakabelethwako;
 - (b) lokuthogonyelwa bazali namkha mndeni; namkha ukuthola ithogomelo elinye elifaneleko nangabe ususiwe emndeninakhe;
 - (c) lokuthola ukudla okunezakhazimba, indawo yokuhlala; ukwelatjiswa; begodu nokutjhejwa kwezehlalakuhle;
 - (d) lokuvikelwa ekuphathweni kumbi; ukuninwa, ukuhlukunyezwa namkha ukwehliswa kwesithunzi sobuntu
 - (e) lokuvikelwa ekusetjenzisweni mquatjhi ngokungakafaneli;
 - (f) ukungafuneki namkha ukungakavunyelwa bona wenze umsebenzi othileko namkha unikele umsebenzi—
 - (i) ongakalungeli umuntu oneminyaka elingana neyobudala bomntwana lowo; namkha
 - (ii) obeka umntwana ngokwakhe ebudisini, ifundwakhe, ipilwakhe, ingqondo, umoyakhe, ukuziphatha begodu nekuzithuthukiseni kwakhe;
 - (g) lokobana angabotjiswa ngaphandle kwanyana sele kungasekho elinye igadango lamaswaphelo, lapha ngaphezu kwamalungelo umntwana awatholako ngaphasi kwesigaba 12 nesama-35, umntwana angabotjiswa kwaphela isikhatjhana esifitjhani nesifaneleko begodu unelungelo loku—
 - (i) hlukaniswa neembotjiswa ezingaphezulu kweminyaka eli-18; begodu
 - (ii) phathwa ngaphasi kobujamo obufanele umntwana waleyo minyaka;
 - (h) lokuba nomjameli wezomthetho obonelelwa mbuso, begodu nangeendleko zombuso kuleyo milandu yemibango ethinta umntwana loyo nangabe ukungakhambi kuhle komthetho kungahle kube khona; begodu
 - (i) nelokungasetjenziswa kwakhe bunqophela lapha kunenturhu yeenkhali khona nokobana kumele avikeleke ngeenkhatzi zenturhu yeenkhali.

- (2) linrhuluphelo zomntwana kuyinto eqakatheke khulu ezintweni zoke eziphathelele nomntwana.
- (3) Esigabenesi nakukhulunywa ngomntwana kutjhiwo umuntu oneminyaka engaphasi kweli-18 ubudala.

Ifundo

29. (1) Omunye nomunye umuntu unelungelo—
 - (a) lokuthola ifundo esisekelo, okufaka hlanguana nefundo esisekelo yabantu abadala; begodu
 - (b) nelokuthola ifundo ephakemeko, okumele bona umbuso ngokuthatha amagadango afaneleko uyenze ibekhona beyikhona ukufumaneka begodu iragele phambili ngendlela okungakghonakala ngayo.
- (2) Omunye nomunye umuntu unelungelo lokuthola ifundo ngelimi elisemthethweni namkha ngelimi azikhethele lona eenkhungweni zefundo ezingezomphakathi, lapha ifundo leyo inikelwa khona ngokuzwakalako. Ukwenzela bona kuqinisekiswa ikghono lokutholakala okunepumelelo kokusetjenziswa kwelungelweli, umbuso kumele uqalelele woke amagadango ahlukeneko wefundo, okufaka hlanguana iinkhungo ezisebenzisa ilimi elilodwa, ukutjheja—
 - (a) ukulingana
 - (b) ikghonakalo; begodu
 - (c) isidingo sokulungisa imiphumela yezenzo zemithetho yesikhathi esigadungileko ebandlulula ngokwebala.
- (3) Omunye nomunye umuntu unelungelo lokusungula begodu agcine isikhungo sezefundo, asisekele ngeemali zakhe begodu sizijamele nangabe iinkhungo lezo—
 - (a) azibandlululi ngokwebala;
 - (b) zitlolisiwe embusweni; begodu,
 - (c) azikho ezingeni eliphasi nazimadaniswa nalezonkhungo zefundo ezilawulwa mphakathi.
- (4) Isigatjana (3) asivimbeli ukusizwa ngeemali mbuso kweenkhungo zefundo ezizijameleko.

Ilimi Namasiko

30. Omunye nomunye umuntu unelungelo lokusebenzisa ilimi nokudlala indima epilwenakhe yamasiko azikhethele yona, kodwana akekho noyedwa umuntu ozakuthi lokha

nakasebenzisa amalungelwakhe, awasebenzise ngendlela engakhambisaniko yananyana ngisiphi isiqalelelo somTlolo wamaLungelo.

Imiphakathi Yangokwamasiko, Ikolo Nelimi

31. (1) Abantu bomphakathi abakhambisanako ngokwamasiko, ikolo nelimi angeze badinywa ilungelo, namanye abantu womphakathi lowo, loku—
- thabela isiko labo, benze ikolo yabo bebasebenzise ilimi labo, begodu
 - nokusungula, ukujoyina nokuraga iinhlango zamasiko, ikolo nezamalimi, nezinye iinjamiliso zomphakathi.
- (2) Amalungelo asesigatjaneni (1) angeke asetjenziswa ngendlela engakhambisani nanoma ngisiphi isiqalelelo somTlolo wamaLungelo.

Ilungelo Lokuthola Ilwazi

32. (1) Omunye nomunye umuntu unelungelo lokuthola—
- elinye nelinye ilwazi eliphethwe mbuso, begodu
 - nelinye nelinye ilwazi eliphethwe ngomunye umuntu okumele lisetjenziselwe namkha kuvikelwe nagalo nanyana ngimaphi amalungelo.
- (2) UmThetho wenarha kufanele umenyezelwe ukuphumelelisa ilungelweli begodu kungathathwa amagadango azwakalako ukwethula ubudisi bokuphatha nebeemali obuphezu kombuso.

Igadango Lekambiso Elungileko YezomThetho

33. (1) Omunye nomunye umuntu unelungelo lokuphathwa ngendlela esemthethweni, ezwakalako begodu nangekambiso elungileko.
- (2) Omunye nomunye umuntu amalungelwakhe athinteki kabuhlungu ngebanga legadango lekambiso, unelungelo lokunikelwa abonobangela balokho ngokutloliweko.
- (3) UmThetho wenarha kumele umenyezelwe ukuphumelelisa amalungelo la, begodu kumele—
- unikele ukuhlolisiswa godu kwegadango lekambiso yikhotho namkha lapha kufaneleko, kungaba yikundla ezijameleko begodu nengathathi ihlangothi;
 - ubophelele umbuso bonyana uphumelelise amalungelo aseengatjaneni (1) no (2); begodu
 - uthuthukise ikghono lekambiso yezokuphatha.

Ilungelo Lokuya Ekhotho

34. Omunye nomunye umuntu unelungelo lokusa nanyana ngimuphi umbango ongarrarulwa yikhotho ngokusebenzisa umThetho, ulalelwe mphakathi ngaphambi kwekhotho, namkha lapha kufaneleko, ungasiwa kenye iforamu ezijameleko engathathi ihlangothi.

Abantu Ababotjhiweko, Abavalelweko Begodu Nabamangalelweko

35. (1) Omunye nomunye umuntu obotjhiweko ngebanga lokusolelwa bonyana wenze umlandu unelungelo—
- (a) lokuzithulela;
 - (b) lokutjelwa msinyana—
 - (i) ngelungelo lakhe lokuzithulela; begodu
 - (ii) ayeleliswe ngokungenzeka nakangazithuleliko;
 - (c) lokungakatelelwa bonyana avume akwenzileko, ngombana lokho kungahle kusetjenziswe njengobufakazi obumbophelelako;
 - (d) lokuvela ekhotho msinya ngokungakghonakalako, kodwana kungabi ngemva—
 - (i) kwama-iri ama-40 ngemva kokubotjhwa
 - (ii) kokuphela kwelanga lokuthoma lekhotho emva kokudlula kwama-iri ama-48, nangabe ama-iri ama-48 aphela ngaphandle kwama-iri wekhotho ejayekileko namkha ngelanga okungasilo elijayekileko lekhotho;
 - (e) lokobana ekuveleni kokuthoma phambi kwekhotho emva kokubotjhwa, athweswe umlandu namkha atjelwe ibanga lokwelulwa kwesikhathi sakhe sokuvalelwa, namkha atjhatjhululwe; begodu
 - (f) lokutjhatjhululwa ejele nangabe imibandela yomThetho iyavuma, ngokulawulwa bujamo obuzwakalako.
- (2) Omunye nomunye umuntu obotjhiweko, okufaka hlanguka esinye nesinye isibotjhwa esele sigwetjwe, sinelungelo—
- (a) lokobana sitjelwe bonyana sibotjhelweni;
 - (b) lokukhetha, nokuthintana nomjameli womthetho begodu sitjelwe msinya ngalilungelo;
 - (c) lokubonelelwa ngomjameli womthetho okhonjwe mbuso begodu nangeendleko zombuso nangabe kunekghonakalo lokobana ubulungiswa obuphathekako bubekhona begodu kumele sitjelwe msinya ngelungelweli;

- (d) lokuyokumangala ekhotho, simangalele ukwazi bona ukubotjhwa kwaso kusemthethweni nayana awa, nangabe ukubotjhwa kwaso akukho emthethweni, sitjhatjhululwe
 - (e) lokuvallelwa ngaphasi kobujamo obukhambisana nesithunzi sobuntu, okufaka hlangua okungasenani ngokunikela indawo eyaneleko yokuhlala, ukudla okwakha umzimba, iincwadi zokufunda, kanye nokwelatjhwa ngeendleko zombuso; begodu
 - (f) nelokuthintana, nokuvakatjhelwa ngilaba abalandelako —
 - (i) ngowakwakhe namkha umlingani;
 - (ii) iinhlobo;
 - (iii) uMeluleki wezekolo okhethwe nguye, begodu
 - (iv) noDorhodere okhethwe nguye.
- (3) Omunye nomunye ummagalelwa unelungelo lokugwetjwa ngendlela efaneleko, okufaka hlangua ilungelo —
- (a) lokwaziswa ngomlandu abekwe wona, anikelwe neminingwana ngokunabileko ukwenzela bona akghone ukuziphendulela emlandwini loyo;
 - (b) lokuthola isikhathi esaneleko neenkghonakalisi ezaneleko angazisebenzisa ekuzivikeleni;
 - (c) lokugwetjwa ekhotho yomthetho ojwayelekileko nevulelwe umphakathi;
 - (d) lokulalelwa komlandwakhe kuthonywe bekuqedwe ngaphandle kokuriyada okungazwakaliko;
 - (e) lokubakhona lokha nakugwetjwa umlandwakhe;
 - (f) lokukhetha begodu nokobana ajanyelwe mjameni womthetho begodu atjelwe ngelungelweli msinyana;
 - (g) lokubonelelwa ngomjameli womthetho ozakubhadelwa mbuso lokha nakubonakala bona kungaba nokungakhanjiswa ngokulungileko komlandu, begodu aziswe ngelungelwelo msinyana;
 - (h) lokuthathwa ngokobana akanamlandu, azithulele, begodu nokobana angafakazi lokha nakugwetjwako;
 - (i) lokuthula ubufakazi nokuphikisa ubufakazi obuthuliweko;
 - (j) lokungakakatelelwa ukwethula ubufakazi obumbophako;
 - (k) lokugwetjwa ngelimi alizwisako, namkha lokho nakungakghonakaliko, atolgelwe ngelimi alizwako;
 - (l) lokungagwetjelwa isenzo namkha ukungakenzi okugade kungasimlandu ngaphasi komthetho wenarha namkha umthetho weentjhabatjhaba ngesikhathi lokho nakwenzekako namkha kungenzeki;

- (m) lokungagwetjwa ngomlandu omayelana nesenzo namkha lokho okwatjhiywako lapha umutnu afunyanwa anganamlandu namkha afunyanwa bona umlandu;
 - (n) lokuba nethuba lokubethwa ngeswazi elincani lokha nangabe isigwebo esibekiweko sitjhugululwe hlangana nesikhathi umlandu owenziwe ngaso nesikhathi sokugwetjwa; begodu
 - (o) nelokwenza isibawo bona umlandwakhe ubuyekezwe namkha uhlohiswe yikhotho engaphezulu.
- (4) Nanganyana ngisiphi isikhathi lapha isigabesi sifuna khona bona umbiko utjelwe umuntu; umbiko lowo kumele unikelwe ngelimi lelo umuntu loyo alizwisisako.
- (5) Ubufakazi obutholakele ngendlela ephikisana nanyana ngiliphi ilungelo elingaphakathi komTlolo lo wamaLungelo wobuNtu kumele bulahlwe, nangabe ukwamukelwa kobufakazobo kungenza bona ukugwetjwa komlandu lowo kube ngokungakalungi namkha ngendlela ethile kungakhubaza ikambiso yezobulungiswa.

Ukurhunyezwa Kwamalungelo

36. (1) Amalungelo angaphakathi komTlolo wamaLungelo wobuNtu angarhunyezwa kwaphela ngokuya komThetho osebenza ngendlela evamileko ukufikela lapha ukurhunyezwa kwawo kuzwakala begodu kufaneleko emphakathini ovulekileko nophethe ngentando yesitjhaba edzimele phezu kokuhlonitjiswa kwesithunzi sobuntu, ukulingana netjhaphuluko, kutjhejwe nawo woke amaphuzu afaneleko, okufaka hlangana—
- (a) umhlobo welungelwelo;
 - (b) ukuqakatheka komnqopho werhunyezwelo;
 - (c) umhlobo nobungako berhunyezo;
 - (d) ubuhlobo phakathi kwerhunyezo nomnqophalo; begodu
 - (e) nendlela enegandelelo elirhunyeziweko yokuphumelelisa umnqopho.
- (2) Ngaphandle kwalokho okutjihiwo esigatjaneni (1) namkha kunanyana ngisiphi isiqalelelo somThethosisekelo, awukho umThetho ongarhunyeza nanyana ngiliphi ilungelo elibonelelwe ngaphakathi komTlolo wamaLungelo wobuNtu.

UmThetho Wobujamo Oburhabileko

37. (1) UmThetho wobujamo oburhabileko ungamenyezelwa kwaphela ngokuya komThetho wepalamende begodu kwaphela nangabe—
- ipilo yesitjhaba isengozini yokuthuselwa ngepi, ukusahllelwa, ukuvukela umbuso, irawurawu, umonakalo omkhulu ngenarheni namkha kunento erhabileko emphakathini; begodu
 - nesimemezelolo somThethweso siyatlhogeka ekubuyisweni kokuthula nokuthotjelwa komThetho.
- (2) Ukumenyezelwa komThetho wobujamo oburhabileko, begodu nomunye nomunye umThetho omenyezelweko, namkha elinye nelinye igadango elithethweko ngokulandela ukumenyezelwa komThetho lo, lingathoma ukusebenza kwaphela nangabe—
- lithoma ukusebenza ngelanga elimenyezelwe ngalo, begodu
 - kungadluli amalanga ama-21 ukusukela ngelanga elimenyezelwe ngalo, ngaphandle kwanyana isiBethamthetho seNarha sithatha isiqunto sokwengeza isimemezelweso ngesikhathi esingadluli eenyangeni ezintathu esikhathini esisodwa. Ukungezelela kwamathomo kokumenyezelwa komThetho wobujamo oburhabileko kumele kube ngendlela yesiqunto esamukelwe linengi lamalunga wesiBethamthetho seNarha. Esinye nesinye isiqunto esithethwe ngokuya kwendima le, kumele samukelwe kwaphela ngokusekelwa ngamavowudu amaphesenti ama-60 wamalunga wesiBethamthetho seNarha. Isiqunto ngokuya kwepharagrafu le singamukelwa kwaphela ngokulandela iinkulumopikiswano zomphakathi ezibanjwe ngaphakathi kwesiBethamthetho seNarha.
- (3) Enye nentye ikhotho enamandla ingaqinisekisa ngokuba semthethweni—
- kwesimemezelolo somThetho wobujamo oburhabileko;
 - kokhunye nokhunye ukwengezelelwa kwesikhathi somThetho wobujamo oburhabileko; namkha
 - komunye nomunye umThetho ophasisiweko namkha elinye igadango elithethweko, ngebanga lesimemezelolo somThetho wobujamo oburhabileko.
- (4) Omunye nomunye umThetho ophasiswe ngokulandela isimemezelolo somThetho wobujamo oburhabileko ungaphikisana nomTlolo wamaLungelo wobuNtu ukufikela kwaphela lapha—
- ukuphikisanokho nanyana kunjani kutlhogwa khona khulu bujamo oburhabileko; begodu

- (b) namuThetho loyo—
- (i) ngokukhambisana neembopho zeRiphabliki le ngaphasi komThetho weentjhabatjhaba osetjenziswa ngeenkhati zomThetho wobujamo oburhabileko;
 - (ii) ukukhambisana nesigatjana (5) begodu
 - (iii) ukhutjhwwe kuGazede kaRhulumende ngokurhabeka okungakghonakalako emva kokuphasiswa kwawo.
- (5) Awukho umThetho wePalamende ogunyaza isimemezelo somThetho wobujamo oburhabileko begodu awukho umThetho ophasisiweko namkha elinye igadango elithethweko ngokulandela isimemezeliweso, ongavumela namkha ugunyaze—
- (a) ukubhadelwa kombuso namkha omunye nomunye umuntu manqophana nesinye nesinye isenzo esingekho emthethweni;
 - (b) okhanye nokhanye okuphikisana okuvela esigabenesi; namkha
 - (c) okhanye nokhanye okuphikisana okuvela esigabeni esitjhiwo kukholomu 1 yeHlelo lamaLungelo angeze aQalelwa Phasi ukufikela ezingeni elimaqophana nesigaba esikukholomu 3 weHlelo.

Ihlelo Lamalungelo Angeze Aqalelwa Phasi

| 1 Inomboro yesigaba | 2 Isihloko sesigaba | 3 Izinga ilungelo elivikeleke ngalo |
|---------------------------|--------------------------------------|---|
| 9 | Ukulingana | Manqophana nokubandlulula okungakafaneli kwaphela ngemibandela ephathelene nobuhlanga, umbala, ubuzwe namkha imvelaphi, ubulili, ikolo, namkha ilimi. |
| 10 | IsiThunzi sobuNtu | Ngokupheleleko |
| 11 | Ipilo | Ngokupheleleko |
| 12 | ITjhaphuluko nokuVikeleka komuntu | Manqophana neengatjana (1).(d) kanye no-(e) kanye no- 2 (c) |

| 1 Inomboro yesigaba | 2 Isihloko sesigaba | 3 Izinga ilungelo elivikeleke ngalo |
|---------------------------|--|---|
| 13 | Ubugqila, ukukatelewa ukuhlonipha nokusebenza | Manqophana nobugqila nokukatelelwa ukuhlonipha nokuberega |
| 28 | Abantwana | Manqophana: <ul style="list-style-type: none"> – isigatjana (1) (d) begodu no-(e) – amalungelo asepharagrafini (i) begodu (ii) yesigatjana (1) (g); begodu – nesigatjana (1) (i) esimanqophana nabantwana beminyaka eli-15 nangaphasi. |
| 35 | Abantu abotjhiweko, abavalelweko begodu nabamangalelweko | Manqophana: <ul style="list-style-type: none"> – nesigatjana (1) (a) , (b) , (c) begodu no-2 (d) – amalungelo asemapharagrafini asuka ku-(a) ukufika ku-(o) wesigatjana (3) okutjhiya ngaphandle ipharagrafu (d) – isigatjana (4); begodu – nesigatjana (5) manqophana nokungamukeleki kobufakazi nangabe ukwamukelwa kwalobo bufakazi kuzakubangela bona ukugwetjwa komlandu kungabi ngokufaneleko. |

- (6) Lokha omunye nomunye umuntu avalelwa ngaphandle kokugwetjwa ngebanga lokudinywa amalungelo okusukela ekumenyazelweni komThetho wobujamo oburhabileko, imibandela elandelako kumele itjhejwe:
- (a) Ilunga lomndeni elimumuntu omdala namkha umngani womuntu obotjhiweko kumele lithintwe msinyana ngendlela okungakghonakala ngayo, laziswe ngokubotjhiwa komuntu loyo.
- (b) Isaziso kumele sikhangiswe eGazedeni kaRhulumente weNarha kungakapheli isikhathi esimalanga amahlanu umuntu lowo abotjhiwe, kuvezwe ibizo lomuntu loyo obotjhiweko, indawo avalelwe kiyo begodu kuhlathululwe namagadango arhabileko abotjhiwe ngaphasi kwawo.

- (c) Isibotjhwa, kumele sivunyelwe ukuzikhetela uDorhodere begodu asivakatjhele nanyana kungasiphi isikhathi esizwakalako.
 - (d) Isibotjhwa, kumele sivunyelwe ukuzikhetela umJameli womThetho begodu asivakatjhele nanyana kungasiphi isikhathi esizwakalako.
 - (e) Ikhotho, kumele ihlolise ukubotjhwa kwesibotjhwa msinyana ngendlela okungakhonakala ngayo, kungakadluli amalanga ali-10 kusukela ngelanga abotjhwa ngalo begodu, ikhotho kumele itjhaphulule isibotjhweso ngaphandle kwalokha nangabe kunethogakalo lokobana ukubotjhwa kwakhe kuragele phambili ngomnqopho wokubuyisa ukuthula nokuthotjelwa komThetho.
 - (f) Isibotjhwa esingakatjhatjhululwa ngokuya kwesibuyekezo sevalelo esingaphasi kwepharagrafu (e), namkha esingakatjhatjhululwa ngokuya kwesibuyekezo sevalelo esingaphasi kwepharagrafu le, singenza isibawo ekhotho bona kubuyekwezwe godu ivalelo laso kwesinye nesinye isikhathi emva kwamalanga ali-10 kudlulile ukubuyekwezwa kwevalelo laso, begodu nekhotho kumele itjhaphulule isibotjhwa ngaphandle kwalokha nangabe kunethogakalo lokobana ukubotjhwa kwakhe kuragele phambili ngomnqopho wokubuyisa ukuthula nokuthotjelwa komThetho.
 - (g) Isibotjhwa kumele sivunyelwe ukuvela mathupha ngaphambi kwananyana ngiyiphi ikhotho etjheje ukubotjhwa kwaso, nokobana ajanyelwe mJameli womThetho ekulalelweni komlandwakhe, begodu nokuvikelwa ekurageleni phambili kokuvalwa kwaso.
 - (h) Umbuso kumele wethule abonobangela abatlolwe phasi phambi kwekhotho ukuqinisekisa ukuragela phambili kokuvalwa kwesibotjhweso, begodu kumele unikele isibotjhweso ikhophi yabonobangela bokubotjhwa kwaso okungasenani amalanga amabili ngaphambi kobana ikhotho ibuyekeze ivalelo laso.
- (7) Nangabe ikhotho itjhaphulula isibotjhwa, umuntu loyo angeze abotjhwa godu ngaphasi kwabonobangela abafanako ngaphandle kwalokha umbuso ungathoma ngokukhombisa ngaphandle kokurhiniza ukuqakatheka kokubotjhwa komuntu lowo godu.
- (8) Iingathana (6) nese- (7) azisebenzi ebantwini abangasizo izakhamuzi zeSewula Afrika begodu abavalelwe ngemibandela yenturhu yeentjhabatjhaba yeenkhali. Kuhlekuhle, umbuso kumele ukhambisane namazinga lawo abopha iRiphabliki ngaphasi komThetho wobuntu weentjhabatjhaba, manqophana nokuvalwa kwabantu abafana nalabo.

Ukukatelelwa Kwamalungelo

38. Omunye nomunye umuntu orheliswe esigabenesi, unelungelo lokwenza isibawo ekhotho enegunya, atjho bona ilungelo elimunyethwe emTlolweni wamaLungelo wobuNtu liphuliwe namkha lithuselwe begodu ikhotho ingaphana ngerhelelho elifaneleko okufaka hlangana nokwenziwa kwesimemezelo samalungelo wobuntu. Abantu abangenza isibawo ekhotho ngilaba—
- omunye nomunye umuntu owenza ngokweenrhuluphelo zakhe;
 - omunye nomunye umuntu owenza isibawo esikhundleni somunye ongakghoniko ukuzenzela ngebizo lakhe;
 - omunye nomunye umuntu owenza lokho njengelunga, namkha oraga iinrhuluphelo zesiqhema sabantu namkha kungaba ziinrhuluphelo zabantu besiqhema esithileko;
 - omunye nomunye owenza isibawo ngeenrhuluphelo zomphakathi; begodu
 - nehlngano eyenza isibawo ngeenrhuluphelo zamalungayo.

Ukuhlathululwa KomTlolo WamaLungelo WobuNtu

39. (1) Lokha nakuhlathululwa umTlolo wamaLungelo wobuNtu enye nenyekhotho, ikundla namkha iforamu—
- kumele yenyuse izinga lamagugu asekelamphakathi ovulekileko newentando yenengi edzimelele phezu kwesithunzi sobuntu, ukulingana nekululeko;
 - kumele itjheje umthetho weentjhabatjhaba; begodu
 - ingatjheje nomthetho weenarha zangaphandle.
- (2) Lokha nayihlathulula omunye nomunye umThetho, begodu nalokha nayithuthukisa umThetho wesintu namkha enye nenyekhotho, ikundla namkha iforamu kumele yenyuse izinga lomoya, itjjsakalo neminqopho yomTlolo wamaLungelo wobuNtu.
- (3) UmTlolo wamaLungelo wobuNtu awuvimbeli ukubakhona kwamanye amalungelo namkha itjhaphuluko elamukelekileko nelenziwa ngokomThetho wesintu, namkha umThetho omenyazelweko, ukufikela ezingeni lapha akhambisana khona nomTlolo lowo.