



Leano la Tiro la Bosetšhaba (NAP) la go lwantsha Bomorafe,
Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya
Boitshokelano jo bo Amanang



REPUBLIC OF SOUTH AFRICA



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Ketapele ka Moporesidente wa Rephaboliki ya Aforikaborwa

Kgabaganyo ya kagiso e e buisanetsweng ya Aforikaborwa go tswa kwa tthaoleleng go ya kwa temokerasing kotara ya dingwaga di le lekgolo tse di fetileng e nnile thotloetso go lefatshe. E dirile gore MaAforikaborwa a bantsho le basweu ba boelane morago ga dingwaga di le lekgolo tsa kgotlhang go tlhama setšhaba se sešwa se se tshwaraganeng ka go ikaega mo meonong ya tekatekano le seriti.

Mo puong ya gagwe ya fa a ne a tlhongwa semmuso ka Motsheganong 1994, Moporesidente Mandela o bopela mongwe le mongwe wa rona ditshwantsho, jaaka ditlhare tsa jakaranta tsa Pretoria le ditlhare tsa mimosa tsa dikgwa, tse di mametleletsweng ka lerato mo mmung wa naga e ntle eno e bile o bua ka setšhaba sa motshe wa badimo se se leng mo kagisong le bosona le lefatshe.

Jaaka fa setšhaba sa rona se tla be se fetsa dingwaga di le 25 tsa kgololosego le temokerasi, re a gwetlhwaga, ka jalo, go amogela gore ponelopele eno e nyenyefatswa ke ditiragalo tse di ipoeletsang tsa bomorafe le kgethololo ya mmala.

Ga re esi, ka ntlha ya gore bomorafe le letlhoo la batswantle, jo gantsi bo iphitlhileng ka lerato la naga, di a etegela. Fela, go ya ka bogolo jo dikgwetlho tseno di diragalang mo setšhabeng sa rona, re rwala maikarabelo a go fedisa maitsholo a a leng kगतलललललल le lekwalo le mowa wa Pulamadibogo ya Molaotheo wa rona e e reng:

“Rona, batho ba Aforikaborwa,

Re itse ditshiamololo tsa rona tse di fetileng;

Re tlotla ba ba bogileng ka ntlha ya tshiamo le kgololosego mo lefatsheng la rona;

Re tlotla ba ba diretseng go aga le go tllabolola naga ya rona; e bile

Re dumela fa Aforikaborwa e le ya botlhe ba ba tshelang mo go yona, re le ngata e le nngwe ka go farologana.”

Bomorafe le kgethololo ya mmala di tswela go utlwagala mo setšhabeng sa rona mmogo le mefuta e mengwe ya kgobelelo, kgethololo ya bong, letlhoo la batswantle, letlhoo la baratani ba bong jo bo tshwanang, ditlalomolao tsa letlhoo le dipuo tsa letlhoo.

Nako e fitlhile ya gore re role dikeetane tsotlhe tsa kgobelelo le kgethololo gore re kgone go diragatsa tsholofetso ya go aga naga e e tshwaraganeng, e e seng ya bomorafe, e e sa kgethololeng bong e bile e le ya katlego e botlhe ba ba nngang mo go yona ba sa tshwanelwang fela ke tekatekano, mme ba itemogele tekatekano mo matshelong a bona a letsatsi le letsatsi.

Boineelo jwa Aforikaborwa jwa go fedisa kgethololo le go tlhoka boitshokelano ka mekgwa e e farologaneng bo ikaegile mo Kgoeletsong le mo Lenaneong la Tiro le le amogetsweng ke Khonferense ya Lefatshe kगतलललललल le Bomorafe ya Ditšhabakopano ya 2001, e e lopileng Mebuso go “tlhoma le go tsenya mo tirisong ntle le tshenyo ya nako dipholisi le maano a tiro go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang, go akaretsa le ditlhagiso tsa tsona tse di ikaegileng mo bong.”

Mo go arabeng kopo eno, Kabinete e amogetse ***Leano la Tiro la Bosetšhaba (NAP) la go lwantsha Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang.***

Leano le ikaegile mo mogopolong o o kopanetsweng ke MaAforikaborwa otlhe wa gore, ka ntlha ya fa ditshiamololo tsa kgethololo e e sa lolamang le botlhokatekatekano di dirilwe ke batho, re na le bokgoni jwa go fedisa ka gotlhe ditshiamololo tsotlhe tseno mo nageng ya rona.

Leano le tthamilwe go latela kgato ya ditherisano tse di akaretsang e e tsenyeletsang puso, Ditheo tsa Kgaolo ya Borobongwe le baagi, e bile le ikaegile mo meonong ya kakaretso ya boakaretsi, boikaegi le botlhokakarogano ya ditshwanelo tsa botho, botsayakarolo le kakaretso, temogo e e tswelelang, botsayamaikarabelo, tekatekano le botlhokakgethololo.

Leano le bofelela maphata otlhe a setšhaba sa rona mo tsweletsong le tshireletsong ya ditshwanelo tsa botho, le mo go godiseng temoso ya merero ya kemokgatlanong ya bomorafe, tekatekano le kemokgatlanong ya kgethololo. Le lopa gore go nne le tirisano mmogo magareng ga mafapha a puso le Ditheo tsa Kgaolo ya Borobongwe mo go tsenyeng mo tirisong thuto ya kemokgatlanong ya bomorafe le kemokgatlanong ya kgethololo.

Dikgato tse dingwe di akaretsa go kgobokanngwa ga tshedimosetso e e mabapi le bomorafe le kgethololo gore re kgone go lwantsha mathata ano le go tokafatsa ditseraganyo tse di jaaka go sekiswa ga batlolamolao le tshegetso ya maikutloloago a batswasetlhabelo.

Leano la Tiro la Bosetšhaba le laela gape gore go tlhagiswe melao e e tlhokang go tlhabololwa kgotsa go amogelwa ka mogopolo wa go tokafatsa tshireletso ya batswasetlhabelo, go agwa ga setšhaba se se lekanang, le go tiisa kobamelo ya molao le temokerasi.

Leano leno le lopa MaAforikaborwa otlhe gore a ineele mo ditshiamong le mo maitsholong a a farologanang le a maloba a a neng a re utlwise botlhoko le go re senya mme ba tshegetse maitsholo a a tla re lebisang kwa tseleng ya ntšhafatso le kgolo.

Seno ke matsapa a a tshwanetseng go jwalwa mo pelong nngwe le nngwe le mo legaeng lengwe le lengwe, go tswa kwa ditshiamo tsa rona di tshwanetseng go bonagala mo diphaposiborutelong, ditirong, meleng ya mabenkele, diresetšhuranteng le mo mapatlelong a metshameko a rona.

A re direng dingwaga tse 25 tse di latelang tsa kgololosego ya rona paka e ruri re tla gololosegang mo dikaroganong, kgethololong le mo go tlhokeng boitshokelano ga maloba.

PULAMADIBOGO

Khonferense ya Lefatshe kgatlhanong le Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang, jaaka e tlhagisitswe mo Tlhomamisong ya Durban le mo Lenaneong la Tiro (2001) e bega gore:

“Re amogela gore bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang di diragala ka ntlha ya lotso, mmala kgotsa tlholego ya semorafe le gore batswasetlhabelo ba nna ka fa tlase ga mefuta e le mentsi kgotsa e e masisi ya kgethololo go ikaegilwe mo mabakeng a mangwe a a tsamaelanang jaaka bong, puo, bodumedi, polotiki kgotsa mogopolo o mongwe, tlholego ya loago, thoto, tsalo kgotsa seemo se sengwe.”

Kgoeletso le Lenaneo la Tiro le le amogetsweng ke Khonferense ya Lefatshe kgatlhanong le Bomorafe ya Ditšhabakopano e lopa “Mebuso go tlhoma le go tsenya mo tirisong ntle le tshenyoo ya nako dipholisi tsa bosetšhaba le maano a tiro go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang, go akaretsa le ditlhagiso tsa tsona tse di ikaegileng mo bong.”

Ka ntlha ya hisetori ya bokoloni ya Aforikaborwa le tlhaolele, kgoeletso ya Khonferense ya Durban e maleba tota. Ka 1994, naga e ne ya tlhagelela go tswa mo dingwagakgolong tse tharo le halofo tsa kgatelelo ya mmala, e e neng e dirwa kgapetsakgapetsa ke bonnye jwa basweu, dipuso tsa bokoloni le tlhaolele. Ka nako ya paka e telele eno, bontsi jwa MaAforika le bonnye jwa bao e seng basweu ba ne ba tsewa jaaka baremi ba dikgong le bagi ba metsi. Ba ne ba kgethololwa sepolotiki, ba amogwa ikonomi le setso sa bona sa gatelelwa.

Mabadi a bokoloni le tlhaolele a santse a bonagala mo difatlhegong tsotlhe tsa MaAforikaborwa gompieno. Bohumanegi le tlhokego ya kgolo di ikaegile mo mmaleng – ka go ama bobee bantsho – fa bong jwa khumo le botshelo jo bo botoka di sala go nna segolo mo tsholong ya basweu.

Bokoloniale le tlhaolele di ne tsa etegetsa ditiragatso tse di neng di le teng tsa setso tse di neng di tseela kwa tlase seriti le boitekanelo jwa basadi mo setšhabeng. Ditiragatso tsa senna tse di leng karolo ya merafe ya setso ya Seaforika di ne di dirisetswa sepolotiki go fitlhelela dikgatlhego tsa dipuso tsa bonnye. Ke nnete e e senang bana ba phefo gore, fa go bapiswa le banna, basadi ka kakaretso ba mo maemong a a bokoa mo setšhabeng.

Dingwaga di le dintsi tsa pholisi ya bomorafe le tlhaolo ya tlhaolele di jwetse peo ya letlhoo la batswantle, segolobogolo mo MaAforikeng, ka go dirolola dingwagakgolo tsa bokaulengwe mo MaAforikeng mo Aforikaborwa le bao ba tswang kwa dikarolong dingwe tsa kontinente. Ke ka moo MaAforika ba nnileng batswasetlhabelo ba ba feteletseng ba letlhoo la batswantle mo Aforikaborweng wa segompieno. Leano leno la Tiro la Bosetšhaba ke tsibogelo ya kgoeletso e e dirilweng ke Khonferense ya Durban e bile maitlhomomagolo a yona ke go dira jaaka lokwalokaello mo go tshegetseng matsapa a bosetšhaba a go fedisa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

NAP ga se ya lefapha fela – ke ya naga. Jaaka Ditaello tsa UN¹ di kaya, leano la tiro la bosetšhaba kgatlhanong le kgethololo ya mmala ke mokgwa o o nonofileng wa go fitlhelela maitlhomoo a bosetšhaba. Ka jalo, le tshwanetse go tsewa jaaka tsholofetso ya nnete ya bosetšhaba, e e

¹ Developing National Action Plans against Racial Discrimination, A Practical Guide, UNHR, 2014, tsebe 10

akaretsang dipopi tsotlhe tsa puso le setšhaba. Puso e tsaya karolo ya botlhokwa mo go simololeng, mo go tlhomeng le mo go tsenyeng tirisong leano la tiro la bosetšhaba kgatlhanong le kgethololo ya mmala. Ka yona nako eo, go dira pharologano ya nnete, leano le tshwanetse go “tsholwa” ke baagi botlhe. Mo go batleng go fitlhelela maikaelelo a tsona, Dipuso di tshwanetse go tlhoma dimphato tse di nang le bokao magareng ga bannaleseabe botlhe.

Bolekanyetso jwa NAP ke jwa bosetšhaba e bile bo diragatswa mo makaleng le mo maphateng otlhe a puso, go akaretsa le khuduthamaga, palamente le boatlhodi mo maemong otlhe.

NAP e tlamilwe ka kgato ya ditherisano e e akaretsang e e amang puso, ditheo tsa Kgaolo ya Borobongwe le baagi e bile e tlhotlheletswa ke meonokakaretso ya boakaretsi, boikaegi le botlhokakarogano jwa ditshwanelo tsa botho, botsayakarolo le kakaretso, temogo e e tswelelang, botsayamaikarabelo, tekatekano le botlhokakgethololo.

- *Boakaretsi: NAP e tshwanetse go amogela gore ditlwaello tsa botlhokwa tsa ditshwanelo tsa botho di bona tshireletso ya boakaretsi ka molao wa boditšhabatšhaba wa tlwaello go ralala meelwane yotlhe le ditlhabologo. E tshwanetse go tsamaelana le tiro ya Puso ya go tlotla, go sireletsa, go tswellets a le go fitlhelela ditshwanelo tsa botho le dikgololosego tsa botlhokwa, go sa kgathalesege thulaganyo ya yona ya sepolotiki, seikonomi le setso..*
- *Boikaegi le botlhokakarogano: NAP e tshwanetse go tsaya tsia ka tekano ditlhopho tsotlhe tsa ditshwanelo, go akaretsa le ditshwanelo tsa selegae le tsa sepolotiki, gape le ditshwanelo tsa seikonomi, loago le setso, go etswe tlhoko gore kganelo ya tshwanelo e le esi ka dinako tsotlhe e ama natefelelo ya tse dingwe.*
- *Botsayakarolo le kakaretso: NAP e tshwanetse go tshepisa botsayakarolo jo bo feletseng, jwa nonofo le tekatekano. E tshwanetse go tshepisa botsayakarolo jo bo feletseng, jwa nonofo le tekatekano. E tshwanetse go maatlafatsa batho ka esi le ditlhopho tse di neng di kgotsa tse di itemogelang kgethololo ya mmala go tlhagisa ditlhokego tsa bona tsa ditshwanelo tsa botho le go netefatsa gore di a fitlhelwa.*
- *Temogo e e tswelelang: NAP e tshwanetse go tlhama diphosi tse di tsepamisitsweng, tse di tsamaelanang le molao e bile di lekane go sireletsa ditshwanelo tsa batho ka esi le ditlhopho tse di itemogelang kgethololo e nngwe.*
- *Botsayamaikarabelo: Gore e nonofe, NAP e tlhoka go tlhongwa ga thulaganyo ya botsayamaikarabelo e e ikaegileng mo maitlhomong a a tsepameng a a fitlhelegang. E tshwanetse go tlhoma ditsela tsa go rwesa ditheo tse di leng mo tirong maikarabelo go ditlhopho le batho ka esi ba di ikaelelang go tswellets a le go sireletsa ditshwanelo tsa bona.*
- *Tekatekano le botlhokakgethololo: Moono wa botlhokakgethololo ke sekhutlontswe sa molao wa ditshwanelo tsa botho le moonoo o o akareditsweng mo dikgolaganong tsotlhe tsa ditshwanelo tsa botho. NAP e tshwanetse go kaelwa ke moonoo wa natefelelo ya ditshwanelo tsa botho ka go lekana jaaka karolo ya botlhokwa ya thibelo ya kgethololo ya mmala. E tshwanetse go leka go netefatsa gore ditshwanelo tsa botho di dirwa go ikaegilwe mo tekatekanong ya phitlhelelo, tšhono le ditlamorago, mo dintlheng le mo molaong, mabapi le batho botlhe. E tshwanetse go baya kwa pele batho ba ba sa sireletsegang mabapi le kgethololo. Botlhokakgethololo le tekatekano di a tlhokega mabapi le tiragatso le natefelelo ya ditshwanelo tsa botho. Tshwanelo ya tekatekano le botlhokakgethololo e tlhoka gore*

Puso e netefatse botlhokakgethololo mo go diragatseng tshwanelo nngwe le nngwe ya botho.

- *Kgokagano ya ditheo tsa kgatelelo.*

NAP e ikaegile mo tumelong ya botlhe ya MaAforikaborwa ya gore, ka ntlha ya fa masula otlhe a kgethololo e e sa lolamang le botlhokatekatekano a dirilwe ke batho, a ka busetswa morago le go fediswa gotlhelele mo nageng ya rona.

DITLHALOSO

Ntlhatlhaloso: *Khonferense ya Lefatshe kgatlhanong le Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang, e e neng e tshwaretswe kwa Durban go simolola ka di 31 Phatwe go fitlha ka di 8 Lwetse 2001, e amogela Kopano ya Boditšhabatšhaba ya Phediso ya Mefuta Yotlhe ya Kgethololo ya Mmala ("ICERD") jaaka sediriso sa botlhokwa sa boditšhabatšhaba go fedisa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.*

NAP ka jalo e dirisa ditlhaloso jaaka di fitlhelwa mo ICERD le, fa go tlhokega, dikgolagano dingwe tsa boditšhabatšhaba. Fa melao ya rona ya selegae kgotsa Kgotlatshekelo ya Molaotheo e tlhabolotseng ditlhaloso tse di rileng, seno se tlhagisitswe ka nepagalo.

Kgethololo: E kaya tiro kgotsa tlolo, go akaretsa pholisi, molao, molawana, tiragatso, lebaka kgotsa maemo a ka tlhamalalo kgotsa e seng ka tlhamalalo a a--

(a) pateletsang mokgweleo, maitlamo kgotsa makoa mo; kgotsa

(b) tshwarelelang ditshiamelo, ditšhono kgotsa melemo ya,

motho mongwe le mongwe ka ntlha ya lebaka kgotsa mabaka mangwe le mangwe a a sa letlelelwang.²

Kgethololo e e ikaegileng mo bong: E kaya pharologanyo, kgethololo, kgotsa kganelo nngwe le nngwe e e dirwang ka ntlha ya bong e e nang le ditlamorago kgotsa maitlamo a go senya kgotsa go fedisa kamogelo, natefelelo kgotsa tiragatso ka basadi, go sa kgathalesege kemo ya bona ya lenyalo, go ikaegilwe mo tekatekanong ya banna le basadi, ya ditshwanelo tsa botho le dikgololosego tsa motheo mo lefolong la sepolotiki, ikonomi, loago, setso, selegae le mofuta ofe.³

Bosenyi jwa Letlhoo: Bosenyi jwa letlhoo ke tlolomolao e e tsewang tsia ka fa tlase ga molao mongwe le mongwe, go dirwa ga jona ke motho go rotloeditswe ke kgobelelo kgotsa go tlhoka boitshokelano ga motho yoo kgatlhanong le motswasetlhabelo wa bosenyi jo bo umakwang ka ntlha ya nngwe ya dipharologantsho tse di latelang kgotsa tseo di tsewang jaaka dipharologantsho tsa motswasetlhabelo kgotsa losika la gagwe kgotsa kamano ya motswasetlhabelo le kgotsa tshegetso ya gagwe ya, setlhopho sa batho ba ba nang le dipharologantsho tse di tshwanang tse di latelang:

(a) Dingwaga;

(b) boswafe;

(c) tsalo;

² Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Molao 4 wa 2000)

³ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- (d) mmala;
- (e) setso;
- (f) bogole;
- (g) lotso kgotsa tlhago;
- (h) bong kgotsa itshupobong;
- (i) kemo ya HIV;
- (j) puo;
- (k) bosetšhaba, kemo ya khudugo kgotsa bofaladi;
- (l) tiro kgotsa kgwebo;
- (m) kgolagano kgotsa kemo ya sepolotiki;
- (n) lotso;
- (o) tumelo;
- (p) bong, jo bo akaretsang bongmagareng; kgotsa
- (q) tshekamelobong.⁴

Puo ya Letlhoo: Go phasalatsa ka bomo, go aka, go bulela kgotsa go bua le motho kgotsa batho ka mokgwa o o ka tsewang gore o bontsha maikaelelo a go—

- (i) utlwise botlhoko kgotsa go tlhotlheletsa go utlwise botlhoko; kgotsa
- (ii) tlhotlheletsa kgotsa go jwala letlhoo,

ka go ikaega mo go e le esi kgotsa go feta ya mabaka a a latelang:

- (aa) dingwaga;
- (bb) boswafe;
- (cc) tsalo;
- (dd) mmala;
- (ee) setso;
- (ff) bogole;
- (gg) lotso kgotsa tlhago;
- (hh) bong kgotsa itshupobong;
- (ii) kemo ya HIV;

⁴ The Prevention and Combating of Hate Crimes and Hate Speech Bill, 2018

- (jj) puo;
- (kk) bosetšhaba, kemo ya khudugo kgotsa bofaladi;
- (ll) lotso;
- (mm) bodumedi;
- (nn) bong, jo bo akaretsang bongmagareng; kgotsa
- (oo) tshekamelobong.⁵

Kgethololo e e sa tlhamalalang: Melao, dipholisi kgotsa maitsholo a a ka lebegang a sa tseye letlhakore le go tlhoka kgethololo a ka se kaye gore go tla nna le ditlamorago tsa kgethololo.⁶

Mabaka a a tlhagisitsweng: A kaya mabaka ao a tlhagisitsweng mo karolong 9 ya Molaotheo.

Mabaka a a kganetsweng ke--

(a) lotso, bong, boimana, kemo ya lenyalo, lotso kgotsa tlhago, mmala, tshekamelobong, dingwaga, bogole, bodumedi, letswalo, tumelo, setso, puo le tsalo; kgotsa

(b) lebaka lengwe le lengwe le lengwe le kgethololo e ikaegileng mo lebakeng leo le le--

(i) dirang kgotsa tlhotlheletsang kgatelelo e e rulagantsweng;

(ii) tseelang kwa tlase seriti sa botho; kgotsa

(iii) amang bobefelo e e lekanang ya ditshwanelo tsa motho le dikgololosego ka mokgwa o o ka tshwantshwanngwang le kgethololo ka ntlha ya lebaka le le mo temaneng (a).⁷

Kgethololo ya Mmala: Pharologanyo, kgethololo, kganelo kgotsa thato nngwe le nngwe e e ikaegileng mo lotsong, mmaleng, kgotsa bosetšhabeng kgotsa tlholegong e e nang le maitlhomong kgotsa ditlamorago tsa go senya kgotsa go fedisa kamogelo, natefelo kgotsa tiragatso, ka go lekana, ya ditshwanelo tsa botho le dikgololosego tsa botlhokwa mo ntlheng ya sepolotiki, ikonomi, loago, setso kgotsa nngwe le nngwe ya botshelo jwa setšhaba.⁸

⁵ The Prevention and Combating of Hate Crimes and Hate Speech Bill, 2018

⁶ City Council of Pretoria v Walker 1998 (2) SA 363

⁷ Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Molao 4 wa 2000)

⁸ CERD, athikele 1

Bomorafe: Bo kaya kgobelelo, kgethololo, kgotsa totlhanyo e e lebisitsweng kgatlhanong le motho wa lotso le le farologaneng ka go ikaega mo tumelong ya gore lotso la gago le gaisa la yo mongwe.⁹

Letlhoo la batswantle: Le kaya maitsholomabe a go tlhoka botsalano kgatlhanong le bao e seng baagi ba naga e e umakwang.¹⁰

⁹ Oxford Living Dictionary

¹⁰ UNESCO <http://www.unesco.org/new/en/social-and-human-sciences/themes/internationalmigration/glossary/xenophobia/>

DIAKERONIMI

CA	Kokoano ya Semolaotheo
CEDAW	Kokoano ka ga Phediso ya Mefuta yotlhe ya Kgethololo kgatlhanong le Basadi
CODESA	Tumalano mabapi le Aforikaborwa wa Temokerasi
CRPD	Kokoano ka ga Ditshwanelo tsa Batho ba ba Golofetseng
DAC	Lefapha la Botshweretsi le Setso
DDPA	Tlhomamiso le Lenaneo la Tiro la Durban
DOJCD	Lefapha la Bosiamisi le Tlhabololo ya Molaotheo
DPME	Lefapha la Thulaganyo, Tlhokomelo le Tshekatsheko
EAP	Baagi ba ba Matlhagatlhaga mo Ikonoming
GBV	Tirisodikgoka e e ikaegileng mo bong
ICERD	Kokoano ya Boditšhabatšhaba e e ka ga Phediso ya Mefuta Yotlhe ya Kgethololo ya Mmala
LGBTI	Basadi ba kamano e e tshwanang, Banna ba kamano e e tshwanang, Batho ba kamano sebedi, Batho ba ba iphetotseng bong le Batho ba ba tshotsweng ba na le dikarolo tsa bong tse di sa tsamaelaneng le bong jwa bona
NAP	Leano la Tiro la Bosetšhaba
NDP	Leano la Tlhabololo la Bosetšhaba
PEPUDA	<i>Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Molao 4 wa 2000)</i>
SAHRC	Khomišene ya Ditshwanelo tsa Botho ya Aforikaborwa
SARB	Dipatlisiso tsa Barometara tsa Poelano tsa Aforikaborwa
SEJA	Bosiamisi jwa Botlhe jwa Ikonomiloago
TRC	Khomišene ya Nnete le Poelano
WCAR	Khonferense ya Lefatshe kgatlhanong le Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano e e Amanang
WPRPD	Pampiritshweu ka ga Ditshwanelo tsa Batho ba ba Golofetseng

“Ga go motho ope yo o tshotsweng a tlhoile yo mongwe ka ntlha ya mmala wa letlalo la gagwe, kgotsa lemorago la gagwe, kgotsa tumelo ya gagwe. Batho ba ithuta go tlhoa, ka jalo fa ba ka ithuta go tlhoa, ba ka rutwa go rata, ka ntlha ya fa lorato le itiragalela ka tiholego mo pelong ya motho go na le lelatodi la lona.”

Nelson Mandela

KGAOLO 1: MATSENO LE MAITLHOMO A NAP

1. Aforikaborwa e ne e laleditswe ke Ditšhabakopano go tsenela Khonferense ya Lefatshe ya Boraro kgaatlhanong le Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano e e Amanang (“WCAR”), e e neng e tshwerwe ka 2001. Taletso e ne e atolositse go amogela kgaratlho e MaAforikaborwa a neng a samagane le yona kgaatlhanong le thulaganyo ya tlhaolele le kgabaganyetso ya naga go temokerasi, e e theilweng mo meonong ya molaotheo. WCAR e ne e tsenetswe ke baemedi ba dinaga di le 160. Khonferense e amogetse Tlhomamiso le Lenaneo la Tiro la Durban le le dirileng hisitori (“DDPA”) le le lopang “mebuso go tlhoma le go tsenya mo tirisong ntle le tshenyo ya nako dipholisi tsa bosetšhaba le maano a tiro go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang, go akaretsa le ditlamorago tsa tsona tse di ikaegileng mo bong.”¹¹
2. Tlhomamiso ya Durban e amogela gore -
 - kgethololo ya mmala e teng mo baaging botlhe;
 - ga go naga epe e e sa angweng ke bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang, e bile
 - dinaga tsotlhe di lebagane ke dikgwetlho tsa go fedisa kgethololo ya mmala.

Tlhomamiso ya Durban e tlhagisa ntlha ya gore go samagana le dintlha tseno ka katlego go tlhokega Dipuso le batho botlhe gore ba dirisane mmogo go fetola maikutlo, go tiisa temoso ka ga tlhobaboroko ya bomorafe le kgethololo ya mmala, le go tlhoma le go maatlafatsa mekgatlho e e tsepameng go e lwantsha.
3. Leano la Tiro la Bosetšhaba (“NAP”) le tlamela ka motheo mabapi le tlamamo ya pholisi ya setšhaba e e akaretsang e e kgaatlhanong le kgethololo ya mmala le go thusa Dipuso go diragatsa ditlamago tsa tsona tsa ditshwanelo tsa botho tsa boditšhabatšhaba tse di amanang le phediso ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Le tlamela mabapi le ditlamorago tse di tsepameng e bile gape ke kgato go tlisa bannaleseabe mmogo go sekaseka kgwetlho ya go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.¹²

¹¹ Temana 66 ya DDPA

¹² Jaaka go tlhokega go ya ka DDPA, temana 66

4. NAP ga e e ikaelele ka gope go nna mo boemong jwa melao e e leng teng le dipholisi, mme e **tlaleletsa** melao e e leng teng, dipholisi le mananeo. NAP e tla tlamela ka mekgwa ya go rekota le go tlhokomela ditiragalo tse di diragalang tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang go akaretsa le go tlhoma setlhopha sa tsibogelo ya ponyo ya leitlho, se se ikarabelang ka tlamalalo kwa pusong le kwa setšhabeng ka bophara, se se dirang jaaka barometara e e lekanyetsang bogolo jwa ditiragalo, mabaka a a letlang go tswela pele ga tsona le tlamelo ya didiriswa tsa go samagana le tsona.
5. Go feta moo, NAP e ikaelela go thusa Aforikaborwa go fitlhelela ditumalano tsa yona tsa boditšhabatšhaba le ditlamego tsa kgaolo e leng, Kokoano ya Boditšhabatšhaba e e ka ga Phediso ya Mefuta Yotlhe ya Kgethololo ya Mmala (ICERD), gape le maitlamo a yona a a tswang mo Khonferenseng ya Lefatshe ya Boraro ya Ditšhabakopano e e kgatlhanong le Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang.

Kgatelelo e e kgethegileng mo ditlhopheng tse di botlhokwa

6. Tshwanelo ya ditlhopha tse di sa sireletsegang le go ikgatholoswa ya go nna mo loagong la botlhokabomorafe, botlhokakgethololo ya bong le botlhokakgethololo e e ikaegileng mo lotsong, mmaleng, bong, tshekamelobong le itshupobong le boitlhagiso, lotso, tlhologo ya semorafe e a gwetlwa ka gale. Ke karolo ya setlhopha se se botlhokwa sa NAP ka ntlha ya maikaelelo a semolaotheo a tekatekano le botlhokakgethololo le tlhokego ya tshireletso kgatlhanong le bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.
7. DDPA e tlhagisitse ditlhopha tse di botlhokwa tse di latelang:¹³ Batho ba tlhologo; MaAforika le batho ba lotso la Aforika; MaAsia le batho ba lotso la Asia; Bafudugi; Bafaladi le batshabi; Batswasetlhabelo ba kgwebo ka batho; Phuduso ya ka fa gare ya batho; ditlhopha tsa MaRoma/MaGypsy/MaSinti/Batsamai; ditlhopha tsa Majuta; MaMoseleme le MaArab; ditlhotswana tsa bosetšhaba le semorafe, bodumedi le dipuo.
8. NAP e baya gape kwa setlhoeng ditlhopha tsa batho ka esi ba, ntle le go nna batswasetlhabelo ba kgethololo ya mmala, ba lebaganeng le mefuta e e farologaneng ya kgethololo, jaaka:
 - Batlhoki kwa magaeng le kwa toropong;
 - Badiri ba kwa dipolaseng le baipei kwa dipolaseng;
 - Batho ba ba humanegileng thata;
 - Basadi le basetsana;
 - Bana le bašwa;

¹³ "Developing National Action Plans against Racial Discrimination, a practical guide", UNHR, Office of the High Commissioner (2014) tsebe 81

- Batho ba ba sa tseweng jaaka ba naga epe;
 - Badiri ba kwa magaeng;
 - Batho ba ba tshelang ka HIV/AIDS;
 - Batho ba ba golofetseng;
 - Bagodi;
 - Batho ba ba timilweng kgololosego ya bona;
 - Basadi ba kamano e e tshwanang, banna ba kamano e e tshwanang, batho ba kamano sebedi, batho ba ba iphetotseng bong le batho ba ba tshotsweng ba na le dikarolo tsa bong tse di sa tsamaelaneng le bong jwa bona, le
 - Batho ba ba amilweng ke kgotlhang ya sepolotiki ka tiriso ya sesole kgotsa matlhotlhapelo a tlohego.
9. NAP e diriswa mo bathong botlhe mo lefelotaolong la bosetšhaba bao e leng batshodi ba ditshwanelo tsa tekatekano le botlhokakgethololo. Badiragatsi ba Puso le bao e seng ba puso ka bobedi ba rwala maikarabelo a go diragatsa ditlamego tse di tlhagelelang ka ntlha ya tshwanelo ya tekatekano le botlhokakgethololo. Gore NAP e samagane le tumelo ya gore ditshwanelo tsa botho ke tsa boakaretsi, botlhokakarogano, boamani, boikaegi le go thatafatsana go netefatsa natefelo e e lekanang ya ditshwanelo tsotlhe tsa botho, e tshwanetse go akaretsa ditshwanelo tsa baagi, setso, ikonomi, sepolotiki le loago. NAP gape e tsaya tsia gore tshwanelo ya tekatekano le botlhokakgethololo ke ditshwanelo mo le tsa botsona e bile e ka gatakwa ntle le go amanngwa le itlhokomoloso ya ditshwanelo tse dingwe – sengwe se se gateletsweng mo Molaotheong wa rona.
10. Dipuso di tshwanetse go tsweletsa le go sireletsa ditshwanelo tsa botho le go thibela kgatako ya ditshwanelo tseo. Dipuso di patelesaga go tlogela go kgoreletsa natefelo ya ditshwanelo tsa batswasetlhabelo ba kgethololo ya mmala. Dipuso di patelesaga gape go thibela kgatako ya ditshwanelo tsa batswasetlhabelo ba bomorafe le kgethololo ya mmala ka badiragatsi ba Puso le badiragatsi bao e seng ba puso. Dipuso di tlhoka go amogela mekgwa ya go tlosa dikgoreletsi dingwe le dingwe tse di ka kgoreletsang natefelo ya tshwanelo ya botlhokakgethololo jo bo ikaegileng mo lotsong, mmaleng, tlhagong, kgotsa semorafeng. Seno se akaretsa tiro ya go thibela kgethololo mo lekaleng la poraefete.
11. Tlhamo le tlhomo ya NAP ke karolo ya letlhomiso la setegeniki la dipholisi, mananeo, maano le mekgwa ya Dipuso ya go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang e bile ke karolo ya kobamelo ya boitlamo jwa puso jwa go sireletsa batho botlhe ka esi le ditlhopha kgatlanong le bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

Tsepamokgolo ya NAP

12. **Tsepamokgolo** ya NAP ke go samagana le ntlha ya bomorafe mo nageng ya rona. Mo godimo ga mekgwa e e leng teng, NAP e ikaelela go lwantsha letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang le go samagana le tse di latelang:
- Tsweletso ya seriti sa botho ka tsweletso le tshireletso ya ditshwanelo tsa botho;

- Kgodiso ya temoso ya merero ya kemokgatlanong bomorafe, tekatekano le kemokgatlanong kgethololo mo badiredipusong, baaging le setšhabeng ka kakaretso, go ngoka tshegetso go tswa mo bathong ba ba farologaneng le go sekaseka tlhokego ya go thibela, go lwantsha le go samagana le bomorafe;
- Kgothaletsa go kokoanngwa ga tshedimosetso mabapi le bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang le go letla tshekatsheko e e akaretsang ya ditlhokego tsa bona go e lwantsha ka nonofo;
- Go netefatsa gore matshwenyego a batho ka esi le ditlhopha tse di itemogelang bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang a sekasekwa ka nonofo;
- Go oketsa nonofo le boleng jwa ditsela tse di kgatlanong le bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang go akaretsa le ditlamelo tsa ditšhelete le tsa setho;
- Dira boitlamo jwa go fedisa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang ka mananeo a a maleba a a ikaelelang go fitlhelela maikaelelo a a fitlhelegang;
- Maatlafatsa mananeo a batho ka esi le ditlhopha tse di itemogelang bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang mo thutong, boitekanelong, tirong, matlong, tshireletsong ya dijo, ditireloloagong le phitlhelelo ya bosiamisi e e akaretsang fa go tlhokega ka ditsela tsa tharabololo tse di nepagetseng;
- Go nolofatsa tlhagiso ya melao e e tlhokang go tlabololwa le kgotsa go amogelwa ka kgopolo ya go tokafatsa tshireletso ya batswasetlhabelo, le
- Go aga setšhaba se se lekanang le go maatlafatsa kobamelo ya molao le temokerasi.

KGAOLO 2: HISETORI YA DITIRAGALO TSA PELE

13. Setšhaba sa Aforikaborwa ke sesupo sa bokopanelo jwa hisetori, boitshupo le setso, tse di emelang tlhago, phatlhalatso le tsenyogape ya botho mo dingwaketekgolong, tse di aparetsweng ke dikgotlhang tsa tirisodikgoka, tseelo ya dithoto le kagatelelo ya sepolotiki. Go na le gore ba nne karolo ya go aga mo godimo ga metheo ya mefutafuta ya batho ba ba neng ba nna mo dikarolong tsa borwabogolo jwa Aforika, bathibeleli go tswa kwa Yuropa ba dirile ka natla go aga serala sa go lwa dintwa tse di maswe magareng ga bona ka go batla go fenywa, go fekeetsa ka thoto le go gatelela sepolotiki bontsi jwa batho ba tlohego ba lefelo. Morago ga go fetlha dintwa tse di farologaneng, go fenngwa ga MaAforika ka 1906, mo ntweng ya Bambatha Rebellion, e nnile sesupo sa maiteko a bofelo ka batho ba tlohego go ema kgatlanong le kagatelelo ya bokoloniale ka thulaganyo.
14. Bokoloniale bo lerile kagatelelo ya baagi ba Aforika, MaKhoi le MaSan, ba e neng e le batswasetlhabelo ba matsholo a polao ka mogoso, mmogo le merafe ya Malay le MaIndia bao ba neng ba diriswa go aga metheo ya ikonomi ya kagatelelo ya bonnye jwa basweu. Motheo wa madirelo o o gatetseng pele wa maatla a bokoloniale, o o dirileng gore kagatelelo e kgonege, o itsisitse mo lefatsheng le mo tikologong ya Aforikaborwa tiriso ya mekgwa e e

gatetseng pele ya tlhagiso ya ikonomi le kgwebo e e ikaegileng mo tiragatsong ya tlholego le bokgoba go tswa kwa Asia. Mathata ano a maloba ke ona a tswelatang go tlhalosa mosaike wa setsoloago wa Aforikaborwa wa gajaana.

15. Ka fa tlase ga bokoloniale le tlhaolele, batho bantsho¹⁴ ba ne ba gateletswe, ba tseetswe lefashe la bona le mekgwa e mengwe ya bona ya go tshela le go tseelwa ditshwanelo tsa bona tsa botho ka thulaganyetso go akaretsa tshwanelo ya go bouta le kgololosego ya motsamao le kamano. Kgethololo ya mmala e lerile go kgethololwa sepolotiki ga batho bantsho, mme seo se ne sa dira gore ba se maatlafatswe mabapi le ikonomi e bile bontsi jwa bona bo ne ba kgethololwa mo pusong ya boemedi le mabapi le ditshwanelo di le dintsi le ditshiamelo tse di neng di natefelelwa ke banni ba basweu mo nageng. Melao e e ikaegileng mo lotsong e neng ya fetiswa ka dingwaga tsa 1920 le 1930 e ne ya godisetsa kgethololo ya mmala pele. Kamogelo ya tlhaolele ka 1948 e ne ya tsewa jaaka sebopego sa 'tlhabololo e e kwa thoko' ya ditso, fela nnete ke gore e diretswe go somarela tlotla ya basweu. Tlhaolele e amile karolo nngwe le nngwe ya botshelo jwa motho – kwa ba neng ba letleletswe go nna, ba ne ba tshwanetse go nyalana le bomang, ba ne ba tshwanetse go amana le bomang, ditirelo dife tsa puso, fa di le teng, tse ba ka di fitlhelelang. Re setšhaba sa dipuo dintsi, fela ka fa tlase ga tlhaolele kgatelelo ya Dipuo tsa SeAforika e ne e golaganngwa ntle le go okaoka le kgatelelo ya bomorafe.
16. Kgethololo ya mmala e ne ya dira gore go nne le ditshupetso le dipolotiki tsa kemokgatlanong mo Aforikaborwa mo bokhutlong jwa dingwaga tsa 1940 mme ka tsenelelo e kgolo, morago ga 1976. Bontsi jo bo neng bo gateletswe mo Aforikaborwa bo ne ba ithulaganya go nna kemokgatlanong e e tswelatang, go akaretsa le mekgatlho ya dipolotiki, mekgatlho ya badiri, bothati jwa setso le mekgatlho e e farologaneng ya baagi. Kgaratlho kgatlhanong le tlhaolele e ne ya gakala le kwa moseja ka ditiro tsa go bontsha kemonokeng boditšhabatšhaba. Go simolola mo bogareng go ya kwa bokhutlong jwa dingwaga tsa 1980 puso ya tlhaolele e ne ya lebagana le tlhaolo e e oketsegileng ya ikonomi le bodipolomate, seo se neng sa lere botlhokakelelo jwa ikonomi, sekoloto sa lephata la bodiredipuso sa gola le maiteko a a foloditseng a sepodisi le thulaganyo ya bosiamisi go sireletsa tlhaolele. Kwa bokhutlong jwa dingwaga tsa 1980 naga, e thulaganyo ya loago la yona e tlhatlhamolotsweng ke tlhaolele le ikonomi e e retelelwang, e ne e sa laolege.
17. Botsalo jwa temokerasi ka 1994 bo gorositse tshiamo ya loago e ntšhwa. Tumalano mabapi le Aforikaborwa wa Temokerasi (CODESA) e ne ya dira gore go nne le ditlhopho tsa temokerasi tsa ntlha ka 1994 le go dirwa molao ga Molaotheo wa Nakwana.
18. Go thalwa ga Molaotheo o mošwa wa Aforikaborwa wa temokerasi e ne ya nna karolo e e botlhokwa ya phetolo ya naga ya rona. Molaotheo wa Nakwana wa 1993 le Molaotheo wa Rephaboliki ya Aforikaborwa wa 1996 o ne wa tlisa taolo e ntšhwa ya semolaotheo e go ya ka yona Molaotheo o neng wa nna molaomogolo wa naga. Paka ya kgabaganyo go tswa kwa tlhaoleleng go ya kwa Aforikaborweng wa temokerasi e ne e le tumalano e e rerisantsweng e e theilweng mo go dumalaneng go go senang mofenyi kgotsa molatlhegelwa. Morago ga

¹⁴ Africans, Coloureds and Indians

moo, baeteledipele kgotsa batlhotlheletsi ba puso ya tlhalele ba ne ba seka ba golegelwa tlolomolao ya bosenyi jwa tlhalele. Mo boemong jwa moo, Khomišene ya Nnete le Poelano e ne ya tlhlongwa gore e fitlhelele poelano le go baya leitlho go itshwarelwa ga bao ba dirileng ditlolomolao tse di masisi tsa kgatako ya ditshwanelo tsa botho mo dingwageng tsa tlhalele.

19. Ditlhopho tsa temokerasi tsa ntlha tse di neng tsa tshwarwa ka di 27 Moranang 1994 di ne tsa lere go tlhophiwa ga baemedi ba setšhaba ba le makgolo a le mane kwa Kokoanong Bosetšhaba le ba le masome a robongwe kwa Senateng. Kopano ya tlhakanelo ya mekgatlho e mebedi eo e ne ya bopa Kokoano ya Semolaotheo e ntšhwa e e neilweng tiro go ya ka karolo 68(1) ya Molaotheo wa Nakwana. Go ya ka Molaotheo wa Nakwana CA e ne e tlhokega go thala le go amogela molaotheo wa bofelo mo dingwageng di le pedi tsa kopano ya ntlha ya Kokoano Bosetšhaba. Molaotheo wa bofelo o ne o tshwanetse go obamela Meono ya Semolaotheo e le some-a-mararo-nne e go rerisanweng le go amogelwa ke mekgatlho ka nako ya Kgato ya Ditherisano tsa Mekgatlhomentsi kwa Kempton Park. Kgotlatshekelo ya Molaotheo e e tlamilweng sešwa e ne ya lopiwa go netefatsa gore a meono eno e ne ya latelwa, kgotsa nnyaa.
20. Go thalwa ga molaotheo wa bofelo e nnile matsapa a magolo. Ntle le ditlhagiso tse di dirilweng ke mekgatlho ya sepolotiki, ditlhagiso di le dimilione tse pedi di ne tsa amogelwa go tswa kwa baaging le kwa ditlhopheng tsa baagi. Go ne ga tshwarwa ditheetso tsa setšhaba le ditherisanokatiso di le mmalwa.
21. Ka Lwetse 1994, CA e ne ya tlhoma Dikomiti tsa Morero di le thataro tse di tsepamisitsweng mo Meonong ya Semolaotheo e le some-a-mararo-nne le go netefatsa gore ditlhagiso tse di tsenyeleditsweng mo Molaotheong wa bofelo di a o obamelwa. Komiti nngwe le nngwe ya Morero e ne e thuswa ke baitseanape mo Komiting ya Setegeniki.¹⁵ Le fa botsayakarolo mo kgatong bo ne bo diragala ka thelelo, dikganetsano tsa sepolotiki di ne tsa ya magoletsa.
22. Ntlha ya botlhokwa mo go thalweng ga molaotheo wa bofelo e ne e le go tlhlongwa ga Panele e e Ikemetseng ya Baitseanape ba Molaotheo go ya ka karolo 72 ya molaotheo wa nakwana, ka taelo ya go gakolola CA le badulasetulo ba Dikomiti tsa Morero, le go rarabolola dikganetsano.
23. Ka Diphallane 1995, thalo ya ntlha ya go dira ya molaotheo wa bofelo e ne ya tlhagiswa mabapi le tshekatsheko ke CA. e ne ya rebolwa ke CA le go phasalatswa ka di 22 Ngwanatsele 1995. Dikhopi di feta dimilione di le nne tsa thalo ya molaotheo di ne tsa gatiswa le go phatlalatswa ka mokgwa wa thaboloiti. Setšhaba se ne sa newa dikgwedi di le tharo gore se tshwaele.

¹⁵ Komiti ya Morero 1 e ne ya newa tiro ya go tlhatlhoba semelo sa puso ya temokerasi. Komiti ya Morero 2 e ne ya lebelela sebopego sa puso. Komiti ya Morero 3 e tsepamisitswe mo kamanong magareng ga maemo a a farologaneng a puso. Komiti ya Morero 4 e ne ya tlhatlhoba ditshwanelo tsa botlhokwa, mme Komiti ya Morero 5 e ne ya tsepamiswa mo boatlhoding le thulaganyong ya molao. Komiti ya Morero 6 e ne ya tlhatlhoba mekgatlho e e kgethegileng ya puso e bile e ne ya aroganngwa ka dikomiti tsa dikamorero di le 4: tirelosetšhaba, ditheo tsa ditšhelete le dikgweba tsa setšhaba, phetolo le tlhokomelo, le ditirelo tsa tshireletso .

24. Ka Tlhakole 1996, go ne ga tlhagelela gore go na le bonnye merero e le 65 e e neng e sa rarabololwa e e mabapi le thalo le palelano ya sepolotiki mo dintlheng dingwe tsa botlhokwa. Thalo ya bone ya go dira ya molaotheo wa bofelo e ne ya phasalatswa ka Mopitlwe.
25. Babuisani ba ne ba kopana kwa Arniston kwa Western Cape ka Moranang 1996 mme thalo ya botlhano ya molaotheo wa bofelo e ne ya tlhagiswa ka di 15 Moranang. Mekgatlho e ne ya newa beke gore e dumalane ka sekwalwa pele ga letlha la bofelo le ka lona se neng se tshwanetse go tlhagiswa fa pele ga CA. Seno se ne sa dira gore go nne le dipuosebidi, dipuodintsi le dikopano tsa dikomititlaleletso. Mo kopanong ya motabogomoleele e e neng ya tsaya diura di le someamabedi-pedi e e simolotseng ka di 18 Moranang, tumalano e ne ya fitlhelwa ka ga sekwalwa sa motheo le ketapele ya Molaotheo.
26. Komiti ya Molaotheo e ne ya sekaseka ditshitsinyo di le 298 tsa ditlhabololo tsa Molaotlhommo, tse di tlhagisitsweng ke mekgatlho e e farologaneng. Fa go setse beke e le esi pele ga letlha la bofelo la gore molaotheo wa bofelo o amogelwe, go ne go santse go sena tumalano epe ka ga karolwana ya thoto, thuto le tiro. Ka di 6 le di 7 Motsheganong, Kokoano ya Semolaotheo e ne ya kopana gore go tshwarwe kganetsano ya bofelo ya Molaotlhommo le fa dipuosebidi di ne di tswela pele. Mo bosigong jwa di 7 Motsheganong, tumalano e ne ya fitlhelwa ka ga thuto.
27. Ka di 8 Motsheganong 1996, Molaotheo wa bofelo o ne wa amogelwa ke CA. Kwa bokhutlong, diboutu di le 421 di ne tsa gatiswa mo letlhakoreng la Molaotheo. Molaotlhommo o ne wa romelwa kwa Kgotshekelong ya Molaotheo mabapi le go kanelwa. Kgotshekelo ya Molaotheo e ne ya tshwara ditheetso tsa matsatsi a le robongwe go simolola ka di 1 Phukwi. Ditlhagiso tse di kwetsweng le dingangisano tsa molomo di ne tsa tlhagiswa ke makoko a sepolotiki a le matlhano, fa makoko a seporaeefete a le some-a-robedi-nne a ne a ema kgatlhanong. Makoko a le some-a-mabedi-supha a ne a letlwa go tlhagisa dingangisano tsa molomo kwa Kgotshekelong.
28. Ka di 6 Lwetse Kgotshekelo ya Molaotheo e ne ya dira katlholo ya yona e e fitlhetseng gore Meono ya Molaotheo ga e a obamelwa mo ditaelong tse dingwe. Ditaelo dingwe tse di neng di se go ya ka kokoano e ne e le tse di amanang le: tshwanelo ya bathapi ka esi ya go tsaya karolo mo ditherisanong tsa meputso; tshireletso e e tlhomameng ya ditshwanelo tsa botlhokwa; boikemelo le go sa tseyeng letlhakore ga Mosireletsi wa Setšhaba le Mokaedikakaretso; Khomišene ya Tirelopuso; letlhomeso le dithata tsa pusoselegae le dithata le ditiro tsa diporofense. Ka di 11 Diphlane CA e ne ya amogela sekwalwa se se tlhabolotsweng. Morago ga theetso ya matsatsi a le mararo go simolola ka di 18 Ngwanatsele, Kgotshekelo ya Molaotheo e ne ya kanela sekwalwa se se tlhabolotsweng ka di 4 Sedimonthole. Ka di 10 Sedimonthole 1996, Moporesidente Nelson Mandela o ne a saena Molaotheo wa ntlha wa Aforikaborwa wa temokerasi go nna molao kwa Sharpeville. Molaotheo o ne wa tsena mo tirisong ka di 4 Tlhakole 1997.

29. Ka letlhomiso le lešwa la semolaotheo, la pholisi le peomolao le le mo tirisong, thulaganyo ya tlhaolele e ne ya tlhatlhamololwa mme motheo o ne wa dirwa wa puso ya temokerasi e e tsenyeletsang mo makayatsiamong a seriti sa botho, ditshwanelo tsa botho, kgololosego, bosengmorafe, botlhokabong le kobamelo ya molao. Go fitlhelela seno, puso ya temokerasi e ne ya dira mabapi le poelano le kutlwanoloago le go netefatsa gore go ditsela tse di bewang tsa go samagana le boswa jwa tlhaolele le go baakanya botlhokatekatekano jwa maloba.
30. Mo puong ya Moporesidente Nelson Mandela kwa Kokoanong ya Molaotheo ka letsatsi le go neng go amogelwa Molaotheo o Mošwa ka 1996 o ne a tthalosa mofuta wa loago le Aforikaborwa a neng a leka go le aga. O ne a re Molaotheo e ne e le—

“ketleetso ya rona ya boikokobetso go temokerasi le setso sa ditshwanelo tsa botho lefatshe ka bophara; e bile ke maitlamo a rona mo bothong a gore ga go sepe se se tla re nyemisang mooko go dira seno. Mongwe le mongwe o tla tlhaloganya gore re na le maitlamo le taelo go tswa kwa bontsing jwa batho ba rona mo nageng eno go fetola Aforikaborwa go tswa mo pusong ya tlhaolele go nna puso ya bosengmorafe, go sekaseka ntlha ya botlhokatiro le botlhokabonno, go aga didiriswa tsotlhe tse di ntseng di natefelelwa fela ke bonnye jo bo rileng dingwaga di le makgolo. Re batla banna le basadi ba ba itlamileng mabapi le maikaelelo a rona, e bile ba ba ka tlhagelelang ka magetla mo ditlhopheng tsa bona tsa lotso le go akanyetsa Aforikaborika yotlhe.”¹⁶

¹⁶ Puo e e dirilweng kwa Kokoanong ya Bosetšhaba ka motsi wa kamogelo ya Molaotheo o Mošwa, Motsheganong 1996

KGAOLO 3: TEMOKERASI – BOKHUTLO JWA MEFUTA YOTLHE YA KGETHOLOLO?

31. Tshimololo ya temokerasi mo Aforikaborwa ka 1994, e gorositse setso sa ditshwanelo tsa botho jaaka sekhutlontswe sa paka ya molaotheo e ntšhwa gape le sete ya ditshwanelo tsa botho tse di farologaneng, go akaretsa le ditshwanelo tsa ikonomiloago, e ne ya kwalwa mo Molaotlhomong wa Ditshwanelo le go tsenyeletswa mo Molaotheong wa Nakwana wa 1993 le go boeletswa mo Molaotheong wa bofelo wa 1996. Molaotlhomong wa Ditshwanelo o diriswa ka bobedi ka go rapama le ka go tsepama e bile ke sekhutlontswe sa temokerasi mo Aforikaborwa. Ka ntlha ya lebaka leno, o nwa tshireletso e e kgethegileng le melaotlhomong e e tlhabololang Molaotheo e tlhoka bontsi jwa pedi-tharong kwa Kokoanong ya Bosetšhaba gape boutu ya tshegetso ya di le thataro tsa diporofense tse robongwe tse di emelelwang kwa Khanseleng ya Bosetšhaba ya Diporofense. Gompiano re leka go tsepamisa sengwe le sengwe se re se dirang le maitlhomong le makayatsiamo a Molaotheo wa rona – ka go dirisa Molaotlhomong wa Ditshwanelo jaaka kaelo go lekanyetsa phitlhelelo ya ditshwanelo tsa botho.
32. Kamogelo ya Molaotheo ka 1996 e nnile motsi wa phetogo mo hisetoring ya naga eno. E ne ya bidiwa "setifikeiti sa botsalo" sa Aforikaborwa o mošwa – naga e e farologaneng ka tsenelelo le e e neng e le teng pele. Tshwanelo ya tekatekano e e tlhomamisitsweng semolaotheo le tshireletso e e lekanang le go una molemo mo molaong di tshwanetse go tlhaloganngwa kgatthanong le hisetori ya naga ya botlhokatekatekano, bomorafe, le kgethololo ya bong. Maikaelelo a rona a go aga setšhaba sa bosengmorafe, botlhokakgethololo ya bong, le sa temokerasi a nnile teng ka ntlha ya matlhotlhapelo a maloba. Go le jalo, Molaotheo ga o a nna teng fela ka bo ona kgotsa ka maselamose: ke ditlamorago tsa dipuisano tse di tsereng lobaka – le hisetori e telele e e neng e aparetswe ke mathata pele ga moo. Dikakanyo tse dintsi tse di mo go ona ke phitlhelelo ya dingwaga tsa kgaratlho. Ka mafoko a ga moswi Moatlhodimogolo wa pele Mahomed -

“Mo dinageng dingwe Molaotlhomong o dira semmuso, mo seditšweng sa semolao, tumalano ya hisetori ya makayatsiamo le dikeletsodikgolo e tlhageletse ka seelosegolo go tswa mo go tsa maloba tsa tlhomamo le go go sa fetolweng go amogela ditlhokego tsa bokamoso. Molaotheo wa Aforikaborwa o farologane: o tshwara fela tse di tswang mo malobeng tse di ka femelwang le go emela tshwetso ya go tswa mo, le kgano ya, karolo eo ya tsa maloba ya bomorafe jo bo swabisang, bobusaesi, kgobelelo, le kgatelelo, le tshupo e e maatla ya le boineelo mo temokerasing, boakaretsing, tlhokomelong le mo keletsong ya tumelo ya gore batho botlhe ba a lekana e bile ba tshwanetse go nna le ditshwanelo le ditšhono tse di lekanang tse di tlhagiswang mo Molaotheong. Farologanyo magareng ga tsa maloba tseo e di ganetsang le bokamoso jo e lekanang go bo tlamella setšhaba e a bonagala le go se efogwe.”¹⁷

¹⁷ S v Makwanyane, 1995 (6) BCLR 665, temana 262

33. Karolwana ya tekatekano (karolo 9) e tlhagisa ditshwanelo tse dingwe mo Kgaolong 2 ya Molaotheo, ka go laela mabapi le "natefelo ka botlalo le ka tekano ya ditshwanelo le dikgololosego tsotlhe." Karolo 9 e kganela kgethololo e e sa lolamang mo mabakeng mangwe a a rileng a a neetsweng.
34. **Kgethololo** ke mokgwa o o rileng wa pharologantsho – ke pharologantsho ka mabaka a a seng mo molaong. Seno se kaya gore kgethololo ka ntlha ya nngwe ya mabaka a a neetsweng mo s 9(3) e tseelwa gore ke kgethololo e e sa lolamang, go fitlhela bokao bosele bo netefatswa. Go gopolwa ka nepagalo gore pharologantsho ya mabaka a a neetsweng e tla rwesa bao ba nnileng batswasetlhabelo ba ditiragalo tsa maloba tsa kgethololo mokgweleo kgotsa e tla senya seriti sa botlhokwa sa ba ba amegang. Mabaka a a neetsweng ke lotso, mmala, bong, boimana, tshekamelobong, kemo ya lenyalo, dingwaga, bogole, bodumedi, letswalo le tumelo, setso le puo, tsalo le tlhago ya loago.
35. **Kgokagano ya ditheo tsa kgatelelo** e tsaya karolo ya botlhokwa mo go samaganeng le ditiragalo tsa maloba tsa kgethololo. Ka mokgwa o o nolofaditsweng wa yona, kgokagano ya ditheo tsa kgethololo e amana le mekgwa e e farologaneng e e tsayang karolo mo kgethololong e motho ka esi a e itemogelang. E kaya "tshelepano" ya mekgwa ya loago e e jaaka bong, lotso, maemo, bokgoni, bodumedi, bosetšhaba, tshekamelobong. "Thulaganyo" eno e ka dirisetswa go tlhaloganya ka moo ditshiamololo tse di rulagantsweng le botlhokatekatekano jwa loago di diragalang mo maamong a a farologaneng. Kgokagano ya ditheo tsa kgethololo e dumela gore dintlha tsa tlhago tsa kgatelelo jaaka bomorafe, kgethololo ya bong le letlhoo la batho ba kamano ya bong jo bo tshwanang di a ikemelela. Ka moo di a amana le go tlhama thulaganyo ya kgatelelo e e tlamang "kgokagano" ya mekgwa e e farologaneng ya kgethololo.¹⁸
36. Molaotlhommo wa Ditshwanelo o ka tswa e le karolo ya Molaotheo e e amileng segolo matshelo mo nageng eno. Jaaka mafoko a kgaolo eno a re: "*Molaotlhommo ono wa Ditshwanelo ke sekhutlontswe sa temokersai mo Aforikaborwa. O tlhagisa ditshwanelo tsa batho botlhe mo nageng ya rona le go netefatsa makayatsiamo a temokerasi a seriti sa botho, tekatekano le kgololosego.*"
37. Aforikaborwa e dirile melao e le mentsi go tsenya mo tirisong maikaelelo a yona a semolaotheo a go fitlhelela tekatekano, seriti sa botho le tswelletso ya ditshwanelo tsa botho le dikgololosego. Mo dingwageng tsa ntlha di le 20 tsa temokerasi melao e feta 1200 le ditlhabololo tse maikaelelo a tsona e leng go tlhatlhamolola tlhaolele le go fedisa mefuta yotlhe ya kgethololo e ne ya rebolwa ke Palamente. Melao e mešwa le e e tlhabolotsweng e ne ya dirwa gore go gatelelwe tekatekano le go thibela kgethololo, jaaka, sekai, *Employment Equity Act, 1998*,¹⁹ Molao wa Tswelletso ya Phitlhelelo ya Tshedimosetso, 2000,²⁰ *Promotion*

¹⁸ Puleng Segalo, "Gender, social cohesion and everyday struggles in South Africa", [Psychology in Society](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-60462015000200006)

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(http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-60462015000200006)

¹⁹ Molao 55 wa 1998

²⁰ Molao 2 wa 2000

of Administrative Justice Act, 2000²¹ le Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.²² Mo godimo ga moo, puso e ne ya dira melao e e ka ga pusetso ya lefatshe, go tokafatsa thulaganyetso ya borui jwa lefatshe, nolofatso ya phitlhelelo ya matlo le kabelo ya thusoloago go bao ba e tlhokang. Melao eno e samagane le botlhokatekatekano jo bo rulagantsweng le kgethololo e e sa lolamang e e diragalang mo ditheong tsa setšhaba le ditiragatso le maitsholo a MaAforikaborwa ka ntlha ya fa tseno di nenyefatsa dikeletso tsa temokerasi ya rona ya semolaotheo.

38. E tla be e le go tlhoka botlhale go solofela gore melao e e kwadilweng ka matsetseleko e ka fedisa dingwaga di le diketekete tsa kgatelelo le bomorafe le kgethololo tse di dirilweng moetlo. Boswa jwa tlhaolele le bokoloniale bo sala go nna teng. Jaaka fa Moporesidente wa pele Thabo Mbeki a kile a tshwaela ka 1998 -

“Aforikaborwa ke naga ya ditšhaba di le pedi. E le nngwe ya ditšhaba tseno ke basweu, ka tswelopele e e bonagalang, go sa kgathalasege bong kgotsa mafelo a kanamo. Ba na le phitlhelelo e e baakantsweng ya ikonomi e e tlhabolotsweng, e e bonalang, ya thuto, tlhaeletsano le mafaratlhagatla a mangwe. Seno se ba kgontsha go ngangisana gore, ntle le go nna teng ga kgethololo ya bong go go tsweleng kgatthanong le basadi, maloko otlhe a setšhaba seno a na le bokgoni jwa go diragatsa tshwanelo ya bona ya ditšhono tse di lekanang, ditšhono tsa tlhabololo tse Molaothomo wa '93 o tlamileng naga ya rona go tsona.

Ya bobedi e bile e le bontsi jwa setšhaba sa Aforikaborwa ke bantsho e bile ba humanegile, mme bontsi jwa ba ba amegileng ke basadi kwa metsemagaeng, setšhaba sa bantsho kwa magaeng ka kakaretso, le ba ba golofetseng. Setšhaba seno se tshela ka fa tlase ga maemo a botlhokatlhabololo jo bo tseneletseng jwa ikonomi, mmele, thuto, tlhaeletsano le mafaratlhatla a mangwe. Ga ba na bokgoni bope jwa go diragatsa se ka nnete se lekanngwang le tshwanelo e e leng mo mogopolong fela ya tekatekano ya ditšhono, mme tshwanelo eo e ne ya nna ya tekano fela mo setšhabeng sa bantsho ka bogolo jo bo lekanang le ka moo e ka se kgoneng go fitlhelelwa ka teng.

Boammaruri jono jwa ditšhaba tse pedi, jo bo aparetsweng ke tswelotsopele ya bomorafe, botlhokatekatekano jwa bong le bonno tse di tsholegileng mo pakeng e telele ya bokoloniale le tlhaolele ya kgatelelo ya palotlase ya basweu, bo tlhama motheomogolo o o maatlafatsang ntlha ya gore, ruri, ga re setšhaba se le sengwe, mme re ditšhaba di le pedi.”

39. Tswelopele e e bonagalang e dirilwe mo dingwagasomeng tsa kgololosego – mme go santse go tlhokega gore go dirwe go le gontsi. Go santse, gajaana, go na le dikgwetlho tse re tshwanetseng go lebagana natso. Setšhaba sa Aforikaborwa se sala go sa kopanang. Dikolo di le dintsi, ditoropo le mafelo a kobamelo di tlhakantswe, mme ga go a nna jalo ka di le dintsi. Aforikaborwa o sala go nna nngwe ya diikonomi tse di sa lekalekaneng mo lefatsheng.

²¹ Molao 3 wa 2000

²² Molao 4 wa 2000

Tshiamelo e e momagantsweng mo lotsong, maamong le bong ga e ise e busetswe morago ka botlalo. Dingwe tsa dikai, tse di sekasekilweng fa tlase, di neelana ka setshwantsho sa boswa jo bo setseng jwa tlhalele.

KGAOLO 4: KE ENG SE SE RE AROGANYANG? GO LEKA GO RARABOLOLA DINTLHAKAROGANYO

40. Botlhoki le botlhokatekatekano tse di aparetseng dipharologano tsa semorafe di tlhama dintlhakaroganyo tse Aforikaborwa e tla tshwanelang go leka go di rarabolola fa e batla go fenywa boswa jwa tlhaolele. Batho ga ba itemogele fela botlhoki le botlhokatekatekano tse di rulaganeng e bile e le tsa thulaganyo ka sebopego, gape le, mo mabakeng a le mantsi, kgethololo ka ntlha ya mabaka a a farologaneng.
41. Aforikaborwa ga e sokole fela ka bomorafe jwa sebopego, gape le ka botlhokaboitshokelano jwa motho ka esi kgotsa “jwa mongwe”. NAP ga e e ikaelele go samagana le botlhokatekatekano jwa sebopego ka ntlha ya fa puso e na le mekgwa mengwe, jaaka Molaotlhommo wa Ditshwanelo, melao ya selegae, le ditumalano tse di farologaneng tsa boditšhabatšhaba le dikagisano tsa boditšhabatšhaba tse di ikaelelang go samagana le seo.
42. Go ya ka kganelo kgotsa kgethololo semorafe, re na le melao e e tsepameng jaaka PEPUDA²³ le Molao wa Tekatekano ya Thapo.²⁴ Bontsi jwa “mathata a dintlhakaroganyo” – jaaka botlhoki, lefatshe, matlo – a tsamaelana le bomorafe kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano mme ka jalo go tlhokega gore go maatlafatswe dipholisi tseo tse di leng teng le mananeo.
43. NAP e nna teng mo letlhomesong la ditiragalo tsa pele, mo e tsepamang mo bomorafeng, mo lenaneong la tiro la puso, le le lona le akaretsang PEPUDA le molao wa Ditlolomolao tsa Letlhoo o o solofetsweng.

Lefatshe

44. Lefatshe ke ntlha e e amang maikutlo thata mo Aforikaborwa e bile ke ntlha e e “tlhokang gore re folocele mo bobeelelong jwa hisetori go lebagana le dinnete dingwe tse di kokonelang tse di ka ga rona”.²⁵
45. Go gapelwa lefatshe ke gona modi wa botlhokatekatekano jwa ikonomi le go gapelwa ga bontsi jwa MaAforika mo Aforikaborwa. Diphetene tsa bong jwa lefatshe di santse di bontsha bokoloniale jwa hisetori le ditshiamololelo tsa ikonomi tsa tlhaolele. Ntle le mananeo a pusetso ya lefatshe a a tsentsweng mo tirisong ke puso ya temokerasi, bontsi jwa batho bantsho bo santse bo nna kwa metsemagaeng le kwa mafelong a boipei a tletseng, ntle le phitlhelelo ya lefatshe la dikumo. Ba sala go ganelwa go nna beng ba thoto e e neilweng boleng ke banka le lefatshe mabapi le temothuo ya kgwebo le kgwebo ya

²³ The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Molao 4 wa 2000)

²⁴ The Employment Equity Act, 1998 (Molao 55 wa 1998)

²⁵ Nzimande, “*Land Question: It's about identity*”, Mail & Guardian, 28 Tlhakole 2018 (<https://mg.co.za/article/2018-02-28-land-identity-white-guilt>)

botlhokwa. Seno se lekanyetsa segolo bokgoni jwa tlhagiso jwa batho bantsho le bokgoni jwa bona jwa go tlhama lehumo le go falola serai sa bohumanegi.

46. Go latela dingwagakgolo tsa taolo ya bokoloniale le dingwagosome tsa taolo ya tlhaolele, Aforikaborwa wa temokerasi o ikaeletse go phatlalatsa gape ditshwanelo tsa lefatshe jaaka mokgwa wa go baakanya ditshiamololo tsa bomorafe tsa maloba le go aga motheo mabapi le tlabololo e e oketsegileng ya tekatekano. Mo go lekeng go batla tshiamo ya loago, thebolelo ya lefatshe e tla leka go dira go feta kgethololo ya mmala: e tla nna mo letlhakoreng la batlhoki le go tswelatsa tekatekano ya bong le, ka go fetola tlhagiso le diphetene tsa peeletso, go simolola go fetola bobedi mo temothuong ka go bipa mela magareng ga mafelo a kgwebo le a bonnotlhakanelo a naga.²⁶
47. Phatlalatso gape ya lefatshe e botlhokwa thata mo leanong la Aforikaborwa la kgetlhanong le botlhoki. Seno ke karolo ya taelo ya bosetšhaba go baakanya ditshiamololo tsa maloba tsa kgapelo ya lefatshe, e e tswelatang go tlhotlheletsa tlhamo ya lehumo gompiano mo Aforikaborwa.
48. Dingangisano tsa gajaana mabapi le karolo 25 ya Molaotheo wa rona e amana le ntlha ya lefatshe le phatlalatso ka tekatekano ya lefatshe. Seno se a tlhokega go samagana le ditshiamololo tsa mo malobeng le boswa jwa go gapelwa lefatshe tse di simolotseng ka 1652 ka bokoloniale mme bo ne jwa garelwa ka tlhaolele. Botlhokatekano jwa lefatshe le ditlamorago tse di bosula ke dikotsi tsa tlhomamo ya isago ya sepolotiki mme di tshwanetse go sekwasekwa.
49. Boruni jwa Lefatshe jwa 2017 bo begile gore go tswa go 76% ya lefatshe la temothuo la bosetšhaba, 72% ya lona e mo boruing jwa basweu ba Aforikaborwa, 15% ke batho ba Mmala, 5% ke batho ba lotso la India, 4% ke MaAforika e bile 3% ke bangwe fela. Basadi ba ruile fela 13% ya lefatshe la temothuo. Gompiano, bong jwa lefatshe mo Aforikaborwa bo santse bo sekametse mo dintlhakaroganyong tsa bomorafe le kgatelelosenna.
50. Kgwetlho ya thebolelo ya lefatshe ke gore e tsamaya ka bonya tota. Ka 1994 puso e ne ya ipeela maikaelelo a go sutisa 30% ya palogotlhe ya lefatshe la tlhagiso ka 2014. Seno ga se a ka sa fitlhelwa. Tiriso ya meono ya “boleng jwa mmaraka” le “mokgwa wa tumalano ya moreki le morekisi” mo godimo ga “tshiamo le tekano” mo phimolakeleding ya beng ba lefatshe ke mabaka a a etleeditseng segolo.
51. Go fitlha gajaana, diheketara tsa dimilione di le 8.4 tsa lefatshe di fitlhelatswe mabapi le maitlhamo a thebolelo ya lefatshe; diheketara di le dimilione di le 4.9 ka phatlalatso ya lefatshe le lenaneo la thulaganyetso ya borui jwa lefatshe; le diheketara di le dimilione di le 3.5 ka lenaneo la pusetso ya lefatshe. Seno ke bokana ka 10% ya lefatshe la temo lotlhe.

²⁶ **Pusetso ya Lefatshe mo Aforikaborwa**, Pegelo e e khomišiniweng mabapi le Panele ya Maemo a a kwa Godimo mo go sekasekweng ga melao ya botlhokwa le go itlhaganediswa ga phetogo ya botlhokwa, boitshimololelo jwa Palamente ya Aforikaborwa, Kepe & Hall, Lwetse 2016

52. Tshitsinyo ya Palamente ya Kamogo ya Lefatshe ntle le Phimolakeledi e lopa gore Komiti ya Tebosešwa ya Molaotheo ya Palamente e batlisisa, gareng ga tse dingwe, tlhokego ya go tlabolola Karolo 25 ya Molaotheo go kgontsha puso go amoga lefatshe ntle le phimolakeledi.
53. Matsapa a go samagana le phatlalatso ya lefatshe ka tekatekano e dirilwe ntlhapele ya puso, ka komiti ya ditona (IMC) ya thebolelo ya lefatshe – e e eteletsweng pele ke Motlatsamoporesidente – e e tlametsweng go rulaganya le go tsenya mo tirisong ditsela tsa go itlhaganedisa phatlalatso ya lefatshe. Mo godimo, panele ya bogakolodi ya moporesidente ya batho ba le lesome, e e emelang maphata otlhe, e ne ya thapiwa go tshitsinya diboego tsa Puso go tsenya mo tirisong kgato e e lolameng e bile e le ya tekano ya thebolelo ya lefatshe e e fedisang ditshiamololo tsa maloba, go godisa ditlhagiso tsa temo, go tsewetsa kgolo ya ikonomi le go sireletsa pabalelo ya dijo.

Botlhoki, botlhokatiro le botlhokatekatekano

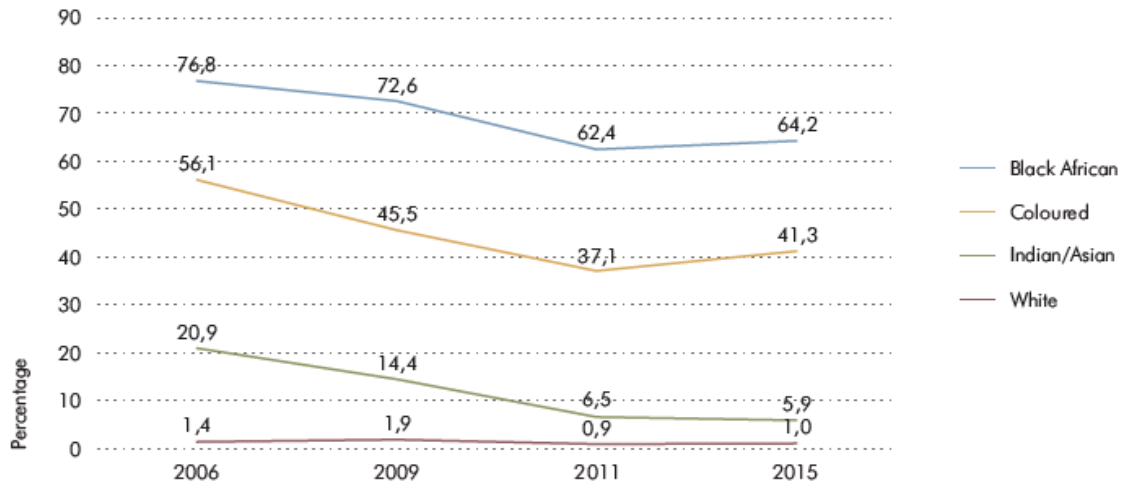
54. Le fa ngangisano e tsewetse ya sediriswa se se tlhwatlhwa sa go lekanyetsa botlhoki, go a dumalanwa gore botlhoki le botlhokatiro di sala go nna dikgwetlho di le pedi tse di tshosetsang tlhomamo ya loago ya Aforikaborwa. Go na le bao ba ngangisanang ka gore Aforikaborwa wa temokerasi o ka be e bile o tshwanetse go ka be a dirile go le gontsi go lwantsha dikgwetlho tseno. Fela jaaka ditshitsinyo tseno e ka tswa e le boammaruri, nnete ke gore botlhoki jo dimilione tsa MaAforikaborwa bo tshelang ka fa tlase ga jona gompiano ke ditlamorago tsa tlamalalo tsa hisetori ya rona ya lobaka ya bokoloniale le tlhaolele.
55. Le fa Aforikaborwa wa morago ga tlhaolele a natefeletswe ke dingwaga di le mmalwa tsa katlego mabapi le kgolo ya ikonomi, e bile go sa nyatswe ditseraganyo tse di farologaneng tsa loago tse di dirilweng ke puso, botlhoki bo sala go nna bodipa. Go raraanya seno go feta ke go oketsega ga sekgala magareng ga bao ba itsholetseng le bao ba sa itsholelang, go dira Aforikaborwa gore e nne nngwe ya maago a a tlhokang tekatekano mo lefatsheng. Se kgolo eno ya ikonomi e se kayang ke gore bahumi ba humile go feta mma batlhoki ba tlhoka go feta, mme batho bantsho ke bona ba itemogelang botlhoki go feta.
56. Puso e ineetse go fedisa botlhoki, mme pholisi ya matlotlo ke setsholetsisi sa botlhokwa go tlhagisa boineelo jono. Sekaelo sa kgaoganyo ka tekano se se diriseditsweng go tlhomamisa tshutisetso go makala a porofense le a selegae a puso se na le karolwana ya botlhoki jaaka mokgwa wa phatlalatsogape. 'Tueloloago' e ntse e diriswa jaaka mokgwa wa go phatlalatsagape wa tekanyetsokabo ya puso o ka bomo o ikaelelang go fetola matshelo a batlhoki le go isa tlase ditshenyegelo tsa go tshela. Seno se fitlheletswe ka, gareng ga tse dingwe, tlhokomelopholokgolo, dikolo tse di sa duelelweng; dithusotlole tsa tshegetso tsa bagodi le bana; matlo; le ditirelo tse di sa duelelweng tsa motheo (metsi, motlakase le kgelelo ya leswe) go malapa a a tlhokang. Le fa dipholisi tseno le ditseraganyo di nnile le ditlamorago tsa dipelo tse di bonagalang mo phokotsong ya botlhoki go simolola ka 1994, naga e tsewelela pele go lebagana le kgwetlho ya botlhoki jo bo kwa godimo, botlhokatekatekano jo bo kwa godimo le botlhokatiro jo bo kwa godimo.

57. Le fa go na le ka tekano ya bonnye jo bo bonagalang jwa maemo a batho bantsho ba ba unning molemo mo merokotsong ya temokerasi, sebopego sa mmala sa beng ba lehumo se santse se bontsha setšhaba se se santseng se tla ikgolola mo boenjenering jwa ikonomiloago ya tlhaolele. Totatota, tlhaolele e tlogeletse Aforikaborwa wa temokerasi boswa jo bo sa tlwaelegang jo mo go bona mmala le maemo di gokagantsweng.
58. Temogo ya botlhokwa ya botlhoki jaaka kago ya botho le, ka jalo, jaaka sengwe se se ka fediswang, e gatelela mogopolo wa Leano leno la Tiro la Bosetšhaba go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. NAP e tshegetsa jaaka ntlhatshimololo ya yona gore kgapelo ya bomorafe le kganelo ya bontsi jwa bantsho e sala go nna lebaka la botlhokwa la gore goreng bontsi jwa baagi mo nageng ya rona ba santse ba tlhoka.
59. Botlhoki bo tshameka karolo ya botlhokwa mo go tswelediseng bomorafe. Ka jalo, phatlalatso ka tekatekano ya maatla a ikonomi e ikaegile mo pelong ya phetolo e e tlhokegang ya dikamano tsa semorafe le tsepamo ya loago mo Aforikaborwa.
60. Botlhoki bo amanngwa gape le botsayakarolo. Jaaka *United Special Rapporteur on Extreme Poverty and Human Rights* e ngangisana ka nepagalo, botlhoki ke tlhobaboroko ya ditshwanelo tsa botho ya potlako. Mabapi le bao ba tshelang ka fa tlase ga botlhoki jo bo feteletseng, ditshwanelo tsa botho di le dintsi ga di fitlhelege. Gareng ga dithibelo dingwe tse dintsi, batlhoki gantsi ga ba kgone go fitlhelela thuto, ditirelo tsa boitekanelo kgotsa metsi a a siametseng go nowa le kgelelo ya leswe ya motheo. Gantsi ba a kgethololwa mo go tseyeng karolo ka botlalo mo tsamaisong ya sepolotiki le go batla tshiamo mabapi le kgatako ya ditshwanelo tsa bona tsa botho. Botlhoki jo bo feteletseng e ka nna *lebaka* la dikgatako tsa ditshwanelo tsa botho tse di rileng, ka ntlha ya fa batlhoki ba pateletswa go dira mo ditikologong tse di sa sireletsegang le go sa itekanelang. Ka gangwe, botlhoki bo ka nna *tlamorago* ya dikgatako tsa botho, jaaka fa bana ba sa kgone go tila botlhoki ka ntlha ya fa Puso e ka se kgone go abelana ka phitlhelelo e e siameng ya thuto. Phediso ya botlhoki jo bo feteletseng ga e a tshwanelwa go tsewa jaaka ntlha ya thuso ya batlhoki, mme jaaka ntlha e e botlhokwa ya ditshwanelo tsa botho. Go diragala ga jona kgapetsakgapetsa mo dinageng tse di ka kgonang go bo fedisa go ka lekanngwa le kgatako e e tlhamaletseng ya ditshwanelo tsa botho.²⁷
61. Bantsho ba Aforikaborwa ba supa ka go tshwana dielo tse di kwa godimo tsa botlhoki. Ka 2015, 47% ya malapa a a etelelwang pele ke bantsho ba Aforikaborwa e ne e le batlhoki. Seno se ne se le kwa godimo fa go bapiswa le 23% ya bao ba leng mo malapeng a a etelelwang pele ke batho ba Mmala, go feta bonnye ka 1% ya batho ba ba mo malapeng a a etelelwang pele ke MaAforikaborwa a MaIndia/MaAsia le go nna kwa tlase ga 1% gareng ga malapa a a etelelwang pele ke MaAforikaborwa a basweu.²⁸ Palo e e kwa godimo ya bantsho

²⁷ <https://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyindex.aspx>

²⁸ Overcoming Poverty and Inequality in South Africa, An Assessment of Drivers, Constraints and Opportunities, (e dirilwe ke Banka ya Lefatshe, Bokwaledi Khomišene ya Thulaganyo ya Bosetšhaba kwa Lefapheng la Thulaganyo, Tlhokomelo le Tshekatsheko, le Dipalopalo tsa Aforikaborwa) Mopitlwe 2018

ba Aforika ke batlhoki ka ntlha ya fa ba emelela go feta borobongwe go tswa mo lesomeng jwa batho ka esi ba ba tshelang ka fa tlase ga UBPL (maemo a botlhoki a molelwanegodimo). **Lenane 1** fa tlase le bontsha palelo ya tlhogo ka tlhogo ya botlhoki go ya ka lotso ka 2006, 2009 le 2011 le 2015:



62. **Lenane 2** fa tlase le bontsha palelo ya tlhogo ka tlhogo ya botlhoki le sekgala sa lehuma go ya ka lotso ka 2006, 2009, 2011 le 2015.

	Headcount (P_0)				Poverty gap (P_1)				Severity (P_2)			
	2006	2009	2011	2015	2006	2009	2011	2015	2006	2009	2011	2015
Total	66,6	62,1	53,2	55,5	35,6	33,5	25,5	27,7	22,5	21,3	15,0	17,0
Black African	76,8	72,6	62,4	64,2	41,8	39,8	30,3	32,5	26,6	25,5	18,1	20,1
Coloured	56,1	45,5	37,1	41,3	24,9	20,4	14,3	16,9	14,3	11,3	7,3	9,1
Indian/Asian	20,9	14,4	6,5	5,9	6,9	4,0	1,9	1,5	3,2	1,4	0,8	0,5
White	1,4	1,9	0,9	1,0	0,4	0,8	0,4	0,4	0,2	0,5	0,2	0,2

63. Phesente ya batho ka esi ba ba unneng molemo mo dithusotloloagong ka go tshwana e oketsegile go tswa go 12,8% ka 2003 go ya go 30,8% ka 2017. Ka gangwe, phesente ya malapa a a amogetseng bonnye thusotlolo e le esi e oketsegile go tswa go 30,8% go ya go 43,8% ka 2017. Bontsi jwa nngwetharong ya bantsho ka esi jwa MaAforika (33,8%) bo amogetse thusotloloagong, fa go bapiswa le 29,3% ya batho ka esi ba mmala, le 14,5% ya batho ka esi ba MaIndia/MaAsia. Ka papiso, fela 6,1% ya lotso la basweu e amogetse dithusotloloagong.²⁹

²⁹ GHS 2017, Statistics SA

64. Pegelo e e akaretsang ya gajaana³⁰ e e dirilweng ke Banka ya Lefatshe ka tirisanommogo le Bokwaledi jwa Khomišene ya Thulaganyo ya Bosetšhaba kwa Lefapheng la Togamaano, Tlhokomelo le Tshekatsheko, le Dipalopalo tsa Aforikaborwa di bontsha gore, ka gotlhe, maemo a botlhoki a kwa tlase gompiano fa go bapiswa le ka 1994. Kgolo ya ikonomi e e kwa godimo e bile e tshwana, go latela bokhutlo jwa tlhaolele ka 1994 go fitlhela ka 2011, e tshegeditse phokotso ya botlhoki mo Aforikaborwa, le fa kgonagalo ya kgolo ya ikonomi e ntse e ya kwa tlase mo dingwageng tsa gajaana. Gajaana ikonomi ga e tlhame ditiro tse di lekaneng, e bile kelo ya botlhokatiro e ne e le 38,6%. Ka ntlha ya seo, dielo tsa botlhoki di ile kwa godimo magareng ga dingwaga tsa 2011 le 2015. Maitemogelo ano ke segopotso sa bonnete jo dikgwetlho tsa ikonomiloago la naga di leng boteng, di rulagantsweng e bile e leng tsa pakatelele ka teng.

Phetolo ya ditheo tsa setšhaba le tsa botlhokwa tsa poraefete

65. Ka fa tlase ga bokoloniale le tlhaolele, ditheo tsa setšhaba le tsa lephata la togamaano la poraefete di ne di diriswa jaaka didiriswa tsa kgethololo ya mmala le mabapi le kgatelelo ya bantsho. Boswa jwa peeletso ya ditiro e santse e le tlhobaboroko go Aforikaborwa wa temokerasi gompiano. Le fa go dirilwe tswelelopele mo tirelosetšhabeng, phetolo mo mafelong a le mantsi e sala go sa kgotsofatseng. Lephata la poraefete ga le dire ka bonako jaaka le tshwanetse mabapi le phetolo, go akaretsa le mabapi le go tlangwa ga setso se se tsenyeletsang mo mafelotirong.

Thuto

66. Mo malobeng, thuto e ne e diriswa jaaka sediriswa sa kgatelelo mo Aforikaborwa. Kganelo ya thuto ya boleng e bile e se ya bomorafe go bontsi jwa setšhaba e ne e le nngwe ya maano a bokoloniale le tlhaolele go netefatsa botlhokatlhabololo jwa, le go ganetsa, batho bantsho phitlhelelo ya kitso. Peo ya bontsi jwa batho bantsho ka fa tlase ga Thuto ya Bantu e e kwa tlase ka seemo e bile e le ya bomorafe e ne ya tliša ditshupetso tsa hisetori tsa baithuti le kemokgatlanong ya 1976 le ba bangwe. Boswa jwa thulaganyo eno ya thuto ya seemo se se kwa tlase bo tswelela go nna tlhobaboroko mo nageng ya rona gaompiano. Mokgatlho wa #RhodesMustFall o o simolotseng kwa Yunibesithing ya Cape Town ka 2015 o ne ka tlhologo o lebisitswe kgatlanong le sefikantswe se e neng e le segopotso sa ga Cecil John Rhodes, fela letsholo le ne la nna tshimologo ya ditshupetso tse dikgolo tsa baithuti. Go ralala naga, baithuti ba ne ba dira kgoeletso ya “tloso ya bokoloniale” mo diyunibesithing le thutokgolwane e e sa duelelweng, gareng ga tse dingwe.

67. Dikgoreletsi tsa kago go phitlhelelo ya tshwanelo ya thuto di teng. Patlisiso e bontshitse ka go tshwana gore lebaka legolo la ditlamorago tsa thuto mo Aforikaborwa ke maemo a ikonomiloago. Ka ntlha ya hisetori ya Aforikaborwa, go na le tshlepano ya botlhoki, morafe le makoa a mo malobeng. Le fa dipholisi tsa thuto le ikonomi di diretswe gore di nne mo

³⁰ Overcoming Poverty and Inequality in South Africa, An Assessment of Drivers, Constraints and Opportunities, (e e dirilweng ke Banka ya Lefatshe, Bokwaledi jwa Khomišene ya Thulaganyo Bosetšhaba kwa Lefapheng la Thulaganyo, Tlhokomelo le Tshekatsheko, le Dipalopalo tsa Aforikaborwa) Mopitlwe 2018

letlhakoreng la batlhoki, ditlamorago tse di sa siamang tsa mabaka a selegae di ka se fediswe ka gotlhe. Lebelo la tlhabololo ya loago le ikonomi mo nageng ke sekgoreletsi sa pakatelele gore go fitlhelelwe ka botlalo tshwanelo ya thuto.

68. Aforikaborwa e santse e lebagane le dikgwetlho di se kana ka sepe tsa bomorafe le botlhokatekatekano mo dikolong le mo ditheong tsa thuto e kgolwane. Go sa nyatswe palo ya diphitlhelelo le go dirwa ga melao ya tswelelopele go potlakisa kopanyo, setšhaba sa rona nako le nako se itemogela ditiragalo tse di supang gore letimone la bomorafe mo dikolong le mo ditheong tsa thuto e kgolwane le gana go tsamaya, le gore bontsi jwa ditheo tsa rona tsa thuto di tswelela go samagana le bothata jwa kopanyo ya lotso.
69. Kgaolo 9 ya Leanotlhabololo la Bosetšhaba e bonela pele naga e bana botlhe ba ka fitlhelelang le go una molemo mo thutong ya boleng jo bo kwa godimo. Go santse go na le dikgwetlho tse thuto e lebagane le tsona. Mabaka a kwa ntle ga sekolo, jaaka botlhoki le mabaka a ikonomiloago, a tshameka karolo. Boineelo mo lelapeng, go dira go tswa kwa gae, le boimana ke mabaka a bao ba sa amogeleng thuto. Mo godimo ga moo, baithuti ba le bantsi mo dikolong tsa Aforikaborwa ba lebagane le sekganedi sa puo mo diphaposiborutelong.
70. Mabaka mangwe a akaretsa ntlha ya gore bana ba le bantsi ba Aforikaborwa ga ba nne mo malapeng le batsadi ba bona ba ba ba tshotseng. Botlhoki le go sa itseng go bala le go buisa ga bagolo gantsi go thibela batsadi ba ba leng teng mo go tseyeng karolo mo thutong ya bana ba bona. Bontsi jwa bašwa ba fetwa ke ditšhono tsa go fitlhelela thuto e kgolwane, ka ntlha ya gore ga ba kgone go e duelela.
71. Aforikaborwa e na le dikolo tsa puso le tsa poraefete. Kwa bokhutlong jwa 2015, go ne go na le dikolo tsa puso di le 23 905 le dikolo tse di ikemetseng di le 1786.³¹ Dikolo tsa puso di akaretsa le tseo di duelelwang ka botlalo ke puso mme tse dingwe di duelelwa mo ntlheng e nngwe ke mokgatlho wa taolo wa sekolo. Gantsi go na le pharologano e kgolo mabapi le papiso ya barutabana le bana, ditlamelo, didiriswa le kgonego ya tuelelo magareng ga mefuta e e farologaneng ya dikolo.
72. Nngwe ya dikgwetlho tse dikgolo ke gore dikolo le ditheo tsa thuto e kgolwane ga di a kopana ka botlalo. Re tshwanetse go sekaseka boswa jwa thuto e e kgethololang le go sekaseka maitsholo le dikgobelelo tse di rwalang maikarabelo a go nna teng go go sa feleng e bile go tswelela ga bomorafe. Re tshwanetse gape go sekaseka maaka le botsayaletlhakore jo ka moo re ntseng re lotlegelwa hisetori ka teng le go tsweletsa boitshokelano le tlotlo mabapi le mefutafuta ya lotso, setso le bodumedi.
73. Go botlhokwa go kopanya katiso ya kemokgatlanongbomorafe le thuto mo kharikhulamong, segolobogolo dikarolo tsa makayatshiamo le temokerasi le go tlhama kharikhulamo e e sekasekang ka botshepegi, maikaelelo le bonnete jwa kutlobotlhoko ya mo malobeng ya rona le go tsweletsa kopano e kgolwane ya dikolo. Re tshwanetse go netefatsa gore dikolo ga di a ruanngwa fela mme di kopantswe. Dikolo di tshwanetse go bontsha temokerafi, mefutafuta le khumo ya ngwaoboswa ya setso sa naga ya rona. Gompieno puso e tsaya karolo mo ditseleng di le mmalwa go maatlafatsa ditshwanelo tsa botho le temoso ya

³¹ <https://www.education.gov.za/EducationinSA/tabid/327/Default.aspx>

semolaotheo mo dikolong. Ditshimololo tse di jaaka Kgaisano ya Sekakgotlatshekelo ya Dingangisano tsa Dikolo ya Bosetšhaba, kgaisano ya hisetori ya puo ya Albert Luthuli le go tlhoma gore hisetori e nne serutwa sa patelesego mo dikolong di botlhokwa mo temosong ya ditshwanelo tsa botho. Mo godimo ga moo, dikolo tse di sa ruteng epe ya dipuo tsa tlhologo di pateletswa go dira jalo.

Tlhagiso ya kitso

74. Kgatelelo le kgethololo ya batho bantsho mo Aforikaborwa e ne ya supiwa fa e sena kgobelelo ka ditlhaloso tse di neng di kaiwa gore ke tsa maranyane, tse di neng di tlhagisitswe ke dintlo tsa phasalatso tsa basweu go fetola nnete ka Aforika le go tlhagisa basweu jaaka morafe o o botlhale go gaisa merafe e mengwe. Go ne ga rulaganngwa gore bantsho ba kgethololwe mo tlhagisong ya kitso, e bile go ne go kwalwa ka bona ka ntlhakemo e e sekametseng mo maikutlong a bakwadi ba basweu. Kgethololo eno e ne ya diriswa sepolotiki go tlhagisa megopolo e e fosagetseng ya bomorafe. Megopolo eno e e fosagetseng e tswelela ka mekgwa mengwe e e seng bogale mo Aforikaborweng wa temokerasi.

Go tlosa bokoloni mo megopolong

75. Ka ntlha ya kgatelelo e e rulagantsweng go feta dingwagakgolo di le tharo, mogopolo wa bomorafe e nnile bonnete mo bathong ka esi le mo baaging. Tswelopele eno ya botlhokatekatekano jwa lehumo le maemo a a farologaneng a phitlhelelo ya ditlamelo ka merafe e e farologaneng, gape le thotloetso ya lotso mo maamong a loago, di tswelletse go tsweledisa megopolo ya lefatshe ya bomorafe le maitsholo. Le fa go sa amogelwa mo pontsheng, maano a a sa tlhomamang le ditumelo tsa taolo ya basweu di santse di le teng ka tekano mo basweung le mo bantshong bangwe ba MaAforikaborwa. Nyatsego ya bantsho e jwetswe mo menaganong ya bao ba tseetsweng gore ba kwa tlase ka seemo. Tsamaiso ya Khomišene ya Nnete le Poelano ("TRC") e re ratile gore go amogela tsa maloba ka nnete ga go lekane le go akanya mo go feteletseng ka ga tsona, mme go netefatsa gore tsa maloba ga di fetoge go nna tlhobaboroko e e tla pokelang bokamoso.
76. Aforikaborwa ke setšhaba se se mo letshogong le legolo e bile se tswelela go tshela ka tshotlegokgolo e e bakilweng ke bokoloniale le tlhaolele. Ke ka mogopolo oo gore NAP eno e tsaya tsia bao ba neng ba kgotsa bao ba tswelelang go nna batswasetlhabelo ba bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Re dumela gore ka go tsaya tsia bosetlhogo jwa hisetori ya rona, re tla rulaganya ka matsetseleko matsapa a bosetšhaba go boloka bokamoso mo mokgweleong wa bomorafe jwa mo malobeng.
77. Go tshwanetse gape go lemogwa gore kgolosego ya nnete mo bomorafeng e simolola ka tlhaloganyo. Go tlhatlhamolola le go senola bololea jwa ditumelo tsa bomorafe e tshwanetse go nna karolo ya maano a kabomo a go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang – mo bokaong jwa Molaotheo.

Kutlwanoloago

78. Ngwao ya Aforikaborwa ya kgethololo ya mmala e tswelela go tthalosa dikamano tsa lotso le kopanyo mo setšhabeng sa rona gompieno. Ka ntlha ya seno, kutlwanoloago e tshwanetse go nna mo bogareng jwa phetololoago. Kutlwanoloago e emela phapaano ya kgethololo le kgaoganyo, le go agelela mowa wa kakaretso o o tshwanetseng go kaela matsapa a bosetšhaba a a ikaelelang go aga setšhaba se sešwa. Se se botlhokwa mo tsamaisong eno ke tsweletso ya maikutlo a go nna go go tlwaelegileng le go itumelela mefutafuta gareng ga botlhe ba ba nnang mo Aforikaborwa. Seno se akaretsa netefaletsogape ya ngwao e e nyeletseng ya batho ba Aforika. Go aga Aforikaborwa wa kutlwano, botlhokakgethololo ya bong e bile e le wa temokerasi e sala go nna tlapele ya tshoganyetso ya bosetšhaba.

Dipuisano tsa setšhaba

79. Dipuisano tsa setšhaba mo Aforikaborwa di dirwa gantsi ka tlhaeletsano ya mogoso e e matlhagatlhaga ya maemo a a kwa godimo. Tlhaeletsano ke serori sa botlhokwa sa go tsamaisa megopolo le melaetsa ka ga bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Tlhaeletsano e ka diriswa ka mekgwa ya tshiamo kgotsa ya kganetso go tsweletsa bosengmorafe le go ganetsa botlhokakgethololo ya mmala fa go bapiswa le go gakatsa dikakanyo tsa bomorafe. Mo malobeng bokoloniale le tlhaolele di ne di dirisa tlhaeletsano go jwala bomorafe. Mo Aforikaborweng wa gajaana, puisano ya setšhaba e e ka ga karolo e tsewang ke tlhaeletsano le bobegakgang jwa merero e e amanang le bomorafe le letlhoo la batswantle e tshwanetse go tswelela gore setšhaba sa rona se tswelele go lemoga ka moo re sekasekang dintlha tseo ka teng e bile go tshwanetse go elwa tlhoko segolo karolo e e tsewang ke mafaratlhatlha a boitapoloso.

Letlhoo la batswantle

80. Letlhoo la batswantle ke letshogo ntle le lebaka, botlhokatshepo, kgotsa kilo ya batho ba ba sa itsiweng, batswantle, kgotsa sengwe le sengwe se se tsewang gore ga se a tlwaelega kgotsa se farologane mme gantsi go ikaegilwe mo mabakeng a a seyong kgotsa mo mogopolong o o fosagetseng. Le ka itlhagisa ka mekgwa e e farologaneng mo nageng. Sekai, e ka nna ka go tsholwa makgwakgwa ka ntlha ya bosetšhaba jwa motho kgotsa ditebego, dikgobatso tse di setlhogo, dipolao, tlhapiso ya setso mo lefelong, le go kojwa ka mogoso mo nageng.
81. Aforikaborwa e, mo malobeng le gajaana, itemogetse mefuta e e anameng e bile e le ya tirisodikgoka ya letlhoo la batswantle e e neng ya nna le ditlamorago tsa loso le dikgobalo mo bathong gape le go gapiwa ga thoto le tshenyo ya thoto. Letlhoo la batswantle ke kgwetlho e kgolo mo tshireletsong ya ditshwanelo tsa botho. Go botlhokwa gore mebuso, ditlhopho tsa baagi, ka bobedi bafaladi le baagi ba selegae le baeteledipele ba baagi go akaretsa le baeteledipele ba setso e lwantshane le bothata jono. Mekgwa e le mmalwa e e ka diriswang go lwantsha letlhoo la batswantle e akaretsa go amogela le go kgala ditiro tse di

tlhotlheletswang ke botsayaletlhakore tsa tirisodikgoka fa di diragala, go dira melao ya ditlolomolao tsa letlhoo, go tiisa kgatelelo ya molao, le go sekisa batlolamolao.

82. Go botlhokwa go tlhokomela le go bega ditlhaselo le go thusa baagi ba ba amilweng ke tirisodikgoka go fokotsa letshogo, go thusa batswasetlhabelo, le go tokafatsa go begwa ga ditiragalo. Go botlhokwa gape go tswelatsa mowa wa kopano ka go buisana le baagi bao ba itemogelang letlhoo la batswantle. Dipuso di tshwanetse go romela melaetsa e e tlhapileng ya gore tirisodikgoka kgatlhanong le baagi ba mafatshe a sele le ditlhaselo tsa letlhoo la batswantle ga di ne di letlelelwa le gore bao ba tsayang karolo mo ditirong tseo ba tla bogiswa.

Kgethololo e e ikaegileng mo lotsong la morafe

83. Ka pholisi ya aroganya o buse, le ka tlhaolele, batho ba bantsho ba ne ba tlhatlhelwa mo masakeng a dinagamagae le metsetsetoropo, tseo totatota e neng e le dikarolwana tsa karolokgolo ya lefelo tse di diretsweng go babalela dipharologanyokgolo tsa maitirelo gareng ga bantsho go ikaegilwe mo botokololong jwa bona mo lotsong le le rileng. Ka nako, boitshupo jwa lotso bo ne jwa etegetswa mo dikarolong dingwe tsa merafe ya MaAforikaka. Le fa tlhaolele e ne ya fenngwa, Aforikaborwa e tla tswelela go baya leitlho boswa jwa kgethololo jo bo ikaegileng mo mabakeng a lotso la semorafe. Molaotheo ke motheo wa tlhamo ya setšhaba se mo go sona boipelo jwa mefutafuta ya ditso bo etleetsang tlhamo ya boitshupo jo bo ruanyang Aforikaborwa.
84. Fela “bomorafe” bo tswelela go nna teng – go na le dikai di le dintsi.³² Moporesidente wa maloba Mbeki o tshalositse “bomorafe” jaaka kgwetlho ya Aforikaborwa e bile ke sengwe se se tswelatsang bobodu, ka ntlha ya fa e ne e le “sediriswa se se diriswang ke boradipolotiki go dirisa ka botlhajana bangwe le go naya bangwe moputso”.³³

Kgethololo e e ikaegileng mo bong le tirisodikgoka

85. Mo malobeng, go nnile le makgabaganyetso magareng ga kgethololo ya mmala le bong. Makgabaganyetso ano a ne a ikaegile mo ditiragatsong tsa kgatelelosenna tseo di neng di le mokgwa wa ditso mo nageng ya rona. Ditiragatso tseno tsa setso di ne tsa tswelatsa kakanyo ya bonna e e dirilweng kabomo go nyenyefatsa bosadi. Ke nnete gore maemo a a bokoa a basadi mo setšhabeng sa rona ke ka ntlha ya bokoloniale le tlhaolele ya maloba. Ka fa tlase ga tlhaolele, bontsi jwa basadi mo Aforikaborwa ba ne ba nna ka fa tlase ga kgateleloseraro ya bong, maemo le lotso.
86. Ka bobedi basadi le bana ba santse ba wela mo setlhopheng sa baagi ba ba sa sireletsagang. Ditshwanelo tsa bona gantsi di gatakwa ka, gareng ga tse dingwe, tirisodikgoka ya kwa

³² Jaaka sekai, monna yo o sa itsisiwang o ne a nopolwa a kaya ditshupetso tsa kwa Tshwane morago ga tshwetso ya ANC ya go itsise gore Thoko Didiza ke moemeladitlhopho tsa ratoropo mo ditlhophong tse di tlang tsa mmasepala. O ne a nopolwa a re: “ANC e ka se tlise MoZulu go tswa kwa KwaZulu-Natal go busa Bapedi, BaTsonga le BaVenda. Fa e le gore wa re o [Didiza] tswa kwa Pretoria, re bolelle gore o tswa Pretoria kae.” (<https://www.thesouthafrican.com/racism-and-tribalism-still-engraved-in-most-south-africans/>)

³³ Keynote address on the opening of UNISA's College of Human Science (CHS), Ferikong 2014

malapeng, kgwebo e e seng ka fa molaong ka batho, phonokerafi ya bana le tirisobotlhaswa ya badiri. Tsotlhe tseno di ama bobbe kgololosego ya basadi le tlhokomelesego ya bana. Ke nnete se se buiwang ka Aforikaborwa gore bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang di diragala ka mekgwa e e farologaneng le mefuta e e setlhogo mo basading le mo baneng. Seno se akaretsa kwelotlase ya maemo a go tshela, botlhoki, tirisodikgoka le mefuta e le mentsi e mengwe ya kgethololo.

87. Ka fa tlase ga tlhaolele, basadi ba bantsho mo Aforikaborwa ba ne ba le ka fa tlase ga kgateleloseraro, e leng ya bong, maemo le lotso. Sebopego sa tlhaolele se amile segolo matshelo a basadi ba bantsho. Kgatelelo ya bong gantsi e tlhagiswa mo ditsong tsa loago le mo maitsholong tseo tsotlhe di tshegetswang le go tswelatswang ke kakanyo e e gatelelang basadi.
88. Mabapi le bontsi jwa basadi ba bantsho ba ba tlhokang, kgatelelosenna e e tsenyeleditsweng e kaya go tshelala mo letlhakoreng: seikonomi, sepolotiki le gape mabapi le tiro. Bontsi jwa basadi ba bantsho ba ne ba kgarametswa mo tirong ya botlhokabokgoni le tuelotlase jaaka badiri ba mo magaeng le mo madirelong.
89. Komiti ya Kokoano ka ga Phediso ya Mefuta yotlhe ya Kgethololo kgatlhanong le Basadi (CEDAW) mo ditebelelong tsa yona e etse tlhoko gore boswa jwa tlhaolele ya basadi bo akareditse *“kgethololo e e anameng le tlhokego ya tlhaboloago, e bile e bonagala mo dintlheng tse di jaaka maemo a a kwa godimo a botlhokatiro jwa basadi, go sa itseng go kwala le go buisa le botlhoki le mo ntlheng ya tirisodikgoka kgatlhanong le basadi”*. Ka jalo, go botlhokwa gore ditlhokego le dikgatlhegelo tsa basadi di tsewe tsia mo maamong a bosetšhaba le mo baaging le kwa malapeng, gore go fitlhelwe tekatekano.
90. Ka 2015, tshwetso e ne ya dirwa ke Kokoanokakaretso ya UN e e amogelang Lenanetema la 2030 mabapi le Tlhabololo e e Tswelatang.³⁴ Maikaelelo a le 17 a Tlhabololo e e Tswelatang le tseo di supilweng di le 169 di emela maikaelelo a go dira gore go nne le se se diragalang mo dingwageng tse di tlang tse 15 mo dintlheng tsa botlhokwa tota tsa botho le polanete. Ka tlhamalalo, maikaelelo a bo 5 ke go ‘fitlhelela tekatekano ya bong le go maatlafatsa basadi le basetsana botlhe’, le tseo di supilweng tse di tsamaelanang: (a) Fedisa mefuta yotlhe ya kgethololo kgatlhanong le basadi le basetsana botlhe gongwe le gongwe; (b) Fedisa mefuta yotlhe ya tirisodikgoka kgatlhanong le basadi le basetsana botlhe mo mafelong a setšhaba le a poraefete, go akaretsa le kgwebo e e seng ka fa molaong ka batho le tirisobotlhaswa ya thobalano le mefuta e mengwe; (c) Fedisa ditiragatso tsotlhe tse di kotsi, jaaka manyalo a bana, a ka pele le a pateletso le kgaolo ya mapele a basadi³⁵.
91. Boineelo jwa Aforikaborwa jwa go fedisa bomorafe, kgatelelo le tirisobotlhaswa mo setšhabeng sa rona bo ka se palelwe ke go sekaseka ntlha ya tekatekano ya bong. Maitemogelo a ditšhaba tse dingwe a bontshitse gore tekatekano ya bong ga se tlamorago ya kgaratlho ya temokerasi kgotsa kgololosego ya bosetšhaba. E tshwanetse go sekasekwa ka boyona. Go fitlhelela tekatekano ya nnete, dipholisi di tshwanetse go thewa mo go

³⁴ UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 Diphallane 2015, A/RES/70/1.

³⁵ National Strategic Plan on Gender-based Violence Shadow Framework (Stop Gender Violence Campaign), 2017, tsebe 22

tlhologanngweng ka botlalo ga kgatelelosenna e e fitlheletsweng jaaka boswa e e tsenyeleditsweng le ka moo e itlhagisang ka teng mo setšhabeng sa rona.

92. Tekatekano ya bong ke taelo ya semolaotheo mo Aforikaborwa. Molaotheo o leka go fitlhelela tekatekano magareng ga basadi le banna ka go kganela kgethololo ya semorafe, bong le mefuta e mengwe yotlhe. Temogo eno e theilwe ka kgatelelo mo Molaotheong le go tlhagiswa mo mefuteng e le mentsi ya melao, dipholisi, mananeo le ditiragatso. Taelo ya semolaotheo ya tekatekano ya bong e tlhamaletse e bile tsamaiso ya peomolao e tla neelana ka metheo ya setšhaba sa tekatekano ya bong.
93. Go a tlhobaetsa go bona gore bonnye jo bo kwa tlase ga 50% ya basadi bo itse ka ga Molaotheo. Patlisiso e bontsha gore mabapi le kitsokakaretso ya Molaotheo, maemo a kitso a ne a tshwana go ralala batsibogi ba banna le basadi. Fa 37% ya batsibogi ba banna ba bontshitse maemo a a kwa tlase a kitso, seno e nnile nnete mabapi le 40% tsa batsibogi ba basadi. Mo letlhakoreng le lengwe la seelo, 36% ya batsibogi ba banna ba ne ba na le maemo a a kwa godimo a kitso ya molaotheo fa go bapiswa le 32% ya batsibogi ba basadi.³⁶
94. Aforikaborwa e na le nngwe ya dielo tse di kwa godimo tsa tirisodikgoka kgatlhanong le basadi mo lefatsheng, mo tirisodikgoka e e ikaegileng mo bong le thobalanong e e ikaegileng mo tshekamelobong kgotsa itlhagisobong e namileng le sengwe se ka koketsego se dirwang tlwaelo le go sa begweng ka botlalo. Ka Phatwe 2018, mokgatlho wa #TheTotalShutdown – mokgatlho wa basadi (ka bobedi basadi ba bong jwa cis le ba bong jo bo sa tsamaelaneng le bong jo ba tsetsweng ka jona) le batho ba ba sa lateleng ditaello tsa bong- ba ne ba neelana ka memorantamo kwa Pusong o o tlhagisang gore tirisodikgoka e e ikaegileng mo bong kgatlhanong le basadi, basadi ba ba sa lateleng ditaello le basadi ba ba itemogelang kgatelelo ka mekgwa e e farologaneng e ile kwa godimo e bile e baka kotsi e e sa buiweng, le gore ntle le kgato e e kopaneng ka gotlhe ya dikarolwana tsa setšhaba mmogo le boineelo jwa sepolotiki, ga go sepe se se tla fetogang go fedisa bothata jono. Memorantamo o tlhagisa sete ya tshimologo ya ditopo di le some-a-mabedi-nne go kgontsha basadi le batho ba ba sa lateleng ditaello tsa bong go fitlhelela tshwanelo ya bona ya go se bewe ka fa tlase ga tirisodikgoka. Go latela seo le jaaka ditlamorago tsa mogwanto wa #TheTotalShutdown, kopano ya Moporesidente e ne ya bidiwa ka di 1- 2 Ngwanatsele 2018, eo e neng ya amogela Tlhomamiso kgatlhanong le Tirisodikgoka e e Ikaegileng mo Bong le Polao ya Basadi.

Go thibela kgethololo le kgobeletso kgatlhanong le batho ba LGBTI

95. Ga go belaetse gore tirisodikgoka le kgethololo ka mabaka a tshekamelobong kgotsa itlhagisobong e santse e le teng. Bothata bo mo go fetoleng maitsholo a setšhaba, go netefatsa gore batho ga se batswasetlhabelo ba kgethololo mo matshelong a bona a ka gale ka ntlha ya tshekamelobong le itlhagisobong ya bona.

³⁶ The Foundation for Human Rights' Socio-Economic Justice for All" (SEJA) Baseline Survey, 2017

96. Patlisiso ya maitsholo mabapi le kamano ya batho ba bong jo bo tshwanang le go sa obameleng ditaello tsa bong mo Aforikaborwa, e e tlhagisitsweng ke Mokgatlho o Mongwe le Khansele ya Dipatlisiso tsa Bonetetshi jwa Setho e fitlhetse gore 55% ya MaAforikaborwa ba tlhagisitse gore ba tla amogela leloko la lelapa la batho ba ba ratanang le batho ba bong jo bo tshwanang le jwa bona, mme 27% fela ba na le tsala kgotsa wa losika yo ba itseng gore ke motho yo o ratanang le batho ba bong jo bo tshwanang le jwa gagwe; 51% ba dumela gore batho ba ba ratanang le batho ba bong jo bo tshwanang le jwa bona ba tshwanetse go nna le ditshwanelo tsa botho jaaka batho ba bangwe, le fa 72% ba gopola gore ditiro tsa kamano ya batho ba bong jo bo tshwanang ke “maitsholo a a sa amogeleseng”. E fitlhetse gape gore magareng ga 2012 le 2015, go nnile le koketsego e e kwa godimo mo palong ya MaAforikaborwa ba ba “dumelang thata” mo go letleng lenyalo la batho ba bong jo bo tshwanang. Batho ba le robedi go tswa go ba le lesome ba kaile fa ba ise – kgotsa ba ka se akanye ka gope – ka molomo kgotsa ka mmele go sotlaka mongwe yo o neng a sa sale ditaello tsa bong morago.
97. Patlisiso e e dirilweng gajaana ke Mokgatlho wa Ditshwanelo tsa Botho (“FHR”) e kaya gore pedi-tharong (68%) ya batsibogi botlhe e dumetse kgotsa e dumetse thata gore batho mo Aforikaborwa ba gololosegile go tlhopha le go tlhagisa tshekamelo ya bong jwa bona ntle le letshogo kgotsa katlholo. Bokana ka dikotara di le tharo (74%) tsa batsibogi ga bo dumalane kgotsa ga bo dumalane thata le gore go nna monna kgotsa mosadi yo o ratanang le batho ba bong jo bo tshwanang le jwa gago go kgatlhanong le makayatsiamo a baagi. Phitlhelelo eno e ne e tshwana go ralala batsibogi ba MaIndia/MaAsia (72%), MaAforika a bantsho (73%), basweu (77%) le batho ba mmala (77%) gape le ka bobedi batsibogi ba banna (73%) le ba basadi (74%).³⁷

Kgopolo ya batswasetlhabelo le Go Fola ga Setšhaba le Poelano

98. Bokoloniale le tlhalele e ne e le dipholisi tsa kgethololo tse di amang basiamolodi le batswasetlhabelo. Nnete e e senang bana ba phefo e tshwanetse go amogelwa gore setšhaba sa rona se fole le go tswela pele. TRC e atlanegisitse gore puso e tshegetse ditshiamiso di le dintsi tsa sesupo go busetsa seriti sa botho le setšhaba le go letla bafalodi go amogela tse di fetileng. TRC e atlanegisitse gape gore setšhaba se tshwanetse go gopola batswasetlhabelo ba bokoloniale le tlhalele ka matsatsi a segopotso, go tlhongwa ga digopotso tsa setšhaba bosetšhaba, mo dikgaolong le mo mmasepaleng, le go taya ditlamelo tsa setšhaba maina a batswasetlhabelo. Go tlhokega gore go netefatswe gore batswasetlhabelo ba tlhalele ba a rurifatswa mo matshelong a setšhaba.
99. TRC kwa bokhutlong jwa se ba neng ba laetswe gore ba se dire ba ne ba neelana ka lenane la dikgetse di le 300 go Bothati jwa Botšhotšhisi jwa Bosetšhaba mabapi le maitlhommo a gore ba sale morago dipatlisiso le tshekiso. Go sa ikgatholoswe kgatelelo e NPA e e itemogetseng ka 2004, go ne go tlhamaletse gore NPA e ne e sa batle go sala dikgetse tseno morago. *Promotion of National Unity and Reconciliation Act, 1995*³⁸ e laetse gore fa boitshwarelo bo

³⁷ Socio-Economic Justice for All (SEJA) Baseline Survey, FHR, 2017

³⁸ Molao 34 wa 1995

gannwe kgotsa bo sa direlwa kopo kgotsa bo sa newa, molao o tshwanetse go diragatswa mo basiamoloding ba ba rwalang maikarabelo a ditlolo tse di sekiswang.

100. Phitlhelelo ya nnete, segolobogolo ka ga dipotso tsa mokgwa le thulaganyo, e dumetswe le go amogelwa gompieno mo lefelong la bosiamisi jwa kgabaganyo jaaka ntlha ya botlhokwa go sekaseka ditshiamololo tsa tlhalele go netefatsa e seng fela gore hisetori e tlhagisa ka nepagalo puso e e setlhogo ya mapodisi a Lekala la Tshireletso ka go senola maemo a botlhokabotho a go tshwarwa le go sotlakwa le polao ya batshwarwa fa ba ne ba le mo kgolegong ya mapodisi, mme gape le go netefatsa gore ba ba rwalang maikarabelo ba tsaya maikarabelo, ka jalo e tla be e le go romela molaetsa mo Aforikaborweng o mošwa wa gore tshotlako le bosetlhogo jwa mapodisi ga di kitla di dumelelwa.
101. Mo setšhabeng se se kgonang go fetoga sa temokerasi se se tshwanang le sa rona, basiamolodi ga ba ne ba letlwa go gatelela nnete mme ka go dira jalo ba kgotlela hisetori ya rona ka boammaruri jo bo sa felelang jo bo ka se letleng setšhaba go fola.
102. Motho mongwe le mongwe ka esi le setšhaba ba na le tshwanelo e e feletseng ya go itse nnete ka ga tsa maloba. Ka ntlha ya mabaka a kabomo le go se neye TRC tshedimosetso, basiamolodi ba le bantsi ba kgatako ya ditshwanelo tsa botho ba falotse go lebelelwa ka kelotlhoko le go rwala maikarabelo mabapi le ditiro tsa bona. Bafalodi le ba losika la bao ba tlhokafaletseng kwa tshwarong ba tlhoka go itse nnete ya ka moo baratiwa ba bona ba tlhokofaditsweng le go bolawa ka teng gore ba kgone go itlhoboga. Nnete e tshwanetse go rekotwa – e seng fela ke basiamolodi mme le batswasetlhabelo ba bona.
103. Go botlhokwa mo MaAforikaborweng otlhe go tsaya karolo mo mananeong a maikaelelo a ona e leng go fedisa boswa jo bo sa siamang jo bo saletseng jwa tlhalele le kgethololo go tswa mo go tse di re diragaletseng mo malobeng. Ka jalo go botlhokwa mo pusong, lephata la dikoporasi, thulaganyo ya badiri, le mekgatlho ya tsa bodumedi go itlhamela ditshupo tsa bona go lekanyetsa diphitlhelelo tsa bona mo go fediseng masula otlhe a bomorafe le go fitlhelela maitlomo a go aga setšhaba le kutlwanoloago.
104. Bomorafe jo bo rulagantsweng le go fitlhelelwa jaaka boswa bo tshwanetse go lwantshwa ke setšhaba go sa nneng jalo bo tla tlhagiswa gape le go ikgatelela go ralala lotso. Ke monagano o o fitlhetsweng jaaka boswa wa kgobelelo ya bomorafe, kwelotlase ya makayatshiamo, botlhokatekatekano jwa ditšhono le botlhoki jo bo feteletseng, gape le kgaisano mabapi le didiriswa tse di sa lekanang, tse di thusang go godisa bomorafe le, gautshwane jaana, letlhoo la batswantle. Kgethololo ka mabaka a bongtshakamelole le itlhagisobong le tirisodikgoka ya letlhoo la batho ba kamano ya bong jo bo tshwanang le tsona ke bothata jo bogolo. Go tshwanetse gore go dirwe go le gontsi go sireletsa ditshwanelo tsa semolaotheo le tsa semolao tsa bobotlana jwa bong. Botlhokatekatekano le kgethololo di santse di le teng. NAP e a tlhokega kgatlhanong le boammaruri jono.

Tiro

105. Khomišene ya Tekano ya Tiro mo pegelong ya yona ya sešweng³⁹ e tlhagisa gore kemedi ya morafe wa Basweu e feta EAP ya bona makgetlo a le maratara e bile setlhophisa sa morafe wa Malindia e feta EAP ya bona makgetlo a le mararo mo maemong a Bolaodi jo bo kwa Godimo. E bontsha gape gore kemedi ya morafe wa MaAforika e bokana ka nngwe-tlhanong mme morafe wa batho ba Mmala e bokana ka halofo ya EAP ya bona mo maemong ao a tiro.
106. **Lenane 3** fa tlase le bontsha kemedi ya ditlhophisa tse di supilweng go tsaya maemo⁴⁰ mo maemong a tiro a a farologaneng magareng ga 2001 le 2017.

OCCUPATIONAL LEVEL	PERIOD	WHITE	AFRICAN	COLOURED	INDIAN	MALE	FEMALE
Top Management	2001	87%	6%	3%	4%	87%	13%
	2017	67%	14.3%	5.1%	9.4%	77.1%	22.9%
Senior Management	2001	81%	9%	5%	5%	80%	20%
	2017	56.1%	22.1%	7.7%	10.9%	66.2%	33.8%
Professionally Qualified	2001	56%	33%	6%	5%	62%	38%
	2017	36.5%	42.2%	9.6%	8.8%	53.4%	46.6%
Technical Skilled	2001	18%	58%	18%	6%	60%	40%
	2017	19.6%	61.7%	11.3%	5.6%	52.9%	47.1%

107. Go ya ka se se fa godimo, go a bonagala gore tekano ya tiro e tlhoka go bewa leitlho. Go santse go tlhokega dilekanyo tsa tekano ya tiro mo Aforikaborwa.

Phatlhalatso ya lotseno

108. Ditlhotlhomiso tsa sešweng tsa Lotseno le Ditshenyegelo (IES)⁴¹ di tlhatlhoba dikoketsego tsa lotseno go ya ka setlhophisa sa morafe. Re bona koketsego e kgolo e diragala mo malapeng ao e seng a basweu. Malapa a a eteletsweng pele ke MaIndia/MaAsia a bontshitse koketsego ya 36,8% (koketsego ya R68 013), e latelwe ke malapa a a eteletsweng pele ke MaAforika a bantsho ka 34,5% (koketsego ya R17 859). Malapa a a eteletsweng pele ke batho ba mmala a bontshitse koketsego ya 27,7% mo lotsenong (koketsego ya R30 152), fa malapa a a eteletsweng pele ke basweu a bone koketsego ya nnete ya 0,4% kgotsa ka phopholetso R1 412 go feta.
109. Fela, go sa nyatswe kgolo e e bonagalang ya lotseno mo malapeng ao e seng a basweu, go santse go na le sekgala se segolo magareng ga merafe. Malapa a a eteletsweng pele ke basweu bonnye ba amogela makgetlo a le 5.5 go feta palogare ya lotseno la malapa a a eteletsweng pele ke bantsho ba MaAforika. Le fa kgolo ya lotseno e kgotsofatsa,

³⁹ 2017/18

⁴⁰ "Ditlhophisa tse di supilweng" di kaya batho bantsho, basadi le batho ba ba golofetseng bao:

(a) E leng baagi ba Rephaboliki ya Aforikaborwa ka tsalo kgotsa lotso; kgotsa

(b) ba nnileng baagi ba Rephaboliki ya Aforikaborwa ka go dirwa baagi ba tlhologo–

(i) Pele ga di 27 Moranang 1994; kgotsa

(ii) Morago ga di 26 Moranang 1994 le bao ba neng ba tshwanetse go bona boagi ka go dirwa baagi ba tlhologo pele ga letlha mme ba ne ba kganetswe ke dipholisi tsa tlhalele

⁴¹ Tlhotlhomiso ya Lotseno le Ditshenyegelo 2010/11, Statistics SA

botlhokatekatekano bo sala go nna kgwetlho e kgolo mo nageng. Bobotlana, malapa a a eteletsweng pele ke banna a santse a itemogela kgolo e e kwa godimo ya lotseno go feta malapa a a eteletsweng pele ke basadi. Fela, mo malapeng a le mantshi a a eteletsweng pele ke banna, lotseno le le begilweng le akaretsa molekane/mogatsa yo o dirang, ka jalo go a kgonega gore dikunomolemo tse di fitlheletsweng ke molekane/mogatsa di oketsa lotseno la lelapa ka gotlhe. Le fa MaAforikaborwa a tswelela go huma, ka gotlhe go santse go na le maemo a a kwa godimo a botlhokatekatekano go ralala le mo merafeng.

Lenane 4

	IES 2010/11 (R)	IES 2005/06 (R)	Real Growth	Increase in Rand terms
South Africa	119 542	102 401	16.7%	17 141
<i>Sex of household head</i>				
Male	151 186	127 914	18.2%	23 272
Female	70 830	62 397	13.5%	8 433
<i>Population group of household head</i>				
Black African	69 632	51 773	34.5%	17 859
Coloured	139 190	109 038	27.7%	30 152
Indian/Asian	252 724	184 711	36.8%	68 013
White	387 011	385 599	0.4%	1 412

110. Dipalo tseno di bontsha kamano e e botlhokwa magareng ga lotso le maemo, segolobogolo go ya ka kgethololo ya bontsi. Bantsho ba Aforikaborwa ba itemogela kgethololo ya bontsi e e kwa godimo mo Aforikaborwa, nnete e e senang bana ba phefo eo e sa itemogelweng ke bontsi jwa basweu ba Aforikaborwa. Karolo eno ya boswa e fetisitswe go simolola ka dingwagakgolo tsa bokoloniale tse di neng tsa fetoga go nna thulaganyo ya tlhalele, eo e neng ya dira gore go nne le kamano e e thatafatsang magareng ga kgethololo ya mmala le botlhokatekatekano jwa maemo. Boswa jono bo tswelela go tshela go fitlhela gompiano.⁴²

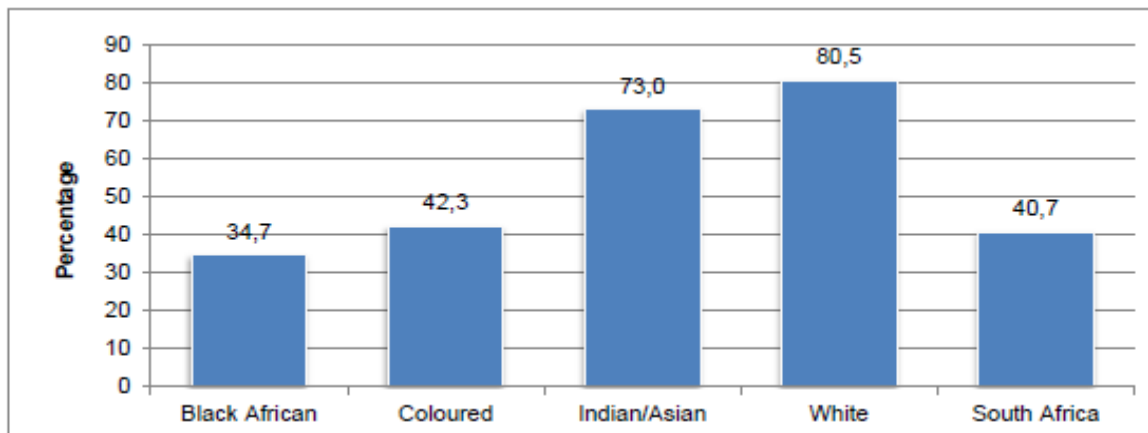
Matlo

111. Diphitlhelelo go tswa kwa General Household Survey, 2017⁴³ mo diphesenteng tsa dikarolo tsa bonno tsa dikamore di le thataro kgotsa go feta go ya ka morafe mongwe le mongwe di tlhagiswa mo **Lenaneng 5** fa tlase. Palo ya dikamore e akaretsa dikamore tsotlhe mo bonnong (go akaretsa ntlwanaboithusetso le botlhapelo). Ntlha eno e tlhagisa maemo a go tshela a lelapa e bile e ka tlamellwa mo diponagalong tse dingwe tse di jaaka thuto kgotsa kemo e e solofetsweng ya lehumo. Malapa a a eteletsweng pele ke basweu (80,5%) le a a eteletsweng pele ke MaIndia/MaAsia (73,0%) a ka nna mo mannong a dikamore di le thataro kgotsa go feta fa go bapiswa le malapa a a eteletsweng pele ke batho ba mmala (42,3%) kgotsa malapa a bantsho ba MaAforika (34,7%).

⁴² Reconciliation Barometer, IJR, 2013

⁴³ E dirwa ngwaga le ngwaga ke Statistics SA

Lenane 5



Bogole

112. Mo lefatsheng lotlhe, batho ba ba golofetseng ba ikgatholositswe e bile ba a kgethololwa mo go tseyeng karolo ka botlalo mo setšhabeng. Go ya ka patlisiso ka SAHRC, mo Aforikaborwa, batho ba ba golofetseng ba lebagana le mefuta e e farologaneng ya kgethololo mo makaleng a a farologaneng a loago, go akaretša le mabapi le phitlhelelo ya ditirelo tsa tlhokomelopholo, ditiro le thuto.⁴⁴ Ntle le boineelo go akaretša mo loagong le go amogelwa ga batho ba ba golofetseng, tekatekano e e bonagalang e ka se fitlhelelwe.
113. Diphitlhelelo tsa dipalobatho tsa 2011 di bontsha kelo ya go nna teng ga bogole bosetšhaba ya 7,5%. Dipharologantsho tsa diporofense di bontsha gore diporofense tsa Free State le Northern Cape di na le palo e e kwa godimo ya batho ba ba golofetseng (11%), e latelwe ke North West le Eastern Cape (10% le 9,6% ka tatelano). Diporofense tsa Western Cape le Gauteng di bontshitse phesente e e kwa tlase ya batho ba ba golofetseng (5%). Porofaele ya merafe e bontsha gore bantsho ba MaAforika ba na le palo e e kwa godimo ya batho ba ba golofetseng (7,8%), ba latelwe ke basweu (6,5%).
114. Aforikaborwa e saenile le go rebola CRPD le *Optional Protocol* ya yona ka 2007, e bile e patelesega ka fa tlase ga tumalano eno go diragatsa boitlamo jwa yona go ya ka tsenyotirisong le go bega. Aforikaborwa e santse e tla dira ditaelo tsa CRPD go nna tsa selegae.

Boswafe

115. Kgethololo e e ikaegileng mo boswafeng e ngokile kgatlhego e kgolo mo bokaong jwa semolao jwa Aforikaborwa. Ka ntlha ya fa batho ba ba tshelang ka boswafe e le palo e

⁴⁴ South African Human Rights Commission, Research Brief on Disability and Equality in South Africa 2013 - 2017

potlana mo setšhabeng, kgethololo kgatlhanong le bona ga e tsewe tsia e bile ga e begwe.⁴⁵ Mabaka a a farologaneng a loago le monagano di dira gore mmala wa letlalo o nne le bokao jwa gajaana. Mo hisetoring ya Aforika, kgethololo ka ntlha ya mmala wa letlalo ga e ntšhwa – thulaganyo ya tshiamelo le kgobelelo e e theilweng mo ka moo mmala wa letlalo la motho o leng mosetlha kgotsa montsho ka teng e sekasekilwe ka polelwana e e jaaka ‘bommala’, ‘tshupommala’, ‘tshkamelo ya mmala wa letlalo’, ‘mmalafatso’ le ‘matshwakabele a mmala’. Sesupo sengwe le sengwe se se dirisitsweng go tshalosa mmala wa letlalo la motho se tliša mathata, e bile se ka lere kgethololo, mogopolo o o fosagetseng le tseo di tsewang jaaka bontle, gape le magareng ga batho ba lotso le le tshwanang. Mabapi le batho ba ba tshelang ka boswafe, mmala wa letlalo la bona o lebisa go megopolo e e maswe magareng ga MaAforika, go akaretša le ditumelo tša gore ba futsitswe.⁴⁶ Go botlhokwa go ela tlhoko gore ka Ngwanatsele 2014, Kokoanokakaretso ya Ditšhabakopano e ne ya amogela tshwetso e e tlhomang Seetebosigo 13 jaaka Letsatsi la Beditšhabatshaba la Temoso ya Boswafe. Tshwetso eno ya sehisetori e tlhomamisa tsepamo ya lefatshe ya go bulela boswafe. Lefapha la Botsweretshi le Setso le tlhomile letsholo la lona la #AlbinismActivismCampaign ka di 4 Motsheganong 2018.

⁴⁵ *Colour discrimination against persons with albinism in South Africa*, M Mswela & M Nöthling-Slabbert, Department of Jurisprudence, School of Law, University of South Africa, Pretoria, South Africa

⁴⁶ M Mswela & M Nöthling-Slabbert

KGAOLO 5: AFORIKABORWA GOMPIENO

116. Re ka seka ra itira e kete ga re bone tsitsibalo e e santseng e rena mo Aforikaborwa gompieno. Jaaka fa Mondli Makhanya a kwetse:⁴⁷

“Ga re setšhaba sa motshe wa badimo o o tletseng sukiri o mobišhopomogolo le moporesidente wa ntlha wa Aforikaborwa o o “gololosegileng” ba eleditseng gore re nne ona. Banna ba ba tlotlegang bano ba ne ba eletsa gore re nne kemedi ya setho ya folaga.

Ba ne ba eletsa thata gore re nne, e bile ba ne tota ba dumela gore re gorogile koo.

Ka maswabi ga go tiro epe e ntsi e e dirilweng mo go ageng setšhaba sa bosengmorafe, seo go santseng go tla tsaya matsapa a dingwagasome go se baakanya.

Re ne ra itumelela phitlhelelo ya setšhaba sa bosengmorafe ntle le go lebagana le boammaruri jo bo salang go nna teng jwa ditiragalo tsa rona tsa maloba le go samagana le kgato ya go fola.

Jaanong re duela tlhotlhwa. Re boela morago.”

117. Kgotlatshekelo ya Molaotheo e amogetse gore:

“Setšhaba sa Aforikaborwa se farologane e bile se ne se kgaogane thata mo dingwagakgolong di le dintsi, segolobogolo ka melao le ditiragatso tse di neng di tlhotlheletsa letlhoo le letshogo. Ditlhagiso tse di tswelatsang letlhoo le megopolo e e fosagetseng ka batho ka ntlha ya diponagalo tse di sa fetogeng e kotsi mo phitlhelelong ya ditshiamo tseno ka ntlha ya fa di gatelela le go tsweledisa mekgwa ya kgethololo le botlhokatekatekano.”⁴⁸

118. Go le jalo, dikai tsa puo ya letlhoo di bonagetse mo dingwageng tsa gajaana, le fa dikai tse dingwe tsa gajaana tsa bomorafe, ditiragalo tsa bomorafe, letlhoo la batswantle le/kgotsa ditlolomolao tsa letlhoo e le ntletsentletse:

- Sekai, moithuti wa Montsho o ne a busetswa morago gore a se tsenele diteko tsa hokhi kwa North West. O ne a tlhotlheletsa batsadi ba gagwe gore ba mo ise kwa Hoërskool Grenswag mabapi le diteko tsa Bokkie Week morago ga go newa thebolo ke mokatisi wa gagwe. Tsotlhe di ne di lebege di apere tshiamo fa a ne a letlwa go

⁴⁷ “Of cakes and race wars”, News24, 21 Ferikgong 2018, <https://www.news24.com/Columnists/Mondli-Makhanya/mondli-makhanya-of-cakes-and-race-wars-20180121-3>

⁴⁸ *Islamic Unity v Independent Broadcasting Authority and Others*, 2002 (4) SA 294 (CC) temana 43.

ikwadisa morago ga go tlhagisa setifikeiti sa matsalo le go duela R30, mme gatwe o ne a bolelelwa gore diteko tsa Bokkie Week ke tsa bana ba basweu fela.

- Dingongorego kgatlhanong le morutabana kwa Parkdene Primary School yo o neng a latofatswa ka go rumola moithuti wa kerata ya boraro ka ntlha ya fa a ne a rwele mogala o mohibidu (Kavlava) o go tsewang gore o boitshepo ka tumelo ya SeHindu mo letsogong. Morutabana o ne a sekegwa mo tirong fa go dirwa dipatlisiso ke Lefapha la Thuto ya Motheo.
- Moagi wa kwa Mozambique o ne a bolawa ka 2015 fa a ne a lopa tuelo ya motsoko o basimanyana ba neng ba o tsere kwa lebenkeleng la gagwe ka nako ya tirisodikgoka e e neng e lebagantswe batswantle ba boditšhaba.
- Ka Ferikgong 2017 kereke e e itsegeng ya Iselamo kwa Cape Town, Nurul Islam e ne ya tladikwa ka madi le sefene sa kolobe sa tlogelwa foo. Motlhokomedi o begile gore o ne a bitsa mapodisi ao a neng a romela koloi ya mapodisi mme o ne a bolelelwa gore o ka se kgone go bula kgetse, mme fela tiragalo eo e tla rekotwa.
- Batho ba ne ba bonwa molato wa tlolomolao ya kgatako e e tseneletseng ya seriti sa motho ka ntlha ya fa ba ne ba dirile ditshwaelo tsa bomorafe mo mafaratlhatlheng a boitapoloso.
- Kgetse ya tllhaselo e e masisi ya lekase ya 2017 e ne ya tllisa dikganetsano di le dintsi, fa monna wa montsho a ne a tsenngwa mo lekaseng ke banna ba basweu ba le babedi bao go utlwileng mo bidiong ba tshosetsang ka go tsenya noga mo lekaseng le go le tshuba.
- Mo “kgetseng ya sonobolomo ya Coligny” basweu ba babedi ba badiri ba kwa polaseng kwa North West ba ne ba bonwa molato wa go bolaya mosimanyana wa Montsho wa dingwaga di le 16 ka go mo kgorometsa kwa ntle ga sejanaga se se tsamayang morago ga magatwe a gore ba mo tshwere a utswa mo tshimong ya mothapi wa bona.
- Go nnile le ditllhaselo di le mmalwa mo bathong ba LGBTI, ka ketegelo e kgolo ya seo se itsegeng jaaka “dipetelelo tsa paakanyo”.

119. Pegelo ya 2017 ya Dipatlisiso tsa Barometara tsa Poelano tsa Aforikaborwa (“SARB”): e e dirilweng ke Setheo sa Bosiamisi le Poelano, e tlamela ka tshedimosetso e e botlhokwa ka ga dikamano tsa lotso le poelano mo nageng ya rona. Go ya ka SARB, ka tlhobaelo, batsibogi ba ba tsereng karolo mo tlhotlhomisong ya 2017 SARB ba bonetse pele phetogo e e potlana mo makaleng a botlhokwa a baagi.

120. Mo Tlhotlhomisong ya Motheo ya SEJA⁴⁹ batsibogi ba ne ba kopiwa go tsaya tsia gore a ba gopola gore a maemo mo Aforikaborwa a nna botoka, ga a fetoge kgotsa a etegela go ya pele. Bokana ka halofo (47%) ya batsibogi ba ne ba akanya gore dilo di ne di senyegela go ya pele, fa kotara ya batsibogi ba ne ba gopola gore dilo ga di fetoge (27%) kgotsa di nna botoka (26%). Le fa go ne go sena dipharologano tse di bonagalang go ralala batsibogi ba banna le ba basadi, dipharologano go ralala merafe e ngoka kgatlhego. Bantsho ba MaAforika ba le bararo go tswa go ba le lesome (29%) ba ne ba akanya gore dilo di nna botoka, jaaka go diregile ka batsibogi ba basweu ba le babedi go tswa go le ba le lesome (22%). Batsibogi ba Malindia/MaAsia le ba mmala ba ne ba sena kgatlhego ya tsela e naga e e tsayang. Bokana ka peditharong (65%) ya batsibogi ba mmala le tharotlhanong (62%) ya batsibogi ba Malindia/MaAsia ba ne ba akanya gore dilo di senyegela go ya pele – seno se ganetsa fela halofo (53%) ya basweu le peditlhanong (43%) ya bantsho ba Aforika.
121. Mo tlhotlhomisong yona eo, palo e e bonagalang (44%) e dumetse gore batswantle ba se letlwe go nna mo Aforikaborwa. Bokana ka halofo ya batsibogi ba basweu botlhe (48%) le ba mmala ba dumetse gore batswantle ba se letlwe go nna mo nageng jaaka le 43% ya bantsho ba MaAforika le 36% ya Malindia/MaAsia. Maemo a a kwa godimo a go tlhoka tshepo a ne a le mo bathong ba ba tswang kwa dinageng tse dingwe – ka bobedi dinaga tsa Aforika le tse e seng tsa Aforika – go gatelela maitsholo a a lebisitsweng kwa batswantleng ba ba umakilweng fa godimo. Bokana ka peditlhanong ya bagolo botlhe mo Aforikaborwa ba ne ba sena tshepo ka gotlhe mo bathong ba ba tswang kwa dinageng tse dingwe tsa Aforika (38%) kgotsa bao ba tswang kwa dinageng tse dingwe tse e seng tsa Aforika (39%).
122. Mabapi le kitso ya Molaotheo, batsibogi ba banna ba ne ka bontsi (55%) go feta basadi (47%) ba utlwetse ka Molaotheo kgotsa Molaotlhommo wa Ditshwanelo. Mabapi le lotso la batsibogi, basweu ke bona ba ne ka bontsi (68%) ba ne ba utlwetse ka ga tsona, ba latelwe ke batsibogi ba Malindia/MaAsia (61%).
123. Le fa bontsi (56%) jwa batho ba mmala ba ne ba utlwetse ka Molaotheo kgotsa Molaotlhommo wa Ditshwanelo, bonnye jo bo kwa tlase ga halofo (48%) ya batsibogi ba bantsho ba Aforika ba utlwetse ka ga ona. Batsibogi ba bantsho ba MaAforika ba basadi ba ne ba ka palo e e kwa tlase (44%) ba utlwetse ka Molaotheo kgotsa Molaotlhommo wa Ditshwanelo.

⁴⁹ 2017

KGAOLO 6: GO ITEBAGANYA LE BOMORAFE LE KGETHOLOLO LE GO TSWELE TSA TEKATEKANO – SE RE SE DIRILENG GO FITLHA GAJAANA

124. Dikgato di le dintsi tse di tserweng ke Aforikaborwa go fitlhelela ditlamego tsa yona tse di farologaneng tsa semolaotheo le ditshwanelo tsa botho di tlhagisitswe ka botlalo jaaka karolo ya ditlamego tsa go bega tsa kagisano ya boditšhabatšhaba ya Aforikaborwa. Aforikaborwa e na le letlhomese le le maatla la semolao la tekatekano le kemokgatlanongkgethololo. Molaotheo o lopa Puso go tlotla, go sireletsa, go tswelletsa le go diragatsa ditshwanelo tse di mo Molaotlhomong wa Ditshwanelo mme puso e tshwanetse go tsaya maikarabelomagolo go netefatsa gore motho mongwe le mongwe ka esi o ka diragatsa ditshwanelo tsa gagwe. Mabapi le seno, Puso ya Aforikaborwa e dirile melao e le mmalwa go tsenya mo tirisong maitlomo a yona a semolaotheo a go fitlhelela tekatekano, seriti sa botho le tswelletsopelo ya ditshwanelo tsa botho le dikgolosego.

Tekatekano le kemokgatlanongkgethololo

125. Tshwanelo ya tekatekano le go sireletsa kgatlanong le kgethololo di tlhagelela gantsi mo Molaotheong wa rona.⁵⁰ Aforikaborwa e dirilwe melao e e farologaneng go fedisa kgethololo le go netefatsa tekatekano go ralala mafelo a a farologaneng, jaaka mabapi le go fedisa kgethololo ya kwa tirong, go na le *Employment Equity Act, 1998*.
126. Puso e ne ya dira *Promotion of Equality and Prevention of Unfair Discrimination Act* (PEPUDA) e e thibelang kgethololo e e sa lolamang ka ntlha ya mmala, lotso le bogole. Molao o tlhalosa puo ya letlhoo jaaka mafoko 'a a ka tsewang gore ka mabaka a bontsha maikaelelo a a tlhapileng a go utlwiswa botlhoko, go tlhagisetsa kotsi kgotsa go tswelletsa letlhoo ka ntlha ya mmala, bong, boimana, kemo ya lenyalo, lotso, tshekamelobong, dingwaga, bogole, bodumedi, letswalo, tumelo, setso, puo kgotsa tsalo'. Tlhaloso eno e atolositswe go feta tlhaloso e e neetsweng mo Molaotheong ka gonne e akaretsa ka bobedi puo e e utlwisang botlhoko le e e kotsi, gape le puo e e ka tswang e na le maikaelelo ano, ka go tliša ntlha ya phopholetso mo bokaong.⁵¹

⁵⁰ S 9(1) Batho botlhe ba a lekana fa pele ga molao e bile ba na le tshwanelo ya tshireletso e e lekanang le kunomolemo ya molao.

(2) Tekatekano e akaretsa natefelo ka botlalo le tekatekano ya ditshwanelo tsotlhe le dikgolosego. Go tswelletsa phitlhelelo ya tekatekano, peomolao le dikgato dingwe tse di diretsweng go sireletsa kgotsa go tswelletsa batho pele, kgotsa ditlhopha tsa batho, bao ba sotlilweng ke kgethololo e e sa lolamang di ka tsewa.

(3) Puso e ka se kgetholole ntle le tolamog ka tlhamalalo kgotsa e seng ka tlhamalalo kgatlanong le mongwe le mongwe ka lebaka kgotsa mabaka, a a akaretsang semorafe, bong, boimana, kemo ya lenyalo, lotso, mmala, kemobong, dingwaga, bogole, bodumedi, letswalo, tumelo, setso kgotsa tsalo.

(4) Ga go motho ope yo o tshwanetseng go kgetholola ntle le tolamog ka tlhamalalo kgotsa e seng ka tlhamalalo motho yo mongwe ka lebaka kgotsa mabaka go ya ka karolotlaleletso (3). Peomolao e tshwanetse go dirwa go thibela kgotsa go kganela kgethololo e e sa lolamang.

(5) Kgethololo ka lebaka kgotsa mabaka a a neilweng mo mo karolotlaleletsong (3) ga e a lolama ntle le fa go fitlhetswe gore kgethololo e lolame.

⁵¹ *Promotion of Equality and Prevention of Unfair Discrimination Act* 4 ya 2000. <http://www.justice.gov.za/legislation/acts/2000-004.pdf>

127. *Promotion of Equality and Prevention of Unfair Discrimination Act, 2000*⁵² e tlamela ka letlhomiso la go tsenngwa mo tirisong ga karolo 9 ya Molaotheo. Mabapi le seno, Molao o laela gore go tlhlongwe Dikgotlatshekelo tsa Tekatekano. Maitlhomiso a Dikgotlatshekelo tsa Tekatekano ke go athola merero e e amanang ka tsepamo le dikgatako tsa tshwanelo ya tekatekano, kgethololo e e sa lolamang le puo ya letlhoo, ka mogopolo wa go fedisa ditlamorago tse di sa feleng tsa tlhalele tse di neng tsa aroganya naga go ya ka mmala, bong le tse di tsamaelanang le madi. Molao o thagisa gore Dikgotlatshekelokgolo tsotlhe di tlhomilwe ka go itirisa jaaka Dikgotlatshekelo tsa Tekatekano, mme se segolo ke gore di naya Dikgotlatshekelo tsa Magiseterata bontsi jwa dithata tsa boatlhodi tse di amanang le merero ya tekatekano. Lefapha la Bosiamisi le tlhomile Dikgotlatshekelo tsa Bomagiseterata gore di nne le taolo mo go lebaganeng le merero ya tekatekano, fa baokamedi le badiri ba Dikgotlatshekelo tseo ba sena go newa katiso e e maleba. Melawanataolo ya Dikgotlatshekelo tsa Tekatekano e ne ya phasalatswa⁵³ e bile, ka 2009, Dikgotlatshekelo tsotlhe tsa Bomagiseterata di ne tsa tlhlongwa jaaka Dikgotlatshekelo tsa Tekatekano. Dikgotlatshekelokgolo tsotlhe tsa Bommasepala di tshwarwa jaaka Dikgotlatshekelo tsa Tekatekano. Seno se ne sa tokafatsa phitlhelelo ya tshiamo ka ntlha ya fa baagi jaanong ba kgona go dira dingongorego tsa kgethololo e e sa lolamang kwa Kgotsatshekelong ya Magiseterata e e gaaufi le kwa ba agileng teng.
128. Dipaakanyo tse di tseneletseng tsa mefutafuta tse di leng teng mabapi le dikgotlatshekelo tseno di diretswe go rotloetsa mokgwa wa boatlhodi wa botlhami, o e seng wa semmuso o o tsayang tsia bomasisi jwa kgetse nngwe le nngwe le ditlhokego le dikgatlhegelo tsa baamegi. Go na le ditaelo tse di leng teng tse di letlang ditsamaiso gore di dirwe ke batho ka esi, bao ba ba leng mo boemong jwa bona, mo dikgatlhegolong tsa setlhopho kgotsa maemo, mo kgatlhegolong ya setšhaba, kgotsa mokgatlo o o dirang mo kgatlhegolong ya maloko a ona.
129. Batho ba ba tlhokang thuso fa ba ya kwa Kgotsatshekelong ya Tekatekano ba thuswa ka gale ke tlelereke ya Kgotsatshekelo ya Tekatekano kgotsa Khomishene ya Ditshwanelo tsa Botho ya Aforikaborwa kgotsa Khomishene ya Tekatekano ya Bong, jaaka go tlhokega. Le fa Kgotsatshekelo ya Tekatekano e le kokoano ya semmuso ya kgotsatshekelo, melawana le ditsamaiso di repisitswe fa go bapiswa le dikgotlatshekelo tsa tlwaelo. Gore go dirwe ditsamaiso kwa Kgotsatshekelong ya Tekatekano ga go tlhokege gore motho a nne le kemedi ya semolao. Dikgotlatshekelo tsa Tekatekano ga di duelelwe, ka jalo mongongoregi ga a duele dituelo dipe tsa kgotsatshekelo. Go nnile le kwelotlase ya 14% ya merero ya Dikgotlatshekelo tsa Tekatekano tse di begilweng magareng ga 2015/16 le 2016/17. Dipalopalo tsa gajaana tsa merero ya Dikgotlatshekelo tsa Tekatekano tse di begilweng ka 2017/18 di bontsha kwelotlase gape ya 51% mo palogotlheng ya dikgetse tse di begilweng.⁵⁴
130. Dikgotlatshekelo tsa rona di sekasekile dikgetse tse di tsepamisitsweng mo tekatekanong le go gagamatsa melao ya kgethololo le ditiragatso. Sekai, mo *Prinsloo v Van der Linde*⁵⁵ Kgotsatshekelo e amogetse gore -

⁵² Molao 4 wa 2000

⁵³ Kitsiso ya Puso Nomoro R764 ya 13 JSeetebosigo 2003 (Lokwalodikgang la Puso 25065)

⁵⁴ Lefapha la Bosiamisi le Tlhabololo ya Molaotheo, Pegelo ya Ngwaga, 2017/2018, tsebe 34.

⁵⁵ 1997 (6) BCLR 759

“Naga ya rona e na le baagi ba mefutafuta bao ba nang le maitemogelo a a farologaneng a hisetori le maemo a botshelo. Go fitlhela gajaana, mafelo a le mantsi thata a botshelo jo bo mo pepeneng le jwa poraefete a ne a tlaselwa ke kgaogano e e rulagantsweng ya semolao e patilwe ke mosola le makoa. Kutlwalo ya tekatekano e e rulagantsweng e kgolo e santse e na le rona le fa thulaganyo e ntšhwa ya semolaotheo e gorogile. Ke bontsi, e seng bonnye, jo bo sotlegileng ka ntlha ya kgaogano ya semolao le makoa.”⁵⁶

131. *Mo Minister of Finance v Van Heerden*⁵⁷ Kgotlatshekelo e begile fa Molaotheo o amogela ntlha ya gore ga re lekane botlhe mo nageng ya rona. Fa melawana ya semolao le dipholisi di ganetsa boammaruri jono, e tla feleletsa e re isitse kwa tsenyeletsong ya bothokatekatekano jo bo leng teng:

“Thulaganyo ya molao ya Kgotsa e eno e tshamamisa gore phitlhelelo ya nnete ya tshwanelo ya tekatekano e tshwanetse go tshomamiswa ka kaelo go hisetori ya rona le ditshiamo tseo e leng motheo wa Molaotheo.”⁵⁸ Jaaka re bone gore maikaelelolomagolo a semolaotheo ke popo ya setšhaba sa tekatekano ya botlhe sa bothokabomora le se se sa kgethololeng se se theilweng mo seriting sa botho, kobamelo ya molao, dipopi tsa temokerasi le ditshwanelo tsa botho.⁵⁹ Go tswa moo go tlhagelela kakanyo ya tekatekano e e yang go feta tekatekano fela ya semmuso le bothokakgethololo fela tse di tlhokang go tsholwa ka go lekana, go sa kgathelesege ntloho ya tshimologo kgotsa kutlwalo.”⁶⁰

132. *Mo Minister of Home Affairs v Fourie* Sachs J o rile -

*“Setšhaba se se tshegetsang tekatekano ya botlhe sa temokerasi, se se akaretsang, se se kgathaleang le go kgatlhegela se tlamparela mongwe le mongwe le go amogela batho ka moo ba leng ka teng. Go otlhaya batho ka ntlha ya seo ba leng sona le ka moo ba leng ka teng ke go tlhoka tlotlo ya mokgwa wa botho le kgatako ya tekatekano. **Tekatekano e kaya matshwenyego a a lekanang le tlotlo go ralala pharologano. Ga e akanyetse tloso kgotsa kgatelelo ya pharologano. Tlotlo ya ditshwanelo tsa botho e tlhoka Netefatso ya bowena, e seng kganetso ya bowena. Ka jalo tekatekano ga e kaye go lekalekanya kgotsa go dira gore boitshwaro bo tshwane kgotsa go galaletsa mofuta o mongwe jaaka o o bothokwatlhokwa, mme o mongwe jaaka o o nyatsegang, mme tumelo le kamogelo ya pharologano.** Bobotlana, e netefatsa gore pharologano ga e a tshwanela go nna motheo wa kgethololo, boikgatholoso le kgethololokamanyo. Bogolo, e itumelela maatla a pharologano e a tlišang mo setšhabeng.”⁶¹*

⁵⁶ Temana 20

⁵⁷ 2004 (11) BCLR 1125 (CC)

⁵⁸ *Brink v Kitshoff* 1996 (4) SA 197 (CC); 1996 (6) BCLR 752 (CC) mo temaneng 40; *Prinsloo v Van der Linde and Another* 1997 (3) SA 1012 (CC); 1997 (6) BCLR 759 (CC) mo temaneng 31; *Pretoria City Council v Walker* 1998 (2) SA 363 (CC); 1998 (3) BCLR 257 (CC) mo temaneng 26

⁵⁹ Lebelela, sekai, dikarolo 1(a), 7(1) le 39(1)(a).

⁶⁰ Temana 26

⁶¹ Temana 60

133. *Mo Minister of Home Affairs and Others v Watchenuka* kgotlatshekelo e amogetse gore seriti se mo bathong botlhe ka tlholego go sa kgathalesege lotso –

*“Seriti sa botho ga se na lotso. Se mo bathong botlhe ka tlholego – baagi le bao e seng baagi ka go tshwana – fela ka ntlha ya gore ke batho. E bile fa motho yoo a le mo nageng eno – ka mabaka afe – se tshwanetse go tlotlwa, e bile se sireleditswe, ke karolo 10 ya Molaotlhommo wa Ditshwanelo.”*⁶²

134. Ka gotlhe, dikatlholo tsa dikgotlatshekelo tsa rona di tswelela go tsenngwa mo dipholising tsa Puso go netefatsa tiiso ya tlwaelo ya tshwanelo ya botho mo nageng.

Ditlolomolao tsa letlhoo le puo ya letlhoo

135. Ditlolomolao tsa letlhoo ke ditlolomolao tsa boikitsiso, tse di sa lebiswang fela kwa boikitsisong jwa motswasetlhabelo mme di lebisitswe gape kwa setlhopheng se ba leng karolo ya sona. Gantsi motswasetlhabelo ke letshwao la setlhopho ka kakaretso sa batho. Le fa ditlolomolao tsa letlhoo di ka dirwa kgatllhanong le mongwe le mongwe, gantsi ke ditlhopho tse di ikgatholositsweng di totilweng. Re tswelela go nna mo lefatsheng le le lebeleletseng thata pharologano, lefatshe le le tswelang pele go tlhoka boitshokelano. Ditlolomolao tsa letlhoo le puo ya letlhoo di nna di le teng mo setšhabeng sa rona. Mo kgetseng ya *SAHRC v Qwelane*, Kgotlatshekelo ya Tekatekano e amogela gore kgololosego ya tlhagiso ya maikutlo e ka se sireletse puo e e botlhole mo ditshiamong tsa semolaotheo le ditshwanelo tsa botho, le eo e tshosetsang ntsifalo ya temokerasi.⁶³
136. Aforikaborwa e na le melao e le mmalwa e e sekasekang kgethololo, jaaka Molao wa Tsweletso ya Tekatekano le Thibelo ya Kgethololo e e sa Lolamang (PEPUDA) gape le karolo 9 ya Molaotheo, fela ga go epe ya tsona e e diretsweng go lebagana le ntlha ya tlolomolao ya letlhoo. PEPUDA e ka ga puo ya letlhoo, kgethololo e e sa lolamang le thumulano. Lereo “tlolomolao ya letlhoo” ga le tlhagelele gope mo Molaong.
137. Go botlhokwa go ela tlhoko gore PEPUDA e amogela gore kgethololo e e sa lolamang le puo ya letlhoo **di ka** nna ditlolomolao e bile di tshwanetse go tsewa jaaka ntlha e e tlhotlheletsang mabapi le maitlhommo a go dira katlholo. Fela seno ga se sekaseke ditlolomolao tsa letlhoo ka bongwe ka bongwe le ka totobalo, jaaka e dira ka thumulano, kgethololo le puo ya letlhoo. PEPUDA e na le bokoa jo bongwe gape ka ntlha ya gore e lebagane thata (mo karolong 28(1)) le kgethololo e e ikaegileng mo bomorafeng, bogoleng le bong mme ga e akaretse lotso kgotsa tshekamelobong. Ka mokgwa ono, PEPUDA e tlhola ‘tatelano ya maemo’ ka go tlisa pele mefuta e e rileng ya kgethololo go na le e mengwe. Bokoa jo bongwe jwa PEPUDA ke gore go batla go itse morero ga go gatelelwe.

⁶² Minister of Home Affairs and Others v Watchenuka and Others 2004 (4) SA 326 (SCA)

⁶³ SAHRC v Qwelane case no EQ44/2009 (EQ13/2012) EQC (18 Phatwe 2017)

138. Gajaana go na le *Prevention and Combating of Hate Crimes and Hate Speech Bill*, e e fa pele ga Palamente. Molaotlhommo o ikaegile mo dikatlanegisong tse di fitlhelwang mo letlhomesong la pholisi le le neng la dirwa. Go tlhama molao o o totobetseng mo ditlolomolaong tsa letlhoo go tlile go nna le mesola e le mentsi. Go tla thusa go tlhama tlhaloso e e aroganwang ya tlolomolao ya letlhoo gareng ga tsotlhe tse di amegang mo thulaganyong ya bosiamisi jwa bosenyi;⁶⁴ go tla romela molaetsa o o tlhapileng kwa setšhabeng wa gore ditlolomolao tsa letlhoo ga di ne di letlwa mo Aforikaborwa; go tla abelana ka didiriswa tsa tlaleletso go mafokisi le batšhotšhisi go rwesa basiamolodi ba ditlolomolao tsa letlhoo maikarabelo; go tla letla tirisano mmogo e e nonofileng magareng ga batlamedi ba ditirelo ba puso go fokotsa kutlwalo ya kgobeletso e e tlang kwa morago mo batswasetlhabelong ba ditlolomolao tsa letlhoo. Kgobeletso e e tlang kwa morago e diragala fa batswasetlhabelo ba bewa ka fa tlase ga boitshwaro jo bongwe gape jo bo sa akanyetseng maikutlo kgotsa jo bo sa amogelesegeng kgotsa ditshwaelo ka mapodisi, batlhankedi ba tlhokomelopholo kgotsa batlhankedi ba bosiamisi.

Letlhoo la batswantle

139. Go latela ditiragalo tsa 2015 tsa tirisodikgoka kgatlananong le baagi ba baditšhaba, togamaano ya Puso, ka tirisano mmogo le mekgatlho e e farologaneng ya baagi mo go lwantsheng le go thibeleng ka matlhagatlhaga matshosetsi ano, e ne ya tlhagiswa mo leanong la matlhakore mantsi le le kopantsweng. Matsapa a Puso a rulagantswe ka maemo a a kwa godimo, gareng ga tse dingwe, Dikomiti tse dikgolo tsa Ditona tse tharo. DiIMC tseno ke – Komiti ya Ditona (IMC) ya Phudugo, IMC ya Kutlwanoloago le IMC ya Pholisi ya Baagi. Taolelo ya IMC ya Phudugo e ne ya atoloswa gore e lebagane le mabaka a a dirang gore go nne le dikgagamalo magareng ga baagi le baagi ba baditšhaba.
140. Dingwe tsa dintlha tse go lebaganweng le tsona mabapi le seno, ke thadiso ya go tsenngwa mo tirisong ga dipholisi tsa Dikamano tsa Tiro ka ntlha ya fa di ama baagi ba baditšhaba; go tsenngwa mo tirisong ga melao e e laolang dilaesense tsa dikgwebu; taolo ya melelwane ya naga le ka kakaretso dipholisi tsa phudugo tsa naga. Seno ke tiro e e tsweleng pele e bile IMC e simolotse ditherisano le baamegi ba ba amegang gore go kgone go bonwa tharabololo ya leruri ya dintlha tse di tlhagisitsweng ke baagi le baagi ba baditšhaba. Go ya ka go dirwa ga ditiro tsa IMC, Thulaganyo ya Bosetšhaba ya Kopanelo ya Ditiro le tsa Matlhale eo e leng mokgatlo wa go rulaganya tsibogelo ya puso ya maemo a tshoganyetso a a tshwanang le ano, e tsentswe mo tirisong. Mo godimo ga moo, Komiti ya Setegeniki e e tsenyeletsang Bakaedikakaretso ba mafapha otlhe a a amegang, e abelana ka tshegetso e e botlhokwa mo tirong e e tseneletseng e e tshwanetseng go dirwa mo go lebaganeng le mabaka a a tlholang dikgagamalo tseno. Mekgatlo e mebedi eno e neelana ka tshegetso e e tlhokegang go IMC.
141. Go tshwanetse go elwa tlhoko gore jaaka karolo ya tiro ya IMC, Moporesidente o biditse dikopano le bannaleseabe mo Aforikaborwa go sekaseka pholisi ya phudugo ya naga le go sekaseka ka moo maphata a a farologaneng a ka dirang le puso go tswelisa phudugo e e rulaganeng le dikamano tse di siameng magareng ga baagi le baagi ba baditšhaba. Dikopano

⁶⁴ Jaaka sekai, lenane la Ditaelo tsa Pholisi ya Bosetšhaba mabapi le Maatlafatso ya Batswasetlhabelo 'Batswasetlhabelo ba Kgobeletso ya Letlhoo' jaaka setlhopho se se tlang pele mabapi le thuso fela ga go na temogo ya 'batswasetlhabelo ba kgobeletso ya letlhoo' mo molaong mongwe le mongwe ya gajaana wa selegae.

di ne di tsenetswe ke maphata a kgwebo, metshameko, mekgatlho ya kemedi ya badiri, ditheo tsa setso le metshameko, baeteledipele ba setso, mekgatlho ya baagi, mekgatlho ya bašwa, bana, batho ba ba golofetseng le bolaodi jwa setso. Batsayakarolo ba ne ba dumalana mo go kgaleng le go kgalemeng ditlhaselo kgatlhanong le baagi ba batswantle. Ba ne gape ba itlama gore ba tla dira mo dikgaolong tsa bona tsa botlhophi go aga kutlwanoloago. Mo godimo ga moo, Moporesidente o ne a laletsa baemedi ba baagi ba baditšhaba ba ba nnang mo Aforikaborwa. Batsayakarolo botlhe ba ne ba dumalana ka go amogela le go tlotlomatsa matsapa a puso go fedisa ditlhaselo. Ba ne ba ineela mo go direng mmogo le balaodi ba Aforikaborwa go lebagana le dikgwetlho. Go tshwanetse go elwa tlhoko gape gore puso e simolotse mananeo a kemokgatlhanong ya letlhoo la batswantle le matsholo a kutlwanoloago mo dikolong.

142. Dingwe tsa ditiro tse di tswang mo ditsereganyong tsa JCPS di akaretsa tse di latelang:

- Mapodisi a ne a baya patlisiso ya merero eno kwa pele le go ikgolaganya ka kebelele le Bothati jwa Botšhotšhisi jwa Bosetšhaba ("NPA") le dikgotlatshekelo mo go lebaganeng le merero eo – segolobogolo mo batho ba tshwerweng ka bontsi teng. NPA e tlamile maano a tshoganyetso go laola le go sekaseka dikgetse ka nonofo le ka bonako le ka matsetseleko. Mo godimo ga moo, Motlatsamokaedi wa Botšhotšhisi jwa Setšhaba, Batšhotšhisibagolo, Batšhotšhisibagolwane le Batšhotšhisitaolo ba ne ba laelwa go tlhokomela, go sekisa le go naya kaelo go dipatlisiso tsa mapodisi. Batšhotšhisi ba ne ba tsiboswa le go newa ditaelo tsa go lebagana le dikgetse tseo ka matsetseleko. Fa go tlhokegang, bokopano jwa kgotlatshekelo jo bo neetsweng bo a tshwarwa go thusa go baya merero eno kwa pele fa e sena go siamela tsheko.
- Tlhokomelo ya dikgetse tse di tswang mo tirisodikgokeng eo le go baya kwa pele dipatlisiso tsa yona kwa pele le tsheko di tswela pele. Mo godimo ga moo, DOJCD, SAPS le NPA di mo kgatong ya go thadisa dikgetse tse di neng di gogetswe kwa morago, di tswetswe ka ntlha ya fa di ne di sa fitlhelege kgotsa mo batho ba ne ba sa bonwa molato ka ntlha ya botegezeni, gore go lebaganwe le diphoso tsotlhe le go tswala dikgala tse di bonweng. NPA gape e ne ya tlamela batšhotšhisi ditaelo gore ba di dirise mo mererong eo e bile seno se aroganwa le batsayakarolo ba bangwe, segolosegolo ba SAPS. Matsholo a a ikaegileng mo baaging a ne a tlhongwa go tswela thulaganyo ya bosiamisi le go ruta batho ka ga ditshwanelo tsa batho botlhe. Ditiragalo tsa DOJCD tsa baagi di ne di totobaditswe go, gareng ga tse dingwe, Molaotlhommo wa Ditshwanelo, Letlhoo la Batswantle le Tekatekano.
- Batlhankedi ba Bothati jwa Botšhotšhisi jwa Bosetšhaba (NPA) mo diporofenseng ba ne ba rotloetswa go tsaya karolo mo dipuisanong tsa baagi tse di rulagantsweng ke SAHRC ka mogopolo wa go ruta batho ka ga merero e e dirang gore baagi ba baditšhaba ba tswe kwa dinageng tsa bona le ka moo ba etleetsang ikonomi ya naga eno. Mo go emeng kgatlhanong le beile, fa go tlhokega, batšhotšhisi ba ngoka kgatlhego ya kgotlatshekelo mo kgonagalong ya go tshosetswa ga dipaki kgotsa bangongoregi, le ditlamorago tsa yona tsa bosiamisi le kobamelo ya molao.

- Lekala: Ditirelo tsa Kgotlatshekelo mo DOJCD di tlhagisitse le go baya mo sefalanatshedimosetso baranodi ba dipuo tsa boditšhaba ba ba ka thusang mo go lebaganeng le ditirelo tsa thanolo fa di tlhokega go ya ka merero e e amanang le baagi ba baditšhaba.

143. Dikatlantegiso di ne tsa dirwa ke Komitikipanelo ya Palamente ya Nakwana ya Patlisiso ya Pegelo ya Tirisodikgoka kgatlhanong le Baagi ba Baditšhaba le Setlhophla se se Kgethegileng sa Kaelo ya Phudugo le Kopanyo ya Baagi kwa KZN, e e eteletsweng pele ke Moatlhodi Navi Pillay. SAHRC e ne ya bitsa kopano ya Theetso ya Dipatlisiso tsa Bosetšhaba tsa Phudugo, Letlhoo la Batswantle le Kutlwanoloago ka Tlhakole 2018. Maitlhommo a theetso ya patlisiso e ne e le go botsolotsa ka mathata a bafudugi mo Aforikaborwa ka totobalo mo go batlisiseng:

- dintlha tse di bakang letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang;
- bogolo jwa go nna teng ga letlhoo la batswantle le tlhokgo ya boitshokelano jo bo amanang mo nageng;
- dintlha ka bophara tse di amanang le go tsholwa ga baagi ba baditšhaba mo nageng, go akaretsa le dikgwetlho tse bafudugi ba di itemogelang mo go kopanngweng le baagi ba selegae;
- bogolo jwa letlhoo la batswantle le le dirilweng moetlo le le tsepamisitsweng mo patlisisong ya dikgoreletsi tse bafudugi ba lebaganang le tsona mo go fitlheleng makwalo a a tlhokegang;
- go fitlhelela thuso le ditirelo tsa motheo;
- ditiragatso tsa tiro e e sa sireletsegang e bile e le kotsi e ditlhophla tse di sa sireletsegang jaaka bafudugi ba nnang ka fa tlase ga tsona le kgobo e e anameng ya baagi ba baditšhaba;
- bogolo jwa ka moo dikatlantegiso tsa maloba di tsentsweng mo tirisong ka teng, segolosegolo dikatlantegiso tse di mo pegelong ya Khomishene ya 2010, le tlhatlhobo ya dikgato tse di tserweng morago ga tirisodikgoka ya 2015 ya letlhoo la batswantle go tseletsa kopanyoloago ya bahudugi mo baaging ba selegae;
- tlhaganyesego ya lefelo la peomolao le pholisi go ya ka mogopolo o o ikaegileng mo ditshwanelong, le kutlwalo ya yona mo ditshwanelong tsa bafudugi;
- ka moo kakanyo le tsenyotirisong ya molao le pholisi di tshitsintseng ditlhabololo tsa bolaodi le keteetso ya tsona mo go gakatseng kgobo le kgethololo kgatlhanong le bafudugi;
- go akanngwa ga le karolo e e tsewang ke peomolao ya ditlolomolao tsa letlhoo le Leano la Tiro la Bosetšhaba la go lwantsha Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang, go akaretsa le mokgwa o di ka amang le/kgotsa di ka etleetsang ditshimololo tsa gajaana tsa kemokgatlanong- letlhoo la batswantle;
- karolo e e tsewang ke tlhaeletsano le bao ba tlhagelelang ka magetla mo setšhabeng mo go tlhotlhelletseng kgotsa go fediseng megopolo e e fosagetseng e e amanang le phudugo; le
- dikgwetlho tse bahudugi ba lebaganang le tsona mo go kopanngweng ga setšhaba sa Aforikaborwa le dikgato tse di ka tsewang go rotloetsa kutlwanoloago.

Batho ba LGBTI

144. Go tlhlongwa ga Setlhophha sa Tiro sa Bosetšhaba ke DOJCD ka 2011 go ne go ikaeletswe go kganela kgethololo e e tsweleng e e ikaegileng mo tshekamelobong le itlhasibong kgatlhanong le maloko a setšhaba sa LGBTI. DOJCD e ne ya tlhoma Lenaneo la Bosetšhaba la LGBTI le le tiisang boineelo jwa puso le go rebola mabaka a kaelo a Leano la Tsereganyo la Bosetšhaba go lebagana le tshekamelobong e e ikaegileng mo tirisodikgokeng gape le mabaka a kaelo a setlhophha sa tsibogelo ya potlako go tsamaisa ka bonako dikgetse mo thulaganyong ya bosiamisi jwa bosenyi.
145. Ka 2012 mo go romeleng Mokgwatiro wa Paka wa Botlhe wa Khansela ya Ditshwanelo tsa Botho ya Ditšhabakopano Pegelo ya yona ya Bosetšhaba, Aforikaborwa e ne ya tlotlomatswa ke Maloko a Dipuso a UN mabapi le boineelo jwa yona mo ditshwanelong tsa botho le mo go tokafatseng matshelo a baagi ba yona, kabo ya ditirelo tsa motheo jaaka matlo, boitekanelo le thuto gape le karolo ya boetapele e e tsewang ke Aforikaborwa mo Khanseleng ya Ditshwanelo tsa Botho ya Ditšhabakopano, segolosegolo mabapi le ditshwanelo tsa basadi ba kamano e e tshwanang, banna ba kamano e e tshwanang, batho ba kamanosebedi, batho ba ba iphetotseng bong le batho ba ba tshotseng ba na le dikarolo tsa bong tse di sa tsamaelaneng le bong jwa bona (LGBTI). Ka go lekana, Aforikaborwa e ne ya lopiwa go tlhama ditsela tsa ka bonako tsa go itebaganya le tirisodikgoka kgatlhanong le batho ba LGBTI.
146. Fa NTT e tlhlongwa gape ka Motsheganong 2013, DOJCD mmogo le baemedi go tswa kwa ditheong tsa Kgaolo 9 le mekgatlho ya baagi, jaaka Mekgatlho wa Ditshwanelo tsa Botho jaaka bokwaledi, di ne tsa ikaelela go go fitlhelela palo ya ditiro tse di thata. Seno se akareditse, gareng ga tse dingwe, go tlhama Leano la Tsereganyo la Bosetšhaba go tsibogela, le go thibela, ditlolomolao tsa tirisodikgoka e e ikaegileng mo tshekamelobong tse di dirwang kgatlhanong le batho ba LGBTI le go tlhama Leano la Tsenyotirisong Magareng ga Maphata le le tla golaganyang diitshimololelo tse di tsamaelanang le tsa tlotla, tse di ka fa gare le kwa ntle ga DOJCD jaaka tlhabololo e e diragalang gongwe ya Molaotlhommo wa Ditlolomolao tsa Letlhoo le Letlhommo la Pholisi, le Foramo ya Tlhokomelo ya Tlolomolao ya Letlhoo le kgobelelo. NTT e ne ya itlama go maatlafatsa bokgoni jwa diCSO go abelana ka ditirelo tse di maleba.
147. E tlhagisitswe gore go tokafatswe dikgolagano le mafapha a mangwe a puso, go diragatsa mananeo mo gare DOJCD, jaaka Phitlhelelo ya Tshiamo le Tsweliso ya Ditshwanelo tsa Molaotheo, Mananeo a gajaana a SEJA gape le go dira ka tsamaelanano le ditheo tse di maleba tsa Kgaolo 9 – jaaka Khomišene ya Ditshwanelo tsa Botho le Khomišene ya Tekatekano ya Bong – go fedisa bomorafe, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang mme ka go dira jalo e itebaganya le kutlwalo ya mefuta e e farologaneng ya kgethololo e e lebagantsweng batho ba LGBTI. E diretswe go tokafatsa taolo ya dikgetse ka batsayakarolo ba ba maleba mo thulaganyong ya bosiamisi jwa bosenyi, go akaretsa le Tirelo ya Sepodisi ya Aforikaborwa, Bothati jwa Botšhotšhisi jwa Bosetšhaba, Lefapha la Tlhabolololoago, Lefapha la Boitekanelo le Lefapha la Ditirelo tsa Kgopololo. Kwa bokhutlong, e diretswe go tsenya mo tirisong, go rulaganya, go tlhokomela le go sekaseka Leano la Tsereganyo la Bosetšhaba le maikaelelo a mangwe a a maleba.

148. Tswelelopele ya botlhokwa e dirilwe go fitlhelela maikaelelo ano. Ga jaana Leano la Tsereganyo la Bosetšhaba, le maikaelelo a lona e leng go thibela le go tsibogela tirisodikgoka e e ikaegileng mo tshekamelobong, le ne la konosetswa le go tlhongwa. Leano la Tsenyotirisong Magareng ga Maphata la Togamaano le ne la konosetswa. Setlhophapha sa Tsibogelo ya ka Bonako se a kopana go sekaseka tswelelopele ya dikgetse tse di iseng di konosetswe mo thulaganyong ya bosiamisi jwa bosenyi, mme ditlhophapha tsa tiro tsa maphatamantsi tsa porofense di ne tsa tlhongwa mo diporofenseng tsotlhe, e le go tokafatsa le go maatlafatsa ntlha ya boemedi le botsayakarolo mo NTT le mo diitshimololelong tsa thuto ya setšhaba tse di dirwang. Go netefatsa tekatekano ya botlhe go kaya gore re tshwanetse go tsibogela ka tshwetso ditiragalo tsa kgethololo le bosenyi tse di dirwang kgatlanong le batho ba LGBTI, ka go dirisa ditsela tse di umakilweng ka fa tlase ga NTT. Mo godimo ga moo, re tshwanetse go tshegetsatsa ka tirisano mmogo thuto ya setšhaba le mananeo a katiso a a umakilweng ka fa tlase ga NTT.

Batho ba tlholego

149. Bokana ka 320,000 jwa baagi ba tlholego ba Aforikaborwa ba akaretsa batho ba MaSan—!Xun, MaKhwe, le MaKhomani—Merafe ya MaNama, mekgatlho ya MaGriqua le lotso la MaKoranna, le “motsosolosi wa Khoisan,” bao ka kopano ba kaiwang jaaka MaKhoisan. Ka 1996, puso e ntšhwa e e tlhophilweng ya temokerasi e ne ya tsaya dikgato tsa go amogela ditshwanelo tsa MaKhoisan mo Athikeleng 6 ya Molaotheo, go lopa Lekgotla la Bosetšhaba la Dipuobontsi (PanSALB) go tsewetse e seng fela dipuo tsa semmuso di le somenngwe, gape le dipuo tsa ‘MaKhoi, MaNama le MaSan’. PanSALB e ne ya tlhoma Lekgotla la Bosetšhaba la Dipuo tsa MaKhoi le MaSan.
150. Morago ga ditlhopho tsa ntlha tsa temokerasi ka 1994, le jaaka karolo ya togamaano e e akaretsang go amogela boitshupo jwa MaKhoi-San, Lekgotla la Bosetšhaba la MaGriqua le ne la tlhongwa. Mekgatlho ono o ne wa tshitsinya gore mekgatlho wa bosetšhaba o tlhongwe go emela merafe ya MaKhoi-San mo Aforikaborwa o o tla dirang jaaka mekgatlho o le mongwe o Puso e tla rerisanang le ona mabapi le dintlha tse di amanang le MaKhoi-San. Ka di 27 Motsheganong 1999 mekgatlho wa bosetšhaba o e seng wa semolao o o neng wa itsege jaaka Khansele ya Bosetšhaba ya MaKhoi-San (NKC) e ne ya tlhongwa.
151. Puso e tsewelela go dira le go tshegetsatsa Khansele ya Bosetšhaba ya MaKhoi-San (NKC) e e dirang jaaka mekgatlho o le esi o Puso e rerisanang le ona mabapi le dintlha tsotlhe tse di amanang le MaKhoi-San. NKC e na le maloko a le 30 a a emelang ditlhophapha di le tlhano tse dikgolo tsa morafe wa MaKhoi-San (MaGriqua, MaSan, MaCape Khoi, MaKoranna le MaNama). Ba tsere karolo mo go tlangwang ga Molaotlhommo wa Boeteledipele jwa Setso le jwa MaKhoi-San (TKLB) o o sa tswang go amogelwa ke Kokoano ya Bosetšhaba le Khansele ya Bosetšhaba ya Diporofense. Molao o laela mabapi le go amogelwa semolao ga baeteledipele le merafe ya MaKhoi-San.⁶⁵ Molaotheo o gatelela botlhokwa jwa meono ya

⁶⁵ Maikaelelo a molaotlhommo ke: go dira taelo mabapi le kamogelo ya MaKhoi-San, go kopanya (mme morago go phimola) *National House of Traditional Leaders Act, 2009*, le *Traditional Leadership and Governance Framework Act, 2003*, go netefatsa tsela e e kopantsweng e bile e tshwana ya go lebagana le merero yotlhe e e amanang le boeteledipele jwa setso, go lebagana le dikganedi tsa melao ka bobedi e e tla phimolwang, le go dira ditlhabololo tsa ditlamorago mo melaong e mengwe.

“kopano” le “pharologano”. O tsenyeletsa diponagalo tse di tsepameng tse di amogelang tshwanelo ya merafe (kgotsa batho ba tlholego) ya go tsaya karolo mo mefuteng e e farologaneng ya go tlhagisa maikutlo a bona a setso, puo le bodumedi.

152. Aforikaborwa e ne ya tsenya mo tirisong le go duelela dikgato tse di kgonang go diragala le mananeo a a botlhokwa mo thutong, a seikonomi le a bonetetshi mabapi le go sireletsa le go tsweletsa batho ba tlholego. Ka go itsege jaaka Thulaganyo ya Kitso ya Tlholego, lenaneo leno la boitlamo le kopanya mmogo merafe ya tlholego, diyunibesithi, disenthara tsa dipatlisiso le badirammo ba tsa ikonomi e bile e bona tshegetso ya puso. Ofisi ya Dithulaganyo tsa Bosetšhaba tsa Kitso ya Tlholego (NIKSO) ya Lefapha la Bonetetshi le Thekenoloji e bone kamogelo ya boditšhabatšhaba mabapi le botlhami jwa yona jwa go oketsa boleng jwa dithulaganyo tsa kitso ya tlholego mo nageng.
153. SAHRC e begile gore kamogelo e tshwanetse go dirwa ka ntlha ya fa Aforikaborwa e tsere dikgato tsa tswelelopele mabapi le tshireletso ya ditshwanelo tsa batho ba tlholego, go akaretsa le go tlangwa ga mekgatlho le ditheo tse di mmalwa tsa tsepamo le go diriswa ga melao e e farologaneng le dipholisi tse maitlomo a tsona e leng go thibela kgethololo e e sa lolamang le go sireletsa ditshwanelo tsa batho ba tlholego. Seno se akaretsa, gareng ga tse dingwe, bontsintsi jwa melao e maitlomo a yona e leng go sireletsa ditshwanelo tsa dithulaganyo tsa kitso ya tlholego tsa batho ba tlholego gape le maano mabapi le pusetso ya lefatshe.

Bomorafo le kgobelelo mo tlhaeletsanong e e tlwaelegileng le mo mafaratlhatlheng a boitapoloso

154. Bomorafo bo tswelela go nna le seabe mo tlhaeletsanong ya tlwaelo mo Aforikaborwa, e ka boyona e leng ka fa tlase ga kgatelelo ya koketsego ya mafelo a go ntshetsa maikutlo a mafaratlhatlha a boitapoloso. Mafaratlhatlha a, mo mabakeng mangwe, fetogile go nna mafelo a go ntshetsa maikutlo mabapi le bomorafo jo bo seng ka fa tlase ga taolo. Mo godimo ga moo, dikgotlhang tsa bomorafo di nna teng mo ntweng ya mafoko magareng ga badiri ba tsa tlhaeletsano ka bobona. Tlhaeletsano le mefuta e mengwe ya tlhaeletsano ya setšhaba, jaaka Inthanete le mafaratlhatlha a boitapoloso, di tshameka karolo ya botlhokwa mo go kgontsheng tlhagiso e e gololosegileng ya maikutlo le phitlhelelo ya tekatekano. Le fa tlhagiso e e gololosegileng ya maikutlo le kgololosego ya bodumedi kgotsa tumelo di ikaegile mo botsoneng le mo go gateleleng, tlhagiso ya maikutlo ka kgololosego ga e a tshwanela go ama tshwanelo ya seriti. Ka kganetso, tlhabololo e e iseng e ke e diragale, ya ka bonako ya dithekenoloji tsa tshedimosetso, jaaka Inthanete le mafaratlhatlha a boitapoloso, e kgontshitse phatlhalatso e e namileng ya diteng tsa bomorafo le letlhoo la batswantle tse di nang le bokgoni jwa go tlhotlheletsa letlhoo la semorafo le tirisodikgoka.
155. Mo go tsibogeleng koketsego ya go sa sireletsegang ga batswasetlhabelo ba bosenyi ka inthanete, Aforikaborwa e ne ya tsenya mo tirisong palo ya ditsereganyo tsa togamaano le maano go akaretsa le thebolo ya Letlhomeso la Pholisi ya Bosetšhaba ya Inthanete (NCPF) ka 2012. Dintlha tsa bomorafo le letlhoo la semorafo mo inthaneteng ya lefatshe ka bophara le mo mafelong a mafaratlhatlha a boitapoloso di a sekasekwa ka melao go lwantsa bosenyi

ka inthanete.⁶⁶ Naga e mo tseleng ya go konosetsa peomolao ya bosenyi ka inthanete le merero e e amanang. Seno se tsamaelanana le Kopanokgolo ya Thalo ya Kopano ya Aforika e e ka ga go tlongwa ga letlhomiso la semolao le le ikanyegang la tshireletso ya inthanete mo Aforika. E lopa Dipuso tse di rebotseng Kopanokgolo go amogela peomolao ya go dira phatlhalatso ya matheriale wa bomorafe le letlhoo la batswantle tlolomolao. Peomolao e akaretsa thibelo le phatlhalatso ya matheriale wa bomorafe le letlhoo la batswantle ka khomputara kgotsa kgokagano ya ditlhaeletsano tsa seeleketeroniki gape le tlotlhetso ya tirisodikgoka kgatlhanong le motho kgotsa setlhophisa sa batho ka tsona tseo.

156. Molaotlhommo wa Bosenyi ka Inthanete⁶⁷ ga o na ditaelo tse di amanang le bomorafe, kgethololo ya mmala, letlhoo la batswantle (le tlhokego ya boitshokelano jo bo tsamaelanang), jaaka fa *Prevention and Combating of Hate Crimes and Hate Speech Bill (2018)* e le ka ga ditlhophisa tsa ditlolomolao. Mofuta wa gajaana wa Molaotlhommo wa Ditlolomolao tsa Letlhoo le Dipuo tsa Letlhoo o na le ditlhaloso tse di amanang le phasalatso, kgoeletso kgotsa puelelo kgotsa puisano ya matheriale wa puo ya letlhoo mo inthaneteng.
157. Go feta moo, mabapi le mafaratlhatlha a boitapoloso, mafoko a a dirisitsweng gajaana mo karolong 4(1)(a) a tlhagisa dipopi tsa le go tlhama tlolomolao ya puo ya letlhoo. Go ya ka karolo 4(1)(b) ya Molaotlhommo, ke tlolomolao ya go phatlhalatsa ka maikaelelo kgotsa go dira gore matheriale wa puo ya letlhoo o fitlhelege ka tlhaeletsano ya seeleketeroniki, e leng mo inthaneteng. Karolo 4(1)(c) e laela gore motho mongwe le mongwe yo ka maikaelelo, ka mokgwa ofe, a bayang mo phatlhalatseng matheriale ofe kgotsa yo o dirang gore matheriale mongwe le mongwe o o nang le puo ya letlhoo, o o fitlhelwang ke, kgotsa o o lebisitsweng go, motho yo o rileng yo o ka tsewang jaaka motswasetlhabelo wa puo ya letlhoo, o bonwa molato wa tlolomolao.
158. *Protection from Harassment Act, 2011*⁶⁸ e tlamela batswasetlhabelo ba thumulano ka dikalafi tse di nonofileng kgatlhanong le maitsholo ao e bile e neelana ka ditsela tse di kgontshang ditheo tsa puso tse di maleba go diragatsa ka botlalo ditaelo tsa Molao ono. Go ya ka Molao, tlhaloso ya “thumulano” e e neetsweng mo karolong 1 e akaretsa go tsaya karolo ka tlhamalalo kgotsa e seng ka tlhamalalo mo maitsholong a motsibogi a itseng kgotsa a tseelang gore o itse gore (a) a utlwiswa botlhoko kgotsa a tlotlhetse tumelo ka mabaka ya gore mongongoregi kgotsa motho yo o amanang o ka utlwiswa botlhoko ntle le lebaka ka (ii) go tsaya karolo mo tlhaeletsanong ya molomo, seeleketeroniki kgotsa ya mofuta ofe e e lebisitsweng go mongongoregi kgotsa motho yo o amanang, ka mokgwa ofe, puisano e ka tswa e diragetse kgotsa e sa diragala; kgotsa (iii) go romela, kgotsa go isa kgotsa go dira gore go romelwe gareng ga tse dingwe poso seeleketeroniki. “Go rumulana mo mafaratlhatlheng a boitapoloso”⁶⁹ mo kgokelelong ya inthanete, tshotlako ya mo kgokelelong ya inthanete le tshotlako mo inthaneteng di dira gore go nne le mathata.

⁶⁶ Peomolao e e tsepameng ya bosenyi ka inthanete e dirilwe ka didiriswa tse di latelang: - Tlhaeletsano ya seeleketeroniki le *Transactions Act* No 25 ya 2002 - National Cyber security Policy Framework 2012 - Regulation of Interception of Communications and Provision of communication-related Information Act of 2002 - Protection of Personal Information Act 2013.

⁶⁷ Molaotlhommo 6 wa 2017

⁶⁸ Molao 17 wa 2011

⁶⁹ “Go rumulana mo mafaratlhatlheng a botsalano” go kaya go kwala dilo tse di rumulanang mo kgokelelong ya inthanete le tshotlako mo mafaratlhatlheng a boitapoloso.

KGAOLO 7: Leano la Tiro la Bosetšhaba la Aforikaborwa go Lwantsha Bomorafe, Kgethololo ya Mmala, Letlhoo la Batswantle le Tlhokego ya Boitshokelano jo bo Amanang

Selekanyo sa Bosetšhaba: Karolo e e tsewang ke batsayakarolo mo go lwantsheng le go fediseng bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang

Puso

159. Puso e rwala maikarabelo a go tlhama letlhomiso la pholisi la semolao mabapi le thibelo ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang gape le mabapi le tsenyotirisong ya ditsela tsa thibelo le ditiragatso . Go tlaleletsa mo godimo ga ditsela tsa kgatelelo, puso e tshwanetse go oketsa matsapa a yona mo go thibeleng bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang mo dintlheng tse di tshwanang le pholisi ya khudugelo, kelotlhoko le tsamaiso ya bosiamisi le tswेतso ya ditsodintsi le pharologano ya ditso. Katiso ya badiredipuso mabapi le ditshwanelo tsa botho e botlhokwa thata mabapi le seno.
160. Mo godimo ga seo, jaaka Komiti ya Ditshwanelo tsa Ikonomi, Loago le Setso e kaile mo tshwaelong ya kakaretso ya yona nomoro 21 (2009) ditshwanelo tseno di pateletsa mefuta kgotsa maemo a le mararo a ditlamego mo pusong: (a) tlamego ya go tlotla; (b) tlamego ya go sireletsa; le (c) tlamego ya go diragatsa. Tlamego ya go tlotla e akaretsa kamogelo ya mekgwa e e rileng e maikaelelo a yona e leng go fitlhelela tlotlo ya tshwanelo ya mongwe le mongwe, ka esi kgotsa ka kamano le batho ba bangwe kgotsa mo morafeng kgotsa mo setlhopheng go tlhopho ka kgolosego boitshupo jwa bona jwa setso, go nna karolo ya kgotsa go se nne karolo ya morafe, le gore ditshwanelo tsa bona di tlotlwe. Seno se akaretsa tshwanelo ya go se bewa ka fa tlase ga mofuta ofe wa kgethololo e e theilweng mo boitshupong jwa setso, kgethololo kgotsa go pateletswa go nna karolo. La bofelo, tlamego ya go diragatsa e tlhoka gore mekgatlho ya Puso e tseye ditsela tse di nepagetseng tsa molao, tsamaiso, boatlhodi, tekanyetsokabo, tswेतso le tse dingwe tse maikaelelo a tsona e leng go fitlhelela ka botlalo tshwanelo e e tlhagisitsweng mo athikeleng 15, temana 1 (a), ya Tumulano ya Semmuso.⁷⁰
161. Athikele 2 ya ICERD e kaya gore Mekgatlho yotlhe ya Puso e tshwanetse go kgala kgethololo ya mmala le go itlamego go sala morago ka mokgwa ofe o o maleba le ntle le tshenyoo ya nako pholisi ya go fedisa kgethololo ya mmala ka mefuta yotlhe ya yona le go tswेतsa temogo mo ditsong tsotlhe, le, go fitlha gajaana: (a) Mekgatlho mongwe le mongwe wa Puso o itlamego gore ga o kitla o tsaya karolo mo tirong kgotsa tiragatsong epe ya kgethololo ya mmala kgatlhanong le batho, ditlhopho tsa batho kgotsa ditheo le go netefatsa gore balaodi

⁷⁰E/C.12/GC/21, ditemana 48-49. Komiti ya Ditshwanelo tsa Ikonomi, Loago le Setso

Bokopano jwa bosomeamane tharo. Tshwanelo ya mongwe le mongwe go tsaya karolo mo botshelong jwa setso (athikele 15, temana. 1 (a), ya Tumulano ya Semmuso ya Ditshwanelo tsa Ikonomi, Loago le Setso) 2–20 Ngwanatsele 2009

ba setšhaba botlhe le ditheo tsotlhe tsa puso, bosetšhaba kgotsa selegae, ba tla dira go tsamaelana le tlamego⁷¹ eno.

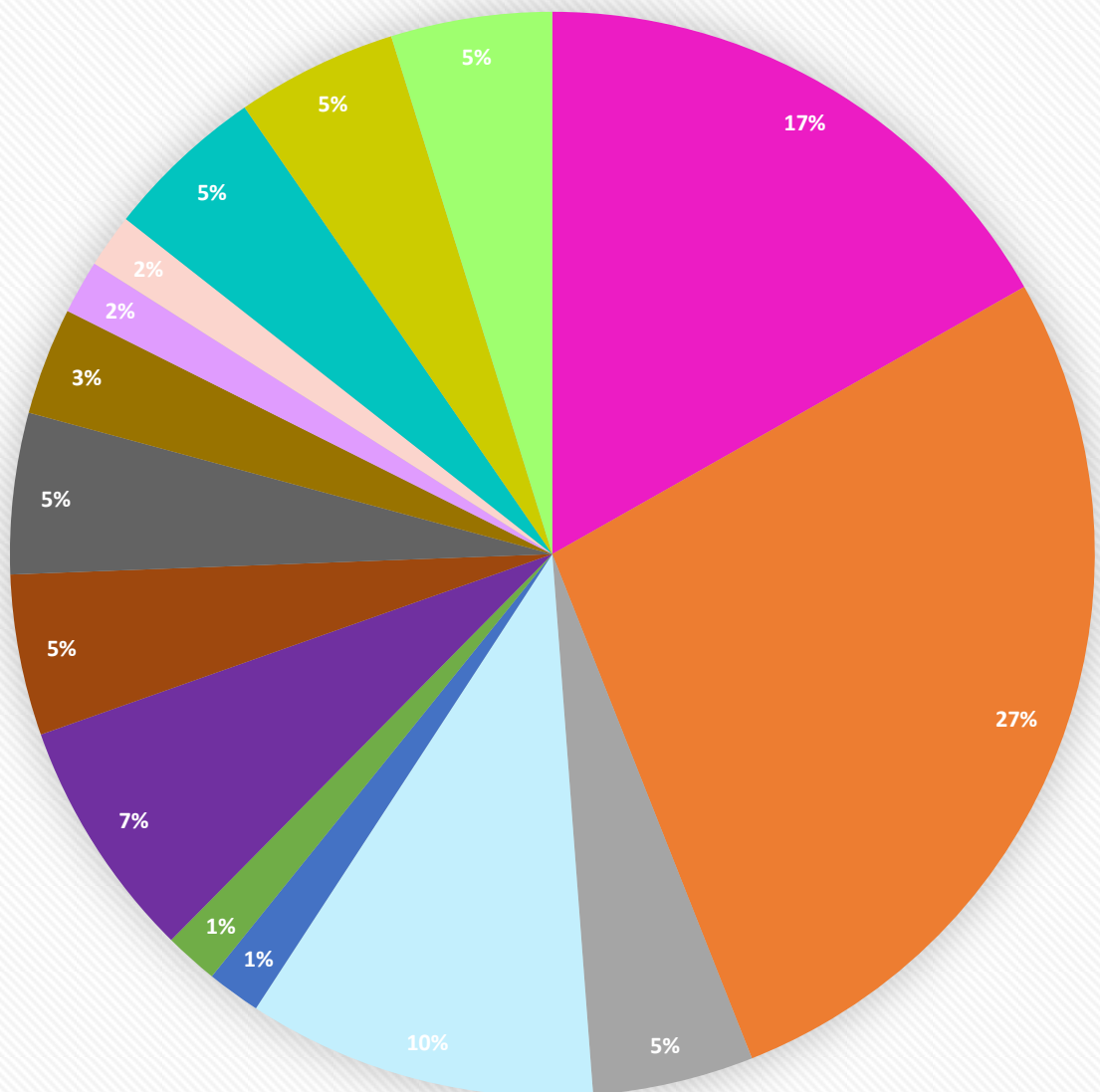
Mokgwa wa go dira ditherisano

162. Go tswa mo WCAR le DDPA, diitshimololelo tse di farologaneng di ne tsa dirwa go nolofatsa go tlangwa ga NAP. Thalo 14 e ne ya rebolwa ke Kabinete le go dirwa gore e fitlhelege mo webesaeteng ya lefapha gore setšhaba se tshwaele. Ditherisano le Setšhaba di ne tsa tshwarwa ka 2016 mme ditshwaelo di ne tsa amogelwa go tswa go boatlhodi, ditheo tsa Kgaolo 9, baagi, metshameko, tlhaeletsano, bašwa, badiri, morafe, le ditlhopha tse dingwe tse di nang le kgatlhegelo, maphata a puso le a poraefete. DOJCD e ne le yona, ka tirisano mmolgo le badirisanimmogo le bannaleseabe ba ba farologaneng, ba ne ba tshwara dikopano di le mmalwa tsa temoso, dikitsiso ka bokhutshwane le dipuisano ka ga NAP e e thadilweng go ralala naga, go akaretsa le baagi ba ba tlwaelegileng. Ditshwaelo tsotlhe tse di amogetsweng di ne tsa tsewa tsia mo thalong ya bofelo ya NAP.
163. DOJCD e ne ya tshwara ditherisano tsa porofense kwa Kwazulu-Natal, Gauteng, North West, Mpumalanga, Northern Cape, Free State, Eastern Cape, Western Cape le Limpopo ka 2016. NAP e e thadilweng e ne e fitlhelega gape kwa Disenthareng tsotlhe tsa Ditirelo tsa Thusong le kwa dikantorong tsa Kgaolo tsa Lefapha la Bosiamisi le Tlhabololo ya Molaotheo e bile bannaleseabe botlhe le baagi ba ne ba laletswa go romela ditshwaelo tsa bona go: nap@justice.gov.za.
164. Palogotlhe ya ditlhagiso di le 152 e ne ya amogelwa go tswa kwa bathong ka esi ba le 104 le di le 47 go tswa kwa mekgatlhong, ditlhopheng tse di farologaneng tse di nang le kgatlhegelo le kwa ditheong tsa Kgaolo ya Borobongwe. Tshekatsheko ya ditlhagiso tse di amogetsweng, mmogo le ditshwaelo tse di amogetsweng kwa ditherisanong tsa porofense, e ne ya dirwa mme e ne ya nna motheo wa pegelo ya tlatlhobo.

⁷¹ UNOHCHR (1965). Kokoano ya Boditšhabatšhaba e e ka ga Phediso ya Mefuta Yotlhe ya Kgethololo ya Mmala

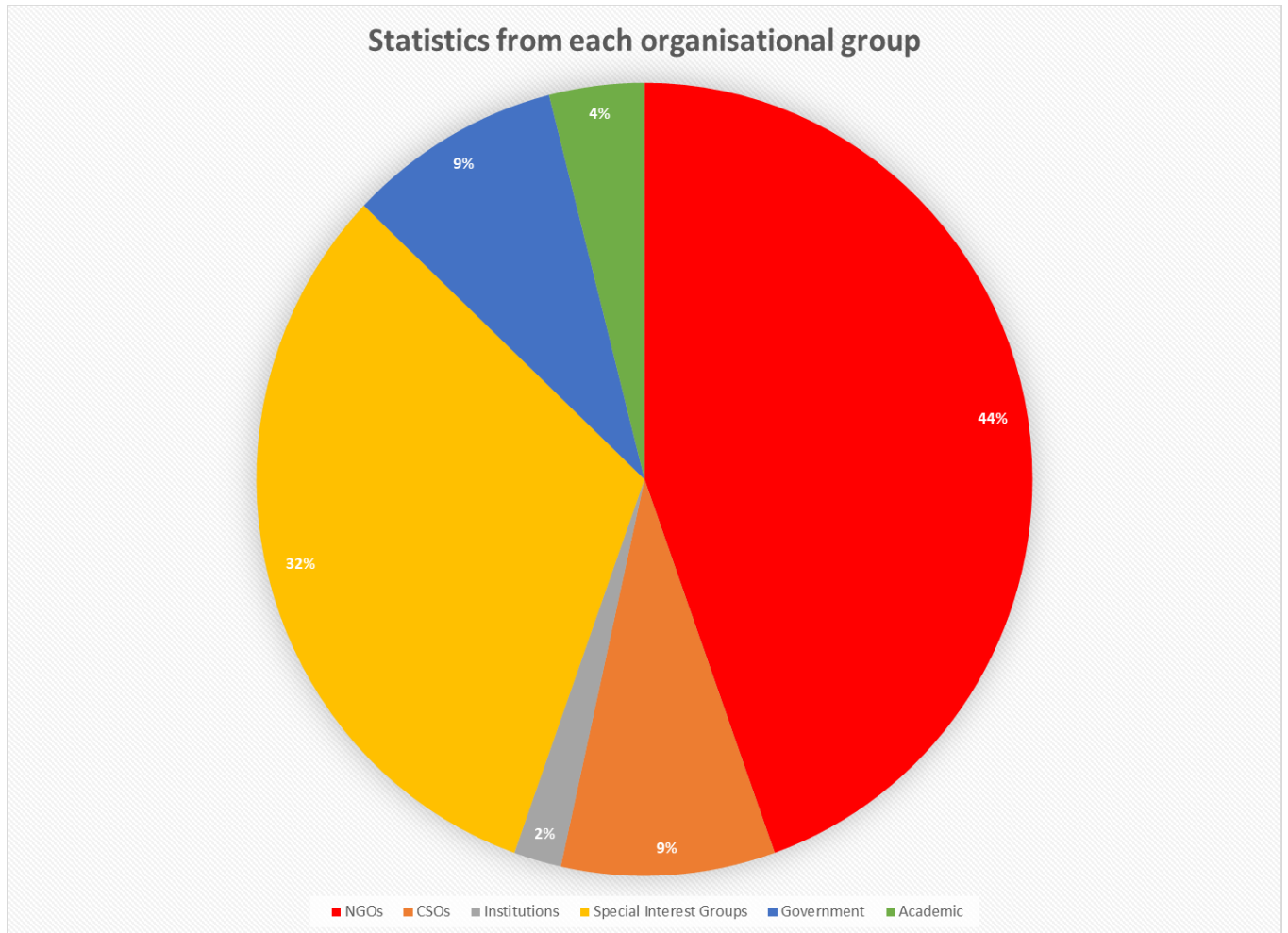
165. **Setshwantsho 1** se bontsha karoganyo ya dintlha tse di farologaneng tse di tlhagisitsweng ke mekgatlho e e farologaneng:

DIPALOPALO TSA DINTLHA TSE DI TLHAGISITSWENG KE MEKGATLHO



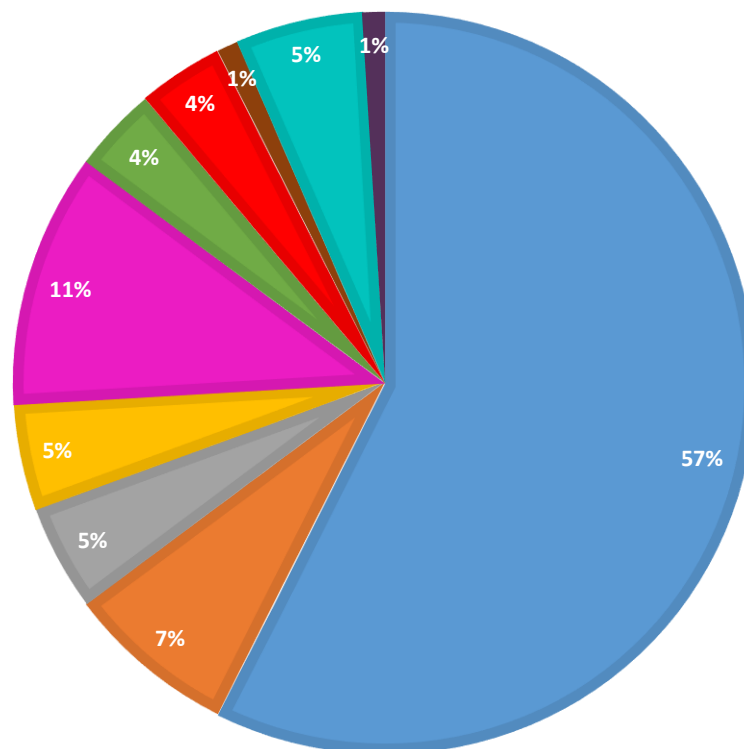
Xenophobia	Racism	Migration
hate crimes & other intolerances	lack ofpartnerships with Civil society	afrophobia
accountability of gvt	disablism	lack of appropriate school education
lgbtqi & sexual violence	lack of human rights training	new forms of intolerance
statelessness	confusion regarding scope of NAP	Lack of social media protection

166. **Setshwantsho 2** se tlhagisa dipalopalo go tswa mo setlhopheng sengwe le sengwe sa mokgatlho:



167. **Setshwantsho 3** se tlhagisa kgaoganyo ya diphesente tsa dintlha tse di tlhagisitsweng ke batho ka esi:

PHESENTE YA DINTLHA TSE DI TLHAGISITSWENG KE BATHO KA ESI



Batho ka esi le baagi: (mo dibokosong tsa mokwalo, e seng mo kanegelong)

- “Ke utlwile botlhoko ka ntlha ya gore ka 2016, lefoko sotho ka gongwe le bangwe ba le dirisa go tlhalosa batho ba Malindia mo Aforikaborwa ke makula. Ke ne ka botsa batho ba le mmalwa ba ba dirisitseng lefoko leno, mme ke ne ka bolelelwa gore ke lefoko le le "tlwaetseng go diriswa ka metlha". Le tswa mo lefokong coolie, le le neng e le e bile e santse e le lefoko le le nyenyefatsang fela jaaka lefoko k le le nyenyefatsang go tswa mo lefokong la searab”

- “ke rata go tlaleletsa ka gore Bomorafe ga bo diragale fela kwa dikolong le go tswa kwa basweung. Gape le... Ke mogolo fela nka se bue dingwaga tsa me, wa MoZulu wa montsho go tswa kwa KZN. Mme jaanong ke nna kwa JoBurg. Molaodi wa me ke montsho wa MoAforika go tswa kwa eastern cape. O ne a mpolelela gore ke se rwale tuku kwa tirong. La ntlha ke ne ke ithaya ke re o a tshameka.. La bobedi o ne a bua a supa tlhogo ya me ... Ga ke tle go bua le wena o rwele tuku eo. Ke na le bana ba le bararo le dingwaga di feta 44”

- “...ke tsene sekolo se segolo mo malobeng ..pele ga meriri e dirwa meleele. Fela re ne re lebega e bile re le phepa re apere sentle. Re ne re lebega jaaka bana ba sekolo, re apara jaaka bana ba sekolo. Re ne re itshotse jaaka bana ba sekolo e bile maitsholo a rona a ne a le mantle thata. Re ne re tlotla barutabana ba rona e bile re ne ithuta thata. Re ne ra ya kwa dikholetšheng tsa katiso ya barutabana ka 76 e bile re ne re dira tse di neng di tshwanetse go dirwa. Re ne ra dira bontle tota. Bana kwa Pretoria ga ba kame meriri ya bona e bile meriri ya bona e lebega jaaka dintlhaga tsa dinonyane. Mme ba re seno ke bomorafe”

- “Ditsereganyo tse di jaaka therisanokatiso, go ithuta dipuo tsa tlholego, jalo le jalo ga di kitla di fedisa bomorafe. FELA akanya fela fa e ne e le tlolomolao e e tlhokang kotlhao, batho ba ne ba tla simolola go akanya PELE ba dira kgotsa ba bua ka mokgwa wa bomorafe. Go baakanya tlhaloganyo e e senyegileng ya motho ka dithuto tse di ka ga pharologano ga go ne go dira go le kalo. Dira gore e nne tlolomolao e e OTLHAIWANG. Netefaletso ke gore e tla kgoba batho ba ba dirang bomorafe marapo.”

- “Kakanyo ya go bala gore a MaAforikaborwa a dirile tswelelopele kgotsa nnyaa mo go sutiseng “khumo” go tswa kwa basweung go ya kwa bantshong ka mokgwa ono e a swabisa, fela e go feta moo – ga go a siama go dirisa maemo ano go tlhomamisa gore boswa jwa tlhaolele bo sala go nna teng, jaaka fa leano la tiro le tlhalosa.”

- "... go otlhaya batho basweu ka go se ba thape, go se ba letle go tshamekela setlhophha sa naga, go ba ganela dišere mo dikemeng tsa dišere tsa batho bantsho fela, go thapa bantsho pele ga basweu fela go diragatsa bontlha jo bo beilweng fa mosweu a siametse go feta montso go bontsha bomorafe e bile go a kgetholola. Seno se ka se baakanye ikonomi ka gope. Seno se ka se lekalekanye botlhokatekatekano jwa loago le ikonomi"

- "Batho ba tlholego ba MaKhoi le MaSan ga ba amogelesege semolaotheo e bile ba santse ba kaiwa jaaka batho ba "mmala" jaaka ba tlhalositswe ke kgaoganyo ya mmala le lotso ya tlhaolele\bokoloniale. Rona, NKC, re nnile le ditshwaelo tse di tseneletseng mabapi le Molaotlhommo wa Boeteledipele jwa MaKhoi le MaSan, o gajaana o leng fa pele ga Palamente, le fa kgato eno e ne e emisitswe dingwaga di le 17. Seno ke ka ntlha ya kgethololo ya mmala ya setlhophha sa batho ba ba tlhaloswang jaaka "ba ba sa sireletsegang". Kgethololo ya MaKhoi le MaSan, ngwao, bomorafe le kgethololo ya mmala ya rona di okeditse tlhokego ya boitshokelano, bomorafe le kgethololo ya mmala kgatlanong le setlhophha sa batho, ba ba kgaogantsweng ke thulaganyo ya peomolao gore ba gatelelwe le go amogwa seriti sa boAforika ka mokgwa o e seng wa botho. Gajaana bomorafe kgatlanong le MaKhoi le MaSan bo tseneletse ka ntlha ya fa thulaganyo e santse e re tlhalosa jaaka sengwe se se farologaneng le seo re leng sona ka boammaruri.."

- "Ke akanya gore bomorafe bo bogolo go feta seno. "Tlhomamiso ya bogolo go ikaegilwe mo dipharologanong tsa ka fa gare" ga se botlhokwa jwa bomorafe. Ke go kopakopanya bokao jwa ga Kant le se a se kayang. Motho ga a tlhaloswe go ya ka botlhale, mmele kgotsa setso sa gagwe, mme ka ntlha ya gore ke motho yo o tshelang, kgotsa mo ThutoboModimong ya Sekeresete, gore o bopilwe mo setshwanong sa Modimo. Ka gongwe e lekane. Go tima motho botho jo bo tlhokegang ke modi wa bomorafe."

- "Simolola ka batlhankedi le go ba katisetsa go: Araba megala ya bona ka bonako. Fa o goroga kwa ofising ya gago, simolola go dira o tswelele go dira ka nako ya tiro o tlogele go nna fela mme o tlogele go ja fa pele ga bannaleseabe, batshabi le bafaladi. Tlogela go bua le bannaleseabe, batshabi le bafaladi o tladitse dijo mo leganong."

168. Ditheo tsa Kgaolo 9 ya Molaotheo di tlhoma palo e e rileng ya ditheo tse di ikemetseng tse maitlhommo a tsona e leng go maatlafatsa temokerasi ya semolaotheo mo Aforikaborwa ka tsweletso e e matlhagatlhaga ya tlwaelo ya ditshwanelo tsa botho le tshireletso, tlhabololo le phitlhelelo ya ditshwanelo tseo, go akaretsa tlhokomelo le tshekatsheko ya go tsenngwa mo tirisong ga tsona. Ditheo tsa Kgaolo 9 ka go tsamaelana le meono⁷² e e amanang le kemo ya ditheo tsa bosetšhaba mabapi le tsweletso le tshireletso ya ditshwanelo tsa botho di na le tiro e di laetsweng go e dira mabapi le thibelo le tshireletso ya ditshwanelo tsa botho go akaretsa le bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Segolobogolo di ka tsaya karolo mo go lebaganeng le tse di latelang:

- Go thusa batswasetlhabelo ba ba tshotsweng ka go farologana ka dingongorego tsa bona
- Go batlisisa ka ga tsholo e e sa tshwaneng
- Go phasalatsa dipegelo tsa tsholo e e sa tshwaneng
- Go dira dikatlanegiso mabapi le twantsho ya tsholo e e sa tshwaneng
- Go tsweletsa tshireletso, tlhabololo le phitlhelelo ya ditshwanelo tsa botho le go tlhokomela le go sekaseka kobamelo ya ditshwanelo tsa botho mo nageng.

169. Go bonelwa pele gore ditheo tsa Kgaolo 9 di tla, segolobogolo, tshameka karolo ya botlhokwa mo go tlhokomeleng le go sekasekeng NAP.

Mekgatlho ya Baagi

170. Mekgatlho ya baagi e tsaya karolo ya botlhokwa mo phitlhelelong e e tsweleng pele ya ditshwanelo tsa botho le mo go direng setšhaba sa rona gore e nne sa temokerasi. Tlhomamiso ya Durban e amogetse botlhokwa jwa karolo e e tsewang ke mekgatlho ya baagi mo go lwantsheng bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Mekgatlho ya baagi e tshameka karolo ya botlhokwa ka go dira gore puso e rwale maikarabelo. Go feta moo, ditlhopho tsa mekgatlho ya baagi di na le maitemogelo a a tletseng le boitseanape mo go direng le batswasetlhabelo ba bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

171. Puso ya Aforikaborwa e netefaditse gape kamano ya yona le mekgatlho ya baagi mo go netefatseng tlhabololo le puso e e siameng.

172. Tlholego ya tharaano le go nna matlhakoremantsi ga bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang e tlhoka boitseanape jo bo farologaneng jo baagi ba ka bo tlamelang. Badiragatsi ba baagi ba ka etleetsa mo patlisong le thekatshekong ya pholisi ka go kgobokanya tshedimosetso e e maleba le go supa tsa sešweng tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang. Ba ka tlamela gape batswasetlhabelo ba ditlhopho kgotsa

⁷² UN General Assembly Resolution 48/134 ya di 20 Sedimonthole 1993

batho ka esi ba bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang ka katiso ya batlhankedi ba kgatelelo ya molao, thuso ya semolao le kago ya bokgoni le go dira ditirwana tsa kgodiso ya temoso. Badiragatsi ba baagi ba botlhokwa mo go thibeleng le go lwantsheng bomorafe e bile ba tshwanetse go dirisana mmogo le puso mo go direng seo.

Lephata la Poraefete

173. NAP e na le ka bobedi tiragatso e e tsepameng le e rapameng ke ka moo e itebagantseng le lephata la poraefete gape. Ditšhono tsa kgwebo di tswela go tthaloswa ke mmala, bong, lefelo la bonno, maemo le lemorago la puo. Lephata la poraefete le tshwanetse go bontsha boineelo jwa go obamela ditshwanelo tsa botho tsa motheo le go tlhagisa mokgwa wa tlhokegobomorafe mo dintlheng tsa tiro. Seno se tshwanetse go bontsha phetolo ya botsayamaikarabelo le go tlhagisa dintlha tse ka nnete di ba kganelang go tlhama bodiri jo bo emelang naga ya rona ka ntlha ya fa lephata la poraefete le dirile go le gonnye mabapi le seno. Lephata leno le tshwanetse go supa ka moo madirelo a a farologaneng a ka tsayang karolo mo go lebaganeng le dintlha tsa tlhobaboroko tse di bakang mathata a a jaaka botlhoki le tlhokego ya thuto. Gantsi kgwebo ke lephata le le esi le le tseelwang kwa tlase fa go tshwarwa dipuisano tse di ka ga ditshwanelo tsa botho.

Lephata la Tiro

174. Lephata la tiro le tshwanetse go tsaya karolo mo matsholong a le mmalwa a tlhabololo ya botho a a akaretsang gareng ga tse dingwe go godisa temoso kgatlananong le bomorafe le kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang mo mafelong a tiro, go godisa temoso le go ela tlhoko bodiri jwa bana, go tswelatsa tekatekano ya bong, go tlamela maloko a kemedi ya badiri ka thuto le katiso, go tswelatsa botsayamaikarabelo mo go lwantsheng bobodu. Lephata la tiro, ka NEDLAC jaaka thulaganyo e e tlhokegang mabapi le therisano ya semmuso magareng ga puso le thulaganyo ya badiri, e ne ya reriswa e bile e tla tswela go reriswa mo dipuisanong tsa pholisi tse di ka ga bomorafe, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

Tlhaeletsano

175. Karolo 16 (1) ya Molaotheo e tshepisa gore motho mongwe le mongwe o na le tshwanelo ya kgololosego ya tlhagiso ya maikutlo, go akaretsa, gareng ga tse dingwe, tshwanelo ya kgololosego ya bobegakgang le ditlhaeletsano tse dingwe gape le kgololosego ya tsa dithuto. Fela, karolo 16(2) e tlhagisa gore ditshwanelo tse di fa godimo ga di atolosetswe go “kgasakgaso ya ntwā; tlhotlheletso ya tirsodikgoka e e tlang; kgotsa tlhotlheletso ya letlhoo le le theilweng mo mmaleng, lotsong, bong kgotsa bodumeding, le le tlhotlheletsang kutlwisō botlhoko”. Ka bokhutshwane, puo ya letlhoo ga se puo e e gololosegileng.
176. Tlhaeletsano e tshameka karolo ya botlhokwa mo kagong ya setšhaba le mo kagong ya bosengmorafe le tlhokego ya kgethololo ya bong. E tsaya karolo gape mo go agiweng ga setšhaba se se nang le kitso, se se rutegileng e bile se le pelokgale le mo go rweseng puso

maikarabelo. Jaaka go umakilwe mo Tlhomamisong ya Durban, tiragatso ya tshwanelo ya tlhagisomaikutlo ka kgololosego, segolosegolo ka bobegakgang, e ka etleetsa e le ruri mo twantshong ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.⁷³ Seno se botlhokwa gore temokerasi e dire.

177. NAP e amogela gore phitlhelelo ya tshedimosetso ka kgatiso, kgaso le inthanete e botlhokwa mo go ageng setšhaba se se nang le kitso e bile se le matlhagatlhaga. E etleetsa gape mo tlhabololong ya thuto le ikonomi. Khansela ya Bobegakgang e okamela webesaete ya maloko a yona e bile khoutu ya bona e tsaya puo ya letlhoo le bomorafe jaaka tlolomolao. Foramo ya Batseleganyi ya Lefatshe (WEF) e atlanegisa gore go nne le mokgwa o o theilweng mo tsewetsong ya dipuisano tse di mosola jaaka go thibelwa ga tshotlakako.
178. Boipuso le boikemelo jwa ditheo tsa bobegakgang le mekgatlho ya taolo e e akaretsang Koporasikgaso ya Aforikaborwa, Bothati jo bo Ikemetseng jwa Tlhaeletsano jwa Aforikaborwa, Khansela ya Bobegakgang ya Aforikaborwa le Bothati jwa Maemo a Papatso bo tshwanetse go sireletswa.⁷⁴ Fela pharologano ya diteng tsa bobegakgang e bontsha bogolo jwa mefutafuta mo diphaposing tsa dikgang le mo matlong a bobegakgang. Mo lebakeng leno mekgatlho ya tlhaeletsano e e itaolang e ka tsaya karolo e le ruri go akaretsa le mo go thuseng go agwa gape ga tebegu ya tikologo ya bobegakgang jo bo kgaoganeng ka ntlha ya mmala le lotso, ka go amogela mekgwa e e jaaka khoutu ya maitsholo e e pateletswang kgotsa ya boithapo. Go itaola ga batlamedi ba ditirelo tsa inthanete go tshwanetse go rotloetswa.
179. Bobegakgang bo rotloetswa go tsaya karolo mo go lwantsheng bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang ka go bega ka ditiragalo tse di amanang le bomorafe, letlhoo la batswantle le kgethololo ya bong le go tlhama diitshimololelo tse di godisang temoso go fatlhosa baagi.
180. Bobegakgang bo tla tswela go reriswa ka dipuisano ke dithulaganyo le mekgatlho e e farologaneng e e emelang mefuta e e farologaneng ya tlhaeletsano le matlo a bobegakgang mo nageng. Seno se tla akaretsa gareng ga tse dingwe Koporasikgaso ya Aforikaborwa, Bothati jo bo Ikemetseng jwa Ditlhaeletsano jwa Aforikaborwa, Khansela ya Bobegakgang ya Aforikaborwa le SANEF. Bobegakgang, fela jaaka mekgatlho e mengwe e e nang le kgatlhego, bo ne jwa newa tšhono ya go tshwaela mo thalong ya NAP ka nako ya ditherisano tsa phatlhalatsa.

Borutegi

181. Ditheo tsa thuto e kgolwane le ditheo tsa thuto ya boraro ke tsona gantsi di nnang kwa pele mabapi le phetolo ya loago. Ditheo tseno di lopiwa go begela setheo sa puso sa NAP ngwaga

⁷³ Report of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Rutere. Khansela ya Ditshwanelo tsa Botho Ntlha 9 ya Lenanetema la bokopano jwa bo 20, 15 Motsheganong 2012

http://www.ohchr.org/Documents/Issues/Racism/A.HRC.20.33_en.pdf

⁷⁴ Leano la Bosetšhaba la Tlhabololo: Ponelepele ya 2030. "Transforming Society and Uniting the Country." Kgaolo 15. tsebe 8

<http://www.gov.za/documents/national-development-plan-vision-2030>

le ngwaga ka ga ditiragalo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang le dikgato tse di tserweng go itebaganya le tsona.

Mekgatlho ya metshameko

182. Metshameko e na le maatla a go kopanya batho – kgotsa go ba kgaoganya. Bomorafe mo metshamekong bo teng, e seng fela mo Aforikaborwa, mme mo lefatsheng ka bophara. Metshameko le Boitapoloso jwa Aforikaborwa di tla rwala maikarabelo a go fitlhelela tshedimosetso go tswa kwa ditshwaraganong tse di farologaneng tsa selegae ya ditiragalo tsa bomorafe, kgethololo ya mmala le tlhokego ya boitshokelano jo bo amanang, gape le dikgato tse di tserweng go fedisa bomorafe kwa mapatlelong a metshameko.

KGAOLO 8: DITSELA

183. Karolo e e tsewang ke puso mabapi le ditshwanelo tsa botho e matlhakoremararo: **tsweletso** le **tshireletso** ya ditshwanelo tsa botho le **thibelo** ya dikgatako tsa ditshwanelo tsa botho – kgotsa fa e bewa ka mokgwa osele, tshekiso, tshireletso, le thibelo, tse di itsegeng jaaka “3Ps”. Karolo 7(2) ya Molaotheo e tlama puso go “tlotla, sireletsa, tsweletsa le go diragatsa ditshwanelo tse di mo Molaotlhomong wa Ditshwanelo.”
184. Puso e tsaya maikarabelo a boitlamo le ditiro ka fa tlase ga molao wa boditšhabatšhaba go tlotla, sireletsa le go diragatsa ditshwanelo tsa botho tsa batho botlhe mo mafelotaolong a bona, ntle le kgethololo ya mofuta ope.⁷⁵ Gape, “Puso, go akaretsa le Makala otlhe a yona, e rwala maikarabelo a magolo a go tsweletsa le go sireletsa ditshwanelo tsotlhe tsa botho, go akaretsa le thibelo ya dikgatako tsa ditshwanelo tsa botho”.⁷⁶ Ditlamego tsa Puso di akaretsa tiro ya go sireletsa kगतललनong le tirisobotlhaswa ya ditshwanelo tsa botho ka matlhakore a boraro, go akaretsa le badiragatsi ba poraefete.⁷⁷ Dipuso di ka tlola ditlamego tsa tsona tsa molao wa boditšhabatšhaba wa ditshwanelo tsa botho fa di palelwa ke go tsaya dikgato tse di maleba go thibela, go batlisisa, go otlhaya le go samagana le tirisobotlhaswa ya badiragatsi ba poraefete.⁷⁸
185. Ditaelo tsa NAP ya UN di tshitshinya gore go nne le thulaganyo e e theilweng mo tlhokegong ya go tlhoma maikaelelo a a rileng, maitlhommo le ditiro, gape le mo botlhokweng jwa go tlhomamisa mekgatlho e e rwalang maikarabelo ya Puso, matlha a a totobetseng le ditshupo tsa tiragatso tsa maitlhommo mangwe le mangwe. NAP e neelana ka tshupo e e tlhamaletseng ya maikaelelo a Puso mo go lwantsheng kgethololo ya mmala. E tlhagisa ditsela le ditshupo mo nakong e e rileng tse di tla tshwanelang go fitlhelwa. Ditsela le ditshupo tse di tlhagisitsweng mo leanong di neelana ka kaelo e e botlhokwa go bao ba dirang mo leanong le go neelana ka kgakololo go setšhaba ka kakaretso.
186. Gore go fitlhelwe ditlhokego tseno, ditsela tse di tshitsintsweng le ditshupo di tlhagisitswe fa tlase. Go tshwanetse go gatelelwa gore ditsela tseno ga di nne teng ka bonosi, mme di tshwanetse go lejwa kगतललनong le dipholisi, mananeo le ditsereganyo tse di leng teng.
187. DOJCD e tla dira **tlhotlhomiso ya motheo e e tla tsewang jaaka motheo wa go** meta phetogo mo nageng go latela go tsenngwa mo tirisong ga NAP. E dira go feta dintlha tsa mogopolo. E tla diriswa go dira dikatlanegiso ka ga ditlhokego tsa tshireletso tsa batho ba ba sa sireletsegang le go itlhokomoloswa. Tlhotlhomiso ya motheo e tla tsaya tsia melao ya

⁷⁵ Athikele 2, International Covenant on Civil and Political Rights and the Human Rights Committee’s General Comment 31 (2004); athikele 2, Convention on the Rights of the Child and the Convention on the Rights of the Child’s General Comment 5 (2003).

⁷⁶ A/HRC/RES/24/16, temana 2. The Inter-American Court of Human Rights e tshegeditse gore Dipuso di na le “tiro ya semolao go tsaya dikgato tse di maleba go thibela dikgatako tsa ditshwanelo tsa botho” (*Velasquez Rodriguez v. Honduras*, 29 Phukwi 1988). E. Decaux and S. Touzé, *La Prévention des Violations des Droits de l’Homme* (Paris, Editions A. Pedone, 2015).

⁷⁷ Leba Human Rights Committee General Comment 31, temana 8 le Communication No. 195/1985, *Delgado Paez v. Colombia*, Views adopted on 12 July 1990; Convention on the Elimination of All Forms of Discrimination against Women General Recommendations 19 and 28. The European Court of Human Rights e fitlhetse gore ditleleimi di ka dirwa kगतललनong le Puso fa mapodisi a palelwa ke go sireletsa baagi mo go gatakweng ga ditshwanelo tsa batho ke baagi ba bangwe (*Osman v. United Kingdom* (Appl. No. 87/1997/871/1083), katlholo ya di 28 Diphallane 1998).

⁷⁸ Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (annex of A/HRC/17/31), endorsed by Human Rights Council resolution 17/4.

gajaana, dipholisi, mananeo, ditiro, ditlhokego le ditlamelo tseo e leng karolo mabapi le phediso ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

188. Tshedimosetso ya dipalopalo e e sa kopanang e tla kgobokanngwa go supa -

- Dipaterone tsa bomorafe;
- Dikgoreletsi tsa phediso ya bomorafe le kgethololo tse di tshwanetseng go fenngwa, ka kelotlhoko e e kgethegileng go mekgwa ya sešweng e e tlhagelelang ya kgethololo ya mmala;
- Phitlhelelo ya bosiamisi ya batswasetlhabelo ba kgethololo ya mmala;
- Mananeo a go lwantsha kgethololo ya mmala;
- Kitso ya thibelo ya kgethololo ya mmala mo baaging ka kakaretso le mo bao ba ka nnang batswasetlhabelo;
- Tlhotlheletso ya kgethololo ya mmala ka tlhaeletsano ya mogoso (go akaretsa le thelebišene, sealemowa, Inthanete, makwalodikgang le dimakasine);
- Ka moo kharikhula e gatelelang meono ya tekatekano le botlhokakgethololo mo magatong otlhe a thuto, le
- Go nna teng le go fitlhelega ga dikwalo tsa ditshwanelo tsa botho tsa botlhokwa le dimatheriale tse dingwe tse di sireletsang tekatekano le botlhokakgethololo mo dipuong tsa boditšhaba le tsa selegae gape le mofuta o o nolofaditsweng.

189. DOJCD ka fa tlase ga boeteledipele jwa mokgatlho wa bosetšhaba wa tsamaiso e tla tlhama thulaganyo ya Tsiboso ya ka Gale e e tla gokaganngwang le **Mokgwa wa Tsibogelo wa ka Bofefo** o o simolotsweng ke DOJCD. DOJCD e tla netefatsa gape gore tshedimosetso le dipalopalo tse di maleba di kgobokantswe le go phasalatswa ka ga palo ya ditlolomolao tsa bomorafe le letlhoo la batswantle tse di begilweng kwa mapodising, ka ga palo ya dikgetse tse di tšhotšhisitsweng, gape le ka ga mabaka a go sa tšhotšhisweng le ka ga ditlamorago tsa dikgetse tse di tšhotšhisitsweng.

190. DOJCD ka tirisanommogo le mafapha a puso, ditheo tsa Kgaolo ya Borobongwe, Mokgatlho wa Ditshwanelo tsa Botho le baagi ba ba dirang ka dintlha tseno, ba tla tlhama **sefalanatshedimosetso se se nang le maina a batlamedi ba ditirelo** ba ba tlamelang thuso mabapi le merero eno se se tla gokaganngwang le Mokgwa wa Tsibogelo wa ka Bofefo.

191. DOJCD e tla tsweletsa **ditogamaano tsa dipatlisiso** tse di akaretsang patlisiso ya tlhologo, mabaka le matshwao a bomorafe le kgethololo mo makaleng ka bobedi a poraefete le a puso gape le mekgwa e e nonofileng ya go netefatsa gore tshedimosetso e e nepagetseng le dipalopalo di a kgobokanngwa.

192. Tswelletso ya **thuto ya kemokgatlanong le bomorafe le kemokgatlanong le kgethololo** ke maikarabelo a a aroganwang magareng ga mafapha a puso le ditheo tsa Kgaolo ya

Borobongwe. DOJCD ka fa tlase ga thebolelo ya NAP e tswelletsa maano a a matlhakoremantshi a thuto a mapfapha a puso gape le ditsela tse di amogetsweng ke bona go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.

193. DOJCD e tla tlhama le go bopa **mananeo** a thuto le **katiso** ka tirisanommogo le mafapha a mangwe a puso, ditheo tsa Kgaolo 9 mmogo le baagi go godisa temoso ya dintlha tsa kemokgatlanongbomorafe, tekatekano le kemokgatlanongkgethololo mo batlhenkeding ba puso, mo baaging le mo setšhabeng ka kakaretso, go ngoka tshegetso go tswa mo baitseanapeng ba ba farologaneng.
194. Ditsela tseno di ka akaretsa mananeo a a kopanyang matsapa a bosetšhaba le tirisanommogo le bannaleseabe ba bangwe, go tswelletsa tiriso ya peeletso ya poraefete ka therisano le baagi ba ba amegang gore go fediswe botlhoki, segolosegolo mo mafelong a batswasetlhabelo ba kgethololo ya bomorafe ba nnang mo go ona ka bontsi. Lephata la poraefete le tshwanetse gape go akanya ka go etleetsa mo dipatlisisong go batlisisa tlhologo, mabaka le diboepo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.
195. Go tlhamilwe dikgato ka tiro ya popego e e dirisitsweng mo Letlhomesong la Togamaano ya Pakagare mme di tshwanetse go thusa ntle le matsapa kgolagano ya ka bobedi MTSF le NDP.

Dikgato	Maikarabelo a go etelela pele (* leba Leano la Tsenyotirisong – le le ka fetolwang mabapi le ditaelo tse dišwa morago ga ditlhopho tsa bosetšhaba tsa 2019)	Ditiro le dintshetsontle	Dipaka: 2019-2024 (go ya ka leano la tsenyotirisong)
1. Tlhotlhomiso ya Motheo	DoJCD	<p>1. Tlhome tlhotlhomiso ya motheo go tlhomamisa maemo a bomorafe, letlhoo la batswantle, kgethololo e e theilweng mo tshekamelobong, itshupobong le tlhagiso, ditiragalo tsa bomorafe, dikamano tsa lotso le le farologaneng le ka moo boitshupo jwa bosetšhaba bo tsewang ka teng.</p> <p>2. Popaganyo ya dipegelo tse di ka ga melao ya gajaana, dipholisi, mananeo, ditlhokego le ditlamelo tsa botho le tse di tshametsweng setheo tse di tlhokegang mabapi phediso ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p>	
2. Kgobokanyo ya tshedimosetso	DOJCD	1. Tlhamla bobeele jo bo nonofileng jwa tshedimosetso go tswa mo	

		<p>metsweding e e farologaneng ya tshedimosetso ya dipaloppalo e e sa kopanang go supa:</p> <ul style="list-style-type: none"> • dipaterone tsa bomorafe; • dikgoreletsi tsa phediso ya bomorafe le kgethololo tse di tshwanetseng go fenngwa, go ela tlhoko segolo mefuta ya sešweng e e tlhagelelang ya kgethololo ya mmala; • Phitlhelelo ya bosiamisi ya batswasetlhabelo ba kgethololo ya mmala; • Kitso ka ga thibelo ya kgethololo ya mmala magareng ga baagi ka kakaretso le magareng ga bao ba ka nnang batswasetlhabelo; • Tlhotlhetso ya kgethololo ya mmala ka tlhaeletsano ya mogoso (go akaretsa le thelebišene, seyalemowa, Inthanete, makwalodikgang le dimakasine); • Go nna teng le go fitlhelega ga dikwalo tsa botlhokwa tsa ditshwanelo tsa botho tsa botlhokwa le dimatheriale tse dingwe tse di sireletsang tekatekano le botlhokakgethololo mo dipuong tsa boditšhaba le tsa selegae gape le mofuta o o nolofaditsweng. <p>2. Tlhome Ntlhatlhakanelo ya Bosetšhaba go etelela pele tsenyotirisong ya NAP.</p>	
3. Mokgwa wa Tsibogelo wa ka Bofefo mabapi le kgobokanyo ya tshedimosetso		<p>1. Tlhome Mokgwa wa Tsibogelo wa ka Bofefo go rulaganya ditiragalo tsa bomorafe le bosenyi jwa ditlolomolao/letlhoo la batswantle tse di begwang kwa SAPS le kwa SAHRC mabapi le palo ya dikgetse tse di tšhotšhisitsweng, gape le ka ga mabaka a go sa tšhotšhisweng le ditlamorago tsa di tšhotšhisitsweng</p>	

		<p>ke NPA.</p> <p>2. Seno se tla akaretsa matsholo a temoso a a rotloetsang le go itsise setšhaba ka ga go bega ditiragalo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang go bolaodi jo bo maleba.</p>	
<p>4.</p> <p>Sefalanatshedimosetso</p>		<p>1. Kokoanya sefalanatshedimosetso/faelekaedi ya batlamedi ba ditirelo ba ba tlamelang thuso go batswasetlhabelo ba bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p> <p>2. DOJCD e tla dira kgokagano go faelekaedi ya batlamedi ba ditirelo mo webesaeteng ya yona, le go dira gore tshedimosetso e fitlhelege kwa diofising tsotlhe tsa yona.</p> <p>3. Dira matsholo a temoso go tumisa le go itsise setšhaba ka ga faelekaedi ya ditirelo nako le nako le ka tirisano mmogo le mekgatlho ya baagi.</p>	
<p>5. Patlisiso</p>		<p>1. Dira patlisiso ka ga tlhologo, mabaka le dibopego tsa bomorafe le kgethololo mo makaleng ka bobedi a puso le a poraefete.</p> <p>2. Dira patlisiso e e tsepameng mo bosiamising jwa pusetso.</p> <p>3. Dira tlhaloso ya boleng jwa dikarolo tsa lotso la baagi ba rona, mo bathong ba ba rileng ba tlhologo le bao e seng baagi.⁷⁹</p> <p>4. Sekaseka mekgwa yotlhe e e rileng e e amogetsweng go lebagana le maemo a a leng teng a kgethololo mo Aforikaborwa le go sekaseka ditlamorago tsa ditsela tseno.⁸⁰</p> <p>5. Rotloetsa ditšhono tsa patlisiso mo dintlheng tsa thibelo ya</p>	

⁷⁹ Katlanegiso ya Komiti ya Phediso ya Kgethololo ya Mmala morago ga tshekatsheko ya pegelo ya Naga ya Aforikaborwa e e ka ga ICERD, 2006, CERD/C/ZAF/CO/3

⁸⁰ Katlanegiso ya Komiti ya Phediso ya Kgethololo ya Mmala morago ga tshekatsheko ya pegelo ya naga ya Aforikaborwa e e ka ga ICERD, 2006, CERD/C/ZAF/CO/3

		bomorafe le kgethololo.	
6. Thuto le katiso		<p>1. Thuto le katiso ke maikarabelo a a arokanwang magareng ga mafapha a puso le ditheo tsa Kgaolo ya Borobongwe. DOJCD ka fa tlase ga thebolelo ya NAP e tswelletsa maano a a matlhakorenantsi a thuto a mafapha a puso gape le ditsela tse di amogetsweng ke bona go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p> <p>2. Dirisana le SAJEI go netefatsa katiso e e maleba ya batlhankedi ba boatlhodi.</p>	
7. Tebagano le dintlha tse di amanang le lefatshe		<p>1. Tsaya karolo mo dipuisanong tse di ka ga lefatshe.</p> <p>2. Puso e tla tlhama lokwalo la pholisi le le tla bayang ntlha ya phatlalatso gape ya lefatshe la puso le le lolea, le le sa dirisweng le go sa dirisweng ka botlalo kwa pele.</p> <p>3. Netefatsa mananeo a a nonofileng go godisa ditsela tsa katiso le tshegetso tse di tla netefatsang tswelelopele ya baamogeladitshiamelo ba thebolelo ya lefatshe.</p> <p>4. Go godisa tshireletso ya thulaganyetso ya borui le go gagamatsa tshireletso ya banni ba kwa dipolaseng.</p> <p>5. Dintlha tsotlhe tse di amanang le lefatshe di tla kaelwa ke matlhomeso a peomolao le dikgato tsa palamente.</p>	

8. Phokotso ya botlhoki		<ol style="list-style-type: none"> 1. Tsenya mo tirsong palotlase ya mogolo le go netefatsa kelotlhoko le kgatelelo ya yona ka Lefapha la Badiri. 2. Go atisa mananeo a tlhabololo ya dikgono le go tokafatsa tlhaeletsano ka ga phitlhelelo ya ona. 3. Go tokafatsa mekgwa ya go tlhama ditiro go tlamela batlhoki ka boiphidiso jo bo tswelelang. 4. Go tlhoafatsa matsapa a tshireletso ya dijo. 	
9. Potlakisa phetolo		<ol style="list-style-type: none"> 1. Puso e tshwanetse go tlhama lenaneo le le nonofileng go netefatsa phitlhelelo ya, le bong jwa, ditheo tsa ditšhelete ka batho bantsho, bašwa le basadi. Seno se tshwanetse go akaretsa mekgwa e mešwa ya taolo le go aba dilaesense e e tshegetsang kgaisano le go kgontsha bong jo bo farologantsweng. 2. Go tswelletsa phetolo mo lephateng la bojanala. 3. Go tlhokomela tswelelopele mo tsenyotirisong ya dipholisi tsa tekanyo ya thapo. 	
10. Busetša boswa jwa thuto ya tlhalele morago		<ol style="list-style-type: none"> 1. Ditsela tsa go samagana go tiisitswe le dikgwetlho tsa botlhokatekano magareng ga thuto ya kwa magaeng le kwa ditoropong ka go netefatsa gore go na le tlamelo e e lekaneng ya ditlamelo kwa mafelong a nonofiso ya kwa tshimologong ya bongwana a a kwa metsemagaeng le kwa metsetsetoropong le kwa dikolong ka tlamelo ya mananeo a thuto le katiso le ditharabololo tsa boleng, tse di nonofileng, e bile di tsenyeletsa. 2. Go netefatsa tlhabololo le tsenyeletso ya dithuto tsa kemokgatlanongbomorafe le tswelletsu ya tekatekano mo kharikhulamong ya nonofiso ya kwa tshimologong ya bongwana le ya dikolo. 	

		<p>3. Go tsenya mo tirisong le go tlhokokomela mananeo a kemokgatlhanong bomorafe mo mafelong a nonofiso ya kwa tshimologong ya bongwana, kwa dikolong le kwa ditheong tsa thuto e kgolwane.</p> <p>4. Go tlhama mokgwa wa go ithuta o mošwa, o o tsenyeletsang, go akaretsa le mananeo a maikaelelo a ona e leng go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p>	
11. Koketso ya tlhagiso ya kitso		<p>1. Go tlamela bakwadi le badiragatsi ba Bantsho ka tshegetso e e bonalang.</p> <p>2. Go tsenya mo tirisong matsholo go rotloetsa barutegi ba bantsho go phasalatsa.</p> <p>3. Thotloetso ya phetolo ya matlo a phasalatso go bula diphatlha mabapi le tsewetso ya dikakanyo tsa SeAforika.</p>	
12. Tloso ya bokoloniale mo tlhaloganyong		<p>1. Go dirisa thulaganyo ya thuto go tsenyeletsa mo ditlhaloganyong tsa bana gore motho mongwe le mongwe o tshwanetswe ke ditshwanelo tsa gagwe tsa botho e bile ga go ope yo o leng botlhokwa go feta yo mongwe.</p> <p>2. Go tlhama mananeo mo ditheong tsotlhe tsa thuto e kgolwane a a tlhotlheletsang le go tseweletsa ditshiamo tsa boitshokelano jwa semorafe, setso le bodumedi jwa batho botlhe go sa kgathalesege dipharologano tsa bona.</p> <p>3. Go dirisa tlhaeletsano go gatelela le go itumelela matsetseleko a MaAforikaborwa botlhe mo dintlheng tsotlhe tsa maiteko a botho.</p> <p>4. Go dirisana le SANEF/matlo a bobegakgang/mekgatlho e e amanang go netefatsa bokao jwa</p>	

		<p>loago le katiso ya pharologano mabapi le lephata la bobegakgang go tiisa go bega go go siameng, go go akanyetsang maikutlo a ba bangwe e bile e le jwa maikarabelo</p>	
13. Tsweletso ya kagoloago	Lefapha la Tlhabololo ya Loago	<p>1. Go dira mmapa wa baagi mo mafelong a a totilweng</p> <p>2. Go rulaganya baagi ka tiriso ya ditherisano le dipuisano go lemosa batho ka ga tlholego ya Hisetori ya rona e e aroganyang le ditlamorago tsa yona</p> <p>3. Go diragatsa matsholo a rona a thulaganyoloago go lebagana le bomorafe, kgethololo ya mmala, letlhoo la batswantle, letlhoo la baratani ba bong jo bo tshwanang le go sa itshokelaneng go gongwe.</p> <p>4. Go tlhabolola le go dirisa botsweretshi le setso go tlhotlheletsa temogo e kgolo ya mefutafuta ya ditso jaaka ntlha ya botlhokwa ya go kopanya boitshupo jwa bosetšhaba.</p> <p>5 Go tumisa le go rotloetsa maeto go mafelo a bosetšhaba a polokelongwao.</p> <p>6. Go tlhokomela ditiragalo tsa bomorafe, kgethololo ya mmala le tlhokego ya boitshokelano jo bo amanang mo metshamekong.</p> <p>7. Go dirisa DBE go tlhama le go boeletsa dipholisi gore di tsenyeletse bannaleseabe botlhe mo go tsenyeng diitshimololelo tsa kemokgatlanongkgethololo mo tirisong go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p> <p>8. Go rulaganya kgato ya botsayakarolo go tlhama Leano la Bosetšhaba le le Kopaneng go Sireletsa, Tsweletsa le go Tshegetsa Ditshwanelo tsa Batho ba ba Tshelang ka Boswafe.</p>	

<p>14. Tshedimoso ka ga dipuisano tsa phatlhalatsa tsa bomorafe</p>		<p>1. Go dirisa matsatsi a bosetšhaba a go itumelela le go gopola go lwantsha bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang.</p> <p>2. Go dirisana le bobegakgang/matlo a bobegakgang/SANEF/mekgatlho ya baagi le Ditheo tsa Kgaolo 9 go maatlafatsa matsholo a a jaaka Beke ya Kemokgatlanongbomorafe</p>	
<p>15. Twantsho ya kgethololo go theilwe mo tlhagong ya lotso</p>		<p>1. Le fa go tlotlwa ditso tse di farologaneng, gape go ruta baithuti ba rona kwa dikolong ka ga dikotsi tsa kgethololo e e theilweng mo mabakeng a tlhago ya lotso go botlhokwa.</p> <p>2. Go dira gore batho ba ipele ka naga ya bona ka matshwao a a tswelatsang boitshupo jwa bosetšhaba.</p> <p>3. Go dirisa matsholo a puso a tlhaeletsano go rulaganya baagi gore ba eme kgatlanong le kgethololo e e theilweng mo mabakeng a tlhago ya lotso</p>	
<p>16. Twantsho ya letlhoo la batswantle</p>	<p>Lefapha la Tlhabololo ya Loago</p>	<p>1. Go netefatsa tsenyotirisong ya dikatlanegiso tse di dirilweng ke Komitinakwana ya Palamente e e ka ga Pegelo ya Patlisiso ya Tirisodikgoka Kgatlanong le Baagi ba Batswantle le Setlhophakaelo se se Kgethegileng sa Khudugo le Kopanyo ya Baagi kwa KZN, se se eteletsweng pele ke Moatlhodi Navi Pillay.</p> <p>2. Go dira ditsela tsa go netefatsa gore bao e seng baagi ba mo nageng ba amogela ditirelo tse di ba tshwanetseng go ya ka Molaotheo.</p> <p>3. Go thusa gore go nne le tlwaelo ya botho mo taolong ya bafudugi, bafaladi le batshabi.</p> <p>4. Go nolofatsa kopanyo ya bafudugi mo baaging kwa ba nnang teng</p>	

		<p>5. Puso e tshwanetse go akanya ka go thala letlhomeso la pholisi le le amanang le batho ba ba senang boagi le phediso ya tlhokego ya boagi.</p>	
<p>17. Phediso ya tirisodikgoka e e ikaegileng mo bong, polao ya basadi le kgethololo e e ikaegileng mo bong</p>		<p>1. Lebagana le matshwenyego a a tlhagisitsweng mo memorantamong wa #TotalShutdown o o sekasekilweng mo Tlhomamiso ya Kokoano ya Baporesidente kgatlhanong le Tirisodikgoka e e ikaegileng mo Bong le Polao ya Basadi, e leng go tlhonga ga mokgatlo wa maphata mantsi, wa thulaganyo go tsibogela tirisodikgoka e e ikaegileng mo bong le polao ya basadi go akaretsa le kabo ya ditlamelo tsa botlhokwa e bile di lekane tse di tlhokegang le go tlhama leano la bosetšhaba la tirisodikgoka e e ikaegileng mo bong le polao ya basadi</p> <p>2. Go tlhoma Peoleitlo ya Polao ya Basadi.</p> <p>3. Go rotloetsa dipuisano tsa baagi go lwantsha tirisodikgoka kgatlhanong le basadi le bana.</p> <p>4. Tlamelo e e lekaneng ya ditlamelo le go maatlafatsa Disenthara tsa Tlhokomelo tsa Thuthuzela, Dikgotlatshekelo tsa Ditlolomolao tsa Thobalano le mafelo a tshireletso.</p> <p>5. Go maatlafatsa go tsenngwa mo tirisong ga <i>Domestic Violence Act</i> (116 wa 1998)</p> <p>6. Go lebagana le tirisodikgoka mo dikolong le go tlamela tikologo e e babalesegileng ya baithuti botlhe.</p>	
<p>18. Netefaletso ya batswasetlhabelo ba bokoloniale le tlhalele</p>		<p>1. Go ruta baithuti ka ga hisetori ya bokoloniale le tlhalele.</p> <p>2. Go samagana le tiro nngwe le nngwe ya Komiti ya Nnete le Poelano e e saletseng kwa morago/e e sa felang, go akaretsa le</p>	

		<p>go tsenngwa mo tirisong ga dikatlanegiso tsa yona.</p> <p>3. Go tswelata go saenwa ga Kokoano e e ka ga Tlhaolele le Kokoano Kgatlanong le Dinyelelo tse di Pateleditsweng</p> <p>4. Go tumisa matshwao a rona a bosetšhaba le bagaka ba ntwā.</p>	
<p>19. Tsweliso ya temoso ya ditshwanelo tsa semolaotheo le tsa botho</p>		<p>1. Go tsenya mo tirisong mananeo a a tshwanang le <i>Amarightza</i> go tswelata temoso ya ditshwanelo tsa botho le tsa semolaotheo.</p> <p>2. Go ruta baagi ka moo ba ka diragatsang ditshwanelo tsa bona ka ditsela tse di jaaka baemedi ba baagi, mekgatlho ya Kgaolo 9 le dikgotlatshekelo.</p> <p>3. Go tumisa tiriso ya Dikgotlatshekelo tsa Tekatekano le go maatlafatsa Dikgotlatshekelo tsa Tekatekano</p> <p>4. Go dira gore Kgaisano ya Boditšhaba ya Sekakgotlatshekelo ya Dikolo e nne karolo ya kharikhulamo.</p> <p>5. Go tlhama mofuta wa ditlamelo tsa go lwantsha bomorafe, kgethololo ya mmala le kgobelelo (sekai jaaka Toropokgolo ya Thekwini e dirile.)</p> <p>6. Go akaretsa ka botlalo CRPD mo molaong wa selegae wa Aforikaborwa.</p>	

KGAOLO 9: Thulaganyo ya taolo

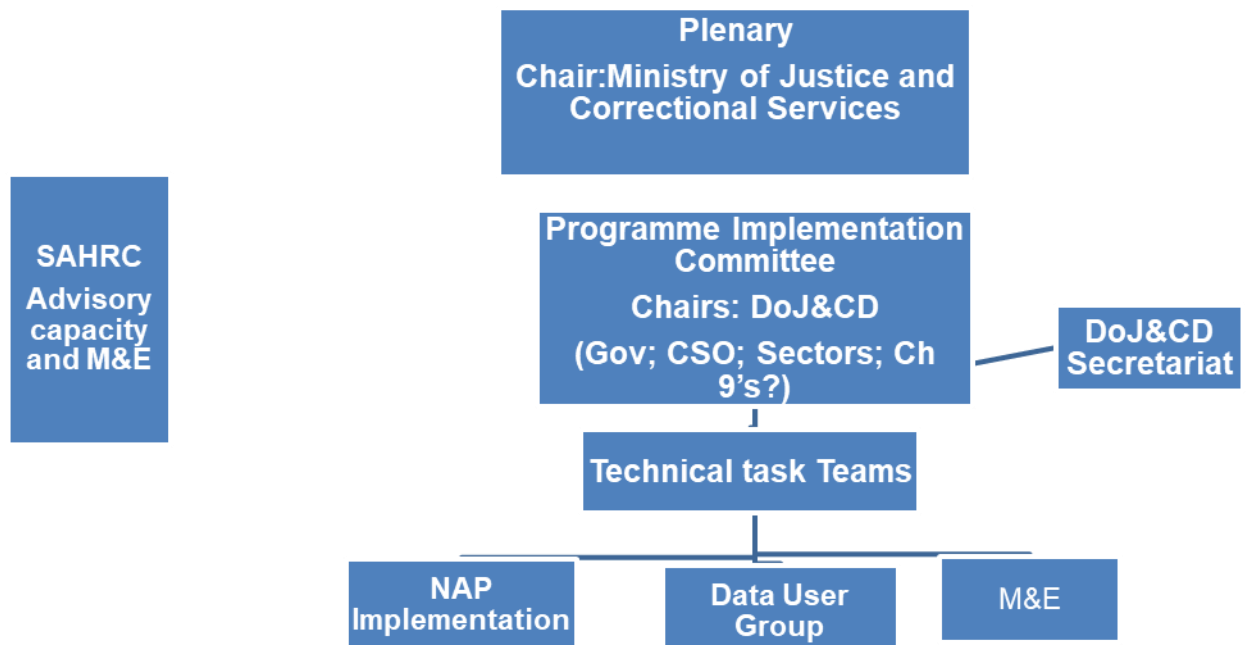
196. NAP e tlhoka mokgwa wa maphatamantsi o o ikaegileng mo phopholetsong ya botsayakarolo jwa matlhagatlhaga jwa mafapha a puso a a farologaneng le maphata. NAP e tlhoka thulaganyo e e tlhakantsweng ka fa tlase ga Lefapha le le ineetseng ka tirisano mmogo le bannaleseabe ba le mmalwa, e e begang kwa thulaganyong e e kwa godimo ya sepolotiki mo nageng. Tsenyotirisong e e nonofileng e bile e le ya botsayamaikarabelo ya NAP e momagantswe mo thulaganyong e e nonofileng ya puso le mo tlhokomelong le tshekatshekong ya mananeo a a tsentsweng mo tirisong. Seno se gatelela botlhokwa jwa thulaganyo e e tlhalositsweng ka tlhamalalo ka kitso e e tseneletseng ya dikarolo tse di farologaneng le maikarabelo tse di tshwanetseng go tsewa bannaleseabe botlhe ba ba amegang.
197. Dintlha tse di latelang di tshwanetse go elwa tlhoko mo go re kaeleng kwa go tlhomiweng ga sebopego sa taolo se se nonofileng:
- (i) Botlhokwa jwa go putlakgabaganya ka moo NAP e agegileng ka teng;
 - (ii) Botsayamaikarabelo kwa bolaoding jo bo kwa godimo mo nageng, go begela Kabinete/Palamente;
 - (iii) Tshegetso ya sepolotiki kwa maamong a a kwa godimo, jaaka kantoro ya moporesidente;
 - (iv) Tsenyotirisong ya NAP go ralala makala otlhe a puso ka go rapama le ka tsepamo ka tshegetso ya sepolotiki mo maamong otlhe (bosetšhaba, porofense le pusoselegae);
 - (v) Tsenyotirisong ya NAP e tlhoka mokgwa wa maphatamantsi ka maphata ka bobedi a puso le a poraefete;
 - (vi) Maloko a tshwanetse go tlhophiwa go latela boitseanape jwa bona le dikgono (jaaka Patlisiso; kanoko ya tshedimosetso; tlhamo ya pholisi le kanoko; tekatekano; bomorafe; taolo ya tshedimosetso/kitso j.j.);
 - (vii) Kelotlhoko e tshwanetse go dirwa mo tlhamong, taelong, bolaoding, botsayakarolong le maikarabelong le mo mererong ya taolo ya thulaganyo (letlhomeso/mabaka a kaelo);
 - (viii) Supa mafapha a puso a a botlhokwa le go a tshegetsa go emela le go tsaya karolo mo thulaganyong ya puso;
 - (ix) Mafapha a puso a tshwanetse go supa baemedi le go baya leitlho botsayakarolo mo thulaganyong ya taolo;
 - (x) Diabe tse di tlhalositsweng sentle le maikarabelo a bannaleseabe botlhe ba ba tsayang karolo (Mafapha a puso; Ditheo tsa Kgaolo 9; mekgatlho ya baagi, peomolao, boatlhodi le maphata a a farologaneng);
 - (xi) Mafapha a puso a tla tsaya karolo mo thulaganyong eno go ya ka APP ya bona e e rebotsweng le maano a MTSF go tsenya mo tirisong mananeo a kemokgatlanongkgethololo;
 - (xii) Mafapha otlhe a puso a patelesega go netefatsa gore diAPP tsa ona di tlhagisa ditsela tsa kemokgatlanongkgethololo go ya ka NAP ya bofelo;

- (xiii) Puso jaaka modiragatsi wa kabo ya ditirelo: kgaoganya ka go lekana bokwaledi jo bo nang le bokgoni le jo bo abetsweng madi go tshegetsa thulaganyo ya taolo mmogo le ditaello le ditiro tsa ditlhopho tsa tiro tsa setegeniki tse di farologaneng;
 - (xiv) Kakanyetsothlwatlhwa ya thulaganyo ya taolo, le
 - (xv) Go tshwanetse gore go elwe tlhoko kgonagalo ya poeletso ya maikarabelo ya dithulaganyo tsa gajaana mo pusong.
198. Diabe tsa botlhokwa tsa Palamente, jaaka peomolao le Kabinete, jaaka lekala la khuduthamaga la puso mo maamong a a kwa godimo a thulaganyo ya taolo e e tshitsintsweng ya NAP e tla netefatsa tsenyotirisong ya NAP ka maemo otlhe a puso le baagi le go netefatsa tshegetso ya sepolotiki ya maemo a a kwa godimo, di tlwaelegile mo boitlhophelong ka bobedi. Palamente e tshwanetse go nna kwa mankalengkaleng a thulaganyo ya taolo ya NAP. Seno se tla netefatsa tsenyotirisong ya NAP mo maamong otlhe a puso le baagi le go netefatsa tshegetso ya sepolotiki ya maemo a a kwa godimo.
199. Seabe sa peoleitlho sa Palamente mo thulaganyong ya taolo ya NAP se botlhokwa mabapi le mabaka a a latelang:
- Palamentse e tshwanetse go tshameka karolo ya botlhokwa jaaka lekala la peomolao la puso;
 - Tona ya Bosiamisi le Ditirelo tsa Kgopololo o begela Palamente ka Komiti ya Lefapha e e maleba;
 - Dikomiti tsa Mafapha ke dithulaganyo tse di botlhokwa tsa go netefatsa puso e e nonofileng le botsayakarolo jwa setšhaba;
 - Dikomiti tsa Palamente di naya baagi tšhono ya go tlhagisa megopolo ya bona ka ga merero e e sekasekilweng;
 - Go netefatsa botsayakarolo jo bo oketsegileng ka maloko a yona mo ditherisanong tsa dintlha tsa putlokgabaganyo tsa NAP;
 - Go tlamela tshegetso ya maemo a a kwa godimo ya sepolotiki e e tlhokegang mabapi le tsenyotirisong ya NAP;
 - Go rwesa mafapha otlhe a puso maikarabelo ka go tsenngwa mo tirisong ga NAP, le
 - Go baya leitlho tlhokomelo le tshekatsheko ya go tsenngwa mo tirisong ga NAP
200. Seabe sa Kabinete mo thulaganyong ya taolo ya NAP se botlhokwa thata. Ka ntlha ya fa NAP ka tlhologo e le e e tshekaganyang e tlhoka go diriswa ka fa gare le go ralala ditlhotshwana tse di farologaneng tsa puso le dikomiti tsa Kabinete tse di maleba, e bile e seng fela mo Komiting ya Kabinete ya CPS. Go feta moo, go tshwanetse go elwa tlhoko taelo ya go tsenyeletsa dintlha tsa loago mo tirong ya JCPS mmogo le Ditlhotshwana tse dingwe gape, go tsamaelana le moonono wa gore ditshwanelo tsa botho ke tsa lefatshe lotlhe, ga di fetoge; ke tsa botlhokakarogano, tsa boikaegi le kamanogareng.
201. Kabinete jaaka setheo se segolo se se dirang pholisi mo nageng, e tla nna le maikarabelo a a latelang mabapi le thulaganyo ya taolo ya NAP:

- Go baya leitlho go rulaganngwa ga tsenyotirisong le tlhokomelo ya NAP ya leano ka kakaretso la tiro;
- Peoleitlho ya togamaano e e akaretsang ya tsenyotirisong ya NAP;
- Peoleitlho ya thadiso ya tswelelopele ya tsenyotirisong ya NAP e ka yona naga e ka fitlhelelang ditlamego tsa yona tsa boditšhabatšhaba;
- Peoleitlho ya go begwa ka tsenyotirisong ya NAP kwa maemong a a kwa godimo a sepolotiki;
- Peoleitlho ya boineelo mo tsenyotirisong ya NAP go tswa kwa mafapheng otlhe a puso; lephata la poraefete, ditheo tsa kgaolo 9, baagi le maphata a a farologaneng, le
- Thebolo ya thuso ya ditšhelete mabapi le thulaganyo ya taolo ya NAP.

202. Thulaganyo ya taolo e e tshitsintsweng e tla okangwa kwa maemong a a kwa godimo a sepolotiki ke Tona ya Bosiamisi le Ditirelo tsa Kgopololo. Thulaganyo ya taolo e e tshitsintsweng e tla bopiwa ka Kopano ya Botlhe, e e tla okangwang ke Tona, Komiti ya Tsenyotirisong ya Lenaneo le Ditlhopho tsa Tiro tsa Setegeniki. Bokwaledi ba mokgatlho bo tla newa bonno mo DoJCD.

Thulaganyo e e tshitsintsweng ya taolo ya NAP



203. Maikarabelo a a tshitsintsweng a Komiti ya Tsenyotirisong ya Lenaneo e e tshitsintsweng a tla nna jaana:
- Go kopana kotara nngwe le nngwe mo ngwageng;
 - Go sekaseka ka moo bannaleseabe ba dirang ka teng mo go tsenyeng NAP mo tirisong;
 - Go begela Kabinete ka ga tswelelopele e e dirilweng mo go tsenyeng NAP mo tirisong;
 - Go naya peoleitlho ya kgato ya tlhokomelo le tshekatsheko ya NAP kaelo;
 - Go tsibogela dipotso mabapi le NAP;
 - Go naya kgakololo mabapi le tsenyotirisong ya NAP;
 - Go tlhoma ditlhophha tsa tiro ya setegeniki go netefatsa tsenyotirisong le tlhokomelo ya NAP, le
 - Go netefatsa thulaganyo le tlhologanyesego ya tiro ya ditlhophha tsa tiro ya setegeniki.
204. Go tla nna le Ditlhophha tsa Tiro ya Setegeniki mo dintlheng tsa tshekatsheko tse di latelang:
- Tsenyotirisong ya NAP;
 - Setlhophha sa Tiriso ya Tshedimosetso ka ga mekgwa ya kgobokanyo ya tshedimosetso ya ditiragalo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang, le
 - Tlhokomelo le Tshekatsheko (go bega boditšhabatšhaba le bosetšhaba).
205. Ditlhophha tsa Tiro ya Setegeniki di tla begela Komiti ya Tsenyotirisong ya Lenaneo ka ga dintlha tse ba rwalang maikarabelo a tsona. Dikatlane giso tsa porojeke ya Thuso ya Setegeniki mo tshekatshekong ya mekgwa ya kgobokanyo ya tshedimosetso ya ditiragalo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang di ka ga e bile di tlhagisa dikatlane giso tse di tshegetsang thulaganyo ya taolo e e tshitsintsweng.
206. Thulaganyo ya taolo ya NAP e e tshitsintsweng e tla dira jaaka karolo ya puso ka ntlha ya fa e sa tlhoke molao. Botlhokwa jwa karolo ya puso ke gore Matlotlo a Setšhaba a tla kgona go tsenyeletsa matlole go tswa mo mafapheng a lephata le go a sutisetsa kwa thulaganyong ya taolo. Karolo ya puso e tla bewa mo lefapheng la tsholo, mme e tla dira ka boikemelo go tswa mo lefapheng ka ntlha ya fa modulasetilo wa Komiti ya Tsenyotirisong ya Lenaneo o tla bega kwa go Tona. Peoleitlho e tla dirwa ke Bolaodi jwa Khuduthamaga. Karolo ya puso e tla kgona gape go amogela thuso ya matlole go tswa kwa baabing ba boditšhabatšhaba.
207. Bannaleseabe ba ba farologaneng ba ba tla emelwang mo Thulaganyong ya Taolo ya NAP ba tla akaretsa:
- Mafapha a a botlhokwa a puso;
 - Maphata a baagi (mekgatlho e e seng ya puso le mekgatlho e e theilweng mo baaging; ditlhophha tsa puelele; ditlhophha tsa bodumedi; thuto e e kgolwane; molao le ditshwanelo tsa botho; metshameko; basadi le bašwa; mekgatlho ya bafudugi/bafaladi/batshabi);
 - Maphata (tlhaeletsano; tsa badiri; kgwebo);

- Ditheo tsa Kgaolo 9, le
- Ditheo tsa borutegi/patlisiso.

208. Lekala la Tlhabololo ya Molaotheo la DOJCD, e bile ka tsepamo le le tlhomilweng mo Bokaedingbogolo: Tshiamo ya Loago le Temokerasi ya Botsayakarolo, Bokaedi: Tshiamo ya Loago le tla tswelela go tlamela tshegetso ya tsamaiso le thulaganyetso go mokgatlho wa taolo o mošwa jaaka bokwaledi. Jaaka bokwaledi jo bo tshitsintsweng, thulaganyo ya gajaana ya Bokaedi le kabo ya ditlamelo di tshwanetse go sekwasekwa gape go netefatsa bokwaledi jo bo maatlafaditsweng ka nepagalo le go thuswa ka matlole go tshegetsa ditaelo le ditiro tsa thulaganyo ya taolo, mo godimo ga tiro e nngwe ya yona. Bokaedi, ka nako ya kgato ya tsenyotirisong, bo tla tshameka karolo ya botlhokwa gareng ga tse dingwe-

- go rulaganyetsa, go tshegetsa le go rulaganya go tlhongwa ga thulaganyo ya taolo go netefatsa tsenyotirisong ya NAP;
- go tswelletsa le go baya kwa setlhoeng NAP;
- go tswelletsa, go sireletsa le go bua ka mefuta yotlhe ya bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang;
- go dira patlisiso ka ga mabaka a a thibelang phitlhelelo ya kagisano ya merafe;
- ka tirisanommogo le bannaleseabe ba ba maleba, go tlhama le go tsenya mo tirisong mananeo a a farologaneng go tshegetsa NAP;
- go kgobokanya/sekaseka tshedimosetso, le go tlhama sefalanatshedimosetso le go tlhola dipegelo ka ga tsa sešweng le diphetene tse di amanang le ditiragalo tse di welang ka fa tlase ga bokao jwa NAP (ka Thuso ya Setegeniki ka fa tlase ga SEJA);
- go tswelletsa ditogamaano tsa patlisiso le go khomišena dithuto/ditlhotlhomiso go tshegetsa NAP;
- go dira tshekatsheko ya motheo (ka fa tlase ga SEJA);
- go tlhokomela tsa sešweng le ditiragalo tsa bomorafe, kgethololo ya mmala, letlhoo la batswantle le tlhokego ya boitshokelano jo bo amanang;
- go tlamela ka tsibogelo e e maleba mabapi le seo, ka thulaganyo e e nonofileng le nolofatso le mafapha a puso le bannaleseabe;
- go nolofatsa le go tswelletsa mananeo a a amanang le boitshokelano le go tlhologanya bomefutafuta magareng ga batho ba Aforikaborwa, le
- go netefatsa go tlhongwa ga mokgwa wa M&E.

209. Melemo ya thulaganyo ya taolo e e tshitsintsweng ke gore kokoano ya semmuso e le esi e tlamela peoleitlho go ditiro tsotlhe; go na le thulaganyo e le esi e e tsayang ditshwetso; kemedi ya mapahatamantsi e a netefatswa e bile ditiro tsa botsamaisi di bewa mmogo ka ditlhopha gore di nne ngatana e le esi.

Ditlamego tsa go Bega

210. Botsayamaikarabelo le ponatshalego di botlhokwa go dira gore NAP e dire. Ka ntlha ya fa NAP e agilwe mo ditirisanommogong tse di amang maphata a a farologaneng a baagi, ditlamorago di ikaegile mo gore puso le baagi ba dirisana sentle jang. Go tlhokomela

tswelelopele le go dira pegelo ke dintlha tse di botlhokwa thata gore NAP e atlege. Ka ntlha ya seo, eijensi ya tsepamo e tla tlhoma letlhomiso la botsayamaikarabelo. Go sekaseka ditlamorago tsa yona tsa pakatelele, thulaganyo ya bosetšhaba ya taolo ka tirisanommogo le SAHRC gape mmogo le mekgatlo e mengwe ya Kgaolo 9 di tla dira mmogo go supa disupi tsa go tlhokomela tswelelopele mo ntweng kgatlhanong le bomorafe. Batsayakarolo ba ba farologaneng ba tla tswelela pele go lebagana le dintlha tsa bomorafe le merafementsi fa go na le maikarabelo a a kopanetsweng, le go thusa mo go rulaganyeng karogano ya tshedimosetso. Go tshwanetse go elwa tlhoko thata pegelo eno ya ngwaga e go ngangisanwang ka yona kwa Kokoanong ya Bosetšhaba.

Go aga Tirisanommogo e e Mosola le Mananeo a Mangwe a Puso

211. DOJCD, ka fa tlase ga kgakololo ya thulaganyo ya taolo e e tshitsintsweng, e tla rwala maikarabelo a go aga tirisanommogo e e edileng magareng ga NAP le maano a mangwe a tiro a a tlhamilweng ke mafapha a puso, ditheo tsa Kgaolo ya Borobongwe, baagi le maphata a mangwe. E tshwanetse go aga tirisanommogo e e edileng magareng ga melao le dipholisi tse di tsentsweng mo tirisong ke puso tse di amang bomorafe, kgethololo le dikgato tsa netefaletso tse di tserweng go samagana le boswa jwa tlhaolele.

BOKHUTLO

212. Aforikaborwa e ntse e le lesedi le le kaelang mo lefatsheng mo go fenyeng bomorafe. NAP ke kgatisosemmuso ya go aga mo seo re se fitlheletseng go fitlha jaana. NAP ke tšhono e e siametseng naga ya rona le baagi ba yona go ntšhwafatsa boineelo jwa rona mo go lwantsheng bomorafe, kgethololo ya mmala, letlhoo la batswantle le mefuta yotlhe ya kgobelelo le tlhokego ya boitshokelano. Aforikaborwa ke ya botlhe ba ba nnang mo go yona – re le ngata e le nngwe ka go farologana.