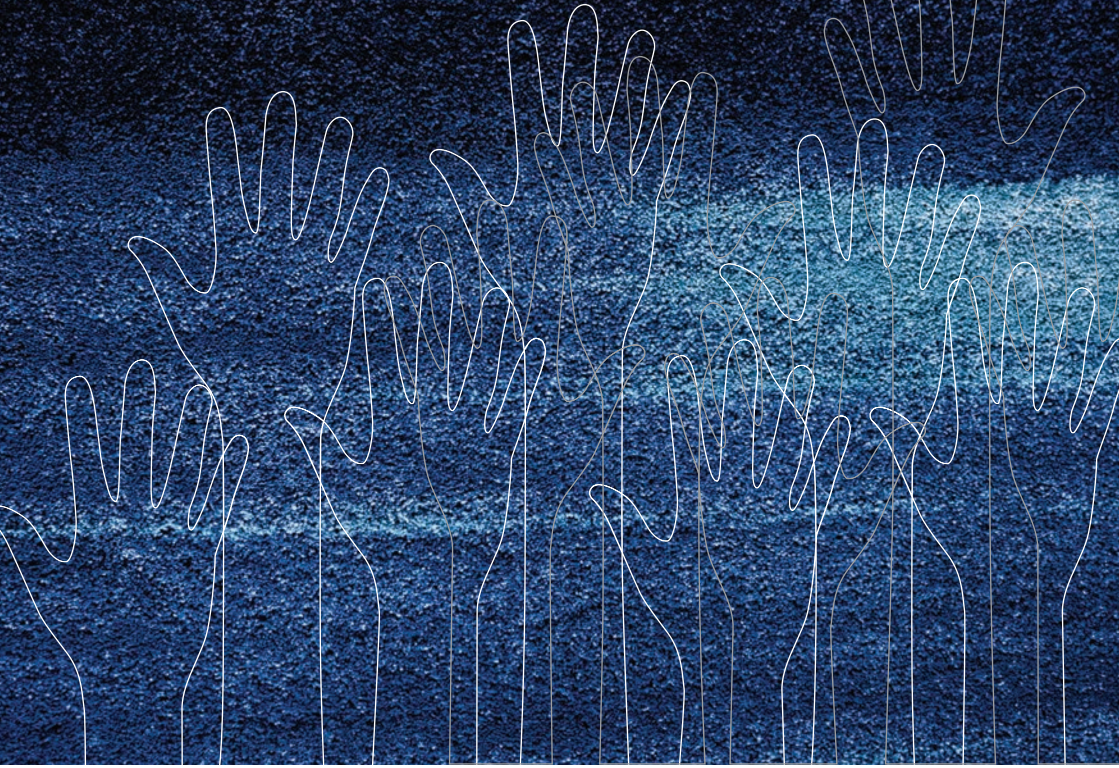
ISISHWANKATHELO **SEENGCEBISO** EZENZELWE UMZANTSI AFRIKA ezivela kwiKomiti yeZizwe eziManyeneyo yaMalungelo eZoqoqosho, eZentlalo neNkcubeko



University of the Western Cape

DULLAH OMAR INSTITUTE
FOR CONSTITUTIONAL LAW, GOVERNANCE AND HUMAN RIGHTS

SPII
STUDIES IN POVERTY AND INEQUALITY INSTITUTE
Building up knowledge to break down Poverty

BLACK SASH
MAKING HUMAN RIGHTS REAL

People's Health Movement South Africa

SERI
socio-economic rights institute of south africa

ISISHWANKATHELO **SEENGCEBISO** EZENZELWE UMZANTSI AFRIKA ezivela kwiKomiti yeZizwe eziManyeneyo yaMalungelo eZoqoqosho, eZentlalo neNkcubeko

FOUNDATION FOR HUMAN RIGHTS

the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Imibulelo

FOUNDATION FOR HUMAN RIGHTS

the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Imisetyenzana ekhokelele kolu shicilelo ibisenziwa yi-Dullah Omar Institute (DOI), iYunivesithi yaseNtshona Koloni, iBlack Sash, iSocio-Economic Rights Institute of South Africa (SERI), iStudies in Poverty Inequality Institute (SPII) nePeoples' Health Movement (PHM).

Umbulelo okhethekileyo kuGqir. Khulekani Moyo ovela kwiYunivesithi yaseWitwatersrand ngokulungiselela olu xwebhu.

Kananjalo sibulela ooNjingalwazi uLilian Chenwi noJackie Dugard abavela kwiYunivesithi yaseWitwatersrand ngokuzibandakanya kwabo ngendlelela eyakhayo nangeengcebiso ezakhayo kulungiselelo lolu xwebhu.

Ngokulinganayo singathanda ukwenza umbulelo kuzo zonke iiNGO, iiCBO, amalungu omzabalazo wezentlalo kunye namalungu aseluntwini, athathe inxaxheba kwezinye zeengxoxo zoluntu, ngezimvo zawo.

Iveliswe ngo-2019.

Kumele ibizwe njenge-: ICESCR Campaign (2019) 'iSishwankathelo seeNgcebiso ezenzelwe uMzantsi Afrika ezivela kwiKomiti yaMazwe aManyeneyo yaMalungelo eZoqoqosho, eZentlalo kunye neNkcubeko'

Imali yokuhlawulela eli phulo ibiququzelelwe yiFoundation for Human Rights, nehlawulelwa liSebe leeNkonzo zoBulungisa kunye noLwaluleko kunye ne-European Union phantsi kweSector Budget Support Programme – Ufikelelo kuBulungisa nakwiNkuthazo yaMalungelo oMgaqosiseko.

Ukuzihlambulula: Naziphi na izimvo kunye neengcamango eziboniswe kule ngxelo zezababhali bayo kuphela kwaye azimelanga ezabaxhasi.

Intshayelelo

i. Yintoni uMnqophiso waMazwe ngaMazwe waMalungelo eZoqoqosho, eZentlalo kunye neNkcubeko?

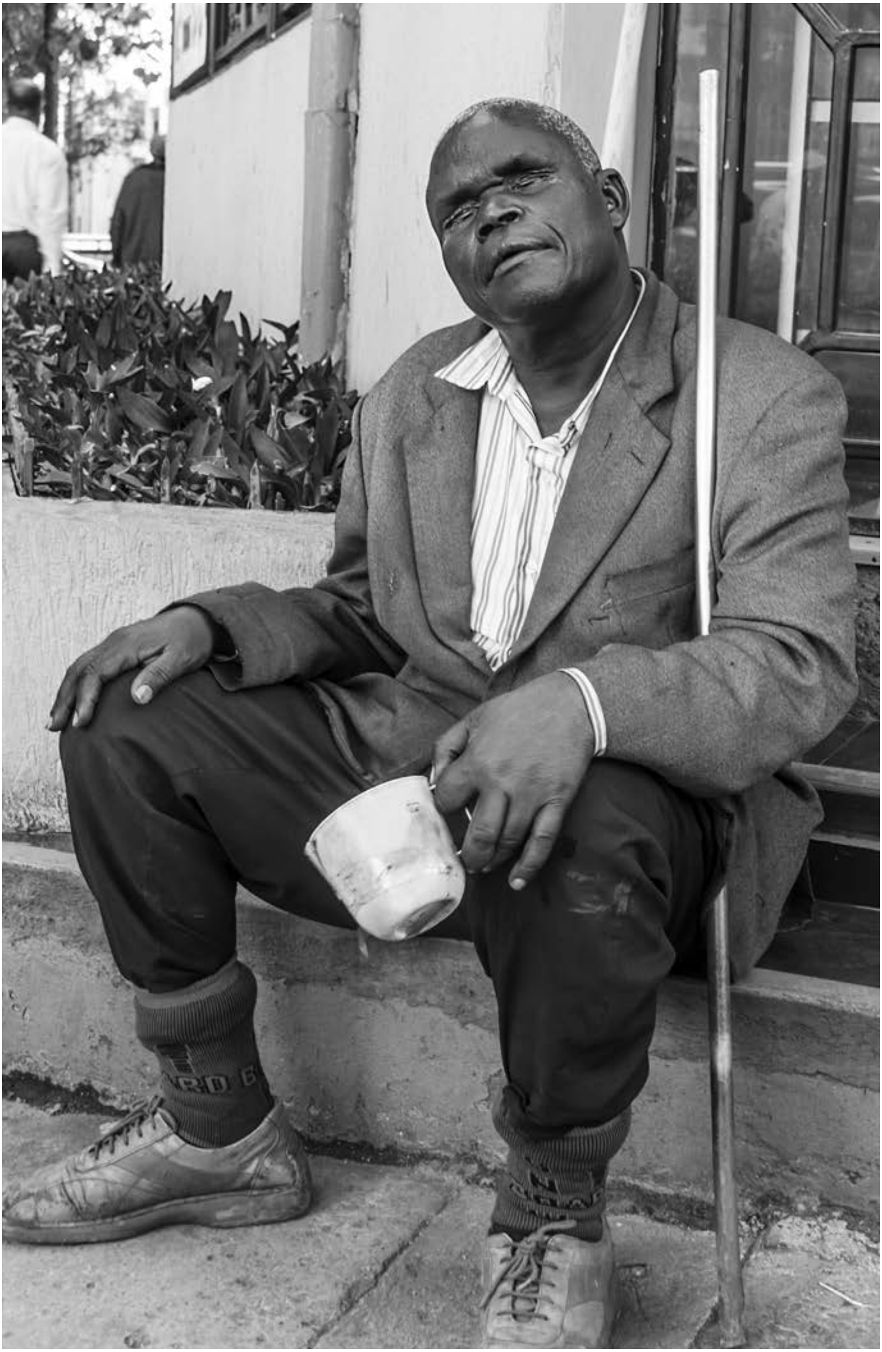
UMnqophiso waMazwe ngaMazwe waMalungelo eZoqoqosho, eZentlalo kunye neNkcubeko (uMnqophiso) sisivumelwano samalungelo abantu samazwe ngamazwe sombutho waMazwe aManyeneyo (i-UN). Samkelwa ngomhla we-10 kuDisemba 1966 saza saqalisa ukusebenza ngomhla wesi-3 kuJanyuwari 1976. Lo Mnqophiso ukhusela intlaninge yamalungelo ezoqoqosho, ezentlalo nenkcubeko (amalungelo ezentlalo nawoqoqosho). Uhlangene noMnqophiso waMazwe ngaMazwe waMalungelo eZoluntu neZopolitiko (International Covenant on Civil and Political Rights - ICCPR), nowamkelwa ngaxeshanye, lo Mnqophiso usisiseko somthetho wamalungelo abantu wamazwe ngamazwe kwaye watyikitywa ngamazwe ali-169 ehlabathini liphela. Onke amazwe ase-Afika, ngaphandle kweBotswana, iMozambique neSouth Sudan, atyikitya kwaye ke ngoko abophelelekile kulo Mnqophiso. UMzantsi Afrika wawutyikitya lo Mnqophiso ngomhla we-12 kuJanyuwari 2015.

UMgaqo oNganyanzelekanga walo Mnqophiso (uMgaqo oNganyanzelekanga) wamkelwa ngomhla we-10 kuDisemba 2008 yi-UN waza waqalisa ukusebenza ngomhla we-5 kuMeyi 2013. Amazwe angamashumi amabini anesine atyikitya lo Mgaqo uNganyanzelekanga, amane kuwo ngawase-Afrika. UMgaqo oNganyanzelekanga uvumela abantu ukuba bangenise izikhalazo kumgangatho wamazwe ngamazwe xa bengakwazi ukufikelela kubulungisa kwiinkundla zamazwe abo ngokunyashwa kwamalungelo ezentlalo noqoqosho. Ukanti, ilizwe labo kumele lityikitye uMgaqo oNganyanzelekanga kuqala. UMzantsi Afrika awukawutyikityi uMgaqo oNganyanzelekanga.

UMnqophiso uphawula ukuba abantu abaninzi abalufumani olunye loninzi lwamalungelo asisiseko kwaye usabela kwinyaniso yokuba abantu abaninzi baphila ubomi bentsokolo, bayalamba, abanandawo zokuhlala zifanelekileyo kwaye abakwazi ukufikelela kwimfundo.

Amalungelo akulo Mnqophiso aquka:

- Ilungelo lokusebenza nelokuba umntu wonke akwazi ukuzisebenzela ngokukhululekileyo kumsebenzi awukhethayo (iNqaku 6);
- Ilungelo leemeko zomsebenzi ezinobulungisa neziluncedo (iNqaku 7);
- Ilungelo lokuseka iiyuniyoni kunye nokujoyina iyuniyoni umntu ayikhethayo (iNqaku 8);
- Ilungelo lokhuseleko lwezentlalo, kuquka ne-inshorensi yezentlalo (iNqaku 9);
- Ilungelo lokukhuselwa kosapho (iNqaku 10);
- Ilungelo lomgangatho wokuphila ofanelekileyo, kuquka ukutya okwaneleyo, iimpahla kunye nezindlu, kunye nokuphuculwa okuqhubekekayo kweemeko zokuphila (iNqaku 11);
- Ilungelo lokonwabela owona mgangatho uphezulu unokubakho wempilo ngokomzimba nangokwasengqondweni (iNqaku 12);
- Ilungelo lemfundo, kuquka imfundo enyanzelekileyo yamabanga asisiseko (iNqaku 13); kunye
- Namalungelo okuthatha inxaxheba kubomi benkcubeko, ukonwabela iinzuzo zenkqubela yezenzululwazi kunye nokusetyenziswa kwayo, kunye nenzuzo yokukhuselwa kwezabelo zezithethe nezemali eziziziphumo zeemveliso zenzululwazi, zoluncwadi okanye zobugcisa (iNqaku 15).



ii. Yintoni iKomiti yaMalungelo eZoqoqosho, eZentlalo kunye neNkcubeko?

IKomiti liqumrhu leengcali ezizimeleyo ezibeka esweni ukusetyenziswa koMnqophiso ngamazwe. Onke amazwe anoxanduva lokungenisa rhoqo iingxelo ezingena rhoqo kwiKomiti malunga nendlela la malungelo asetyenziswa ngayo kumazwe awo. Amazwe kumele achaze kuqala kwiminyaka emibini yokwamkelwa koMnqophiso aze emva koko achaze rhoqo kwiminyaka emihlanu. IKomiti ihlola ingxelo nganye ize iqubisane neenkxalabo kunye neengcebiso eziya kwelo lizwe ngendlela yokuqulunqwa 'kokuFunyanisiweyo kwaGqitywa Ngako'.

iii. Indlela yokwenziwa kweengxelo zoMnqophiso

UMzantsi Afrika ungenise ingxelo yawo yokuqala kwiKomiti ngomhla wama-25 ku-Apreli 2017. Ngo-Okthobha 2018, iKomiti ihlole uMzantsi Afrika ukuze ibone indlela urhulumente waseMzantsi Afrika aluzalisekisa kakuhle ngayo uxanduva lwakhe phantsi kwalo Mnqophiso. IKomiti yenze iqela lokuFunyanisiweyo kwaGqitywa Ngako elidandalazisa indlela uMzantsi Afrika onokuphucula ngayo irekhodi lawo ekuzalisekiseni amalungelo ezokuhlala noqoqosho. Urhulumente waseMzantsi Afrika kufuneka ngokwemimiselo yezibophelelo zakhe zoMnqophiso enze ingxelo yenkqubela yakhe malunga nokwenziwa kwezi ngcebiso zichaziweyo ngo-Okthobha 2020 aze anikezele enye ingxelo epheleleyo kwiKomiti ngomhla wama-31 ku-Okthobha 2023.

Ukukhutshwa kokuFunyanisiweyo kwaGqitywa Ngako ngowona msebenzi ubalulekileyo wamaqumrhu ezivumelwano zamalungelo abantu. Kubonelela ngethuba lokuba i-UN ibonelele ngamagqabantshintshi emeko yamalungelo abantu kwelo lizwe kunye nengcebiso ngemiba efuna ukuphuculwa. Olu xwebhu sisishwankathelo sokuFunyanisiweyo kwaGqitywa Ngako kwaseMzantsi Afrika.

1. Ukusetyenziswa ngokupheleleyo koMnqophiso emthethweni nakumgaqonkqubo

IKomiti iyavuma ukuba uMgaqosiseko waseMzantsi Afrika unenkqubela kwimiba yamalungelo ezentlalo noqoqosho, kwaye ifuthe lawo liye lomelezwa nangakumbi ngendlela iNkundla yoMgaqosiseko etolika ngayo amagatya awo. Ukanti iKomiti iphawule ukuba uMgaqosiseko awuquki onke amalungelo oMnqophiso, afana nelungelo lokusebenza kunye nelungelo lomgangatho wokuphila ofanelekileyo. IKomiti icebise ukuba urhulumente kumele aqinisekise ukuba onke amalungelo oMnqophiso aqukiwe kuMgaqosiseko waseMzantsi Afrika. Enye ingcebiso ephambili kukuba urhulumente amkele ilungelo lemfundo esisiseko esimahla (amanqaku 13 (2) (a) no-14 oMnqophiso)[1], kananjalo avumele nokuba uMnqophiso usetyenziswe kwiinkundla zasekhaya.

2. Ukunikezelwa kwemali engonelanga kwiKhomishoni yaMalungelo aBantu yaseMzantsi Afrika

IKomiti icebise ukuba urhulumente abeke imali eyaneleyo yokuhlawulela iKhomishoni yaMalungelo aBantu yaseMzantsi Afrika ukuze ikwazi ukwenza umsebenzi wayo ngokufanelekileyo.

3. Ukuqokelelwa kweengcombolo ngamalungelo ezentlalo noqoqosho

IKomiti icebise ukuba uMzantsi Afrika uphucule inkqubo yokuqokelelwa kweengcombolo ukuze kube nokuqokelelwa iingcombolo eziphelelyo nezithembekileyo. Ezo ngcombolo kumele zicwangciswe ngohlanga, ngesini nangephondo ukuze kube nokuhlolwa komgangatho wokonwabela amalungelo akhankanyiweyo kuMnqophiso, ingakumbi kubantu nakumaqela ahlelelekileyo.

[1] Ukuvunywa koMnqophiso nguMzantsi Afrika kuxhomekeke kwesi sibhengezo silandelayo '[u]Rhulumente weRiphabliki yoMzantsi Afrika uya kuqalisa ngenkqubela ilungelo lemfundo, njengoko kubonelelwe kwiNqaku 13(2) (a) neNqaku 14, ngokwemigaqo yoMgaqonkqubo kaZwelonke weMfundo yawo kunye noovimba abafumanekayo.'

4. Ukhuselo lwabakhuseli bamalungelo abantu

Le Komiti iphawule izisongelo abagxalathelene nazo abakhuseli bamalungelo abantu, ingakumbi abo basebenzela ukukhuthaza nokulwela amalungelo oMnqophiso kumashishini ezimbiwa nawezemimandla esingqongileyo. Malunga noko iKomiti icebise ukuba urhulumente abonelele ngendawo ekhuselekileyo yomsebenzi wabakhuseli bamalungelo abantu wokukhuthaza nokukhusela amalungelo ezentlalo noqoqosho. Oku kubandakanya:

i. Ukuqinisekisa ukuba yonke imiba exeliweyo yokoyikisa, yokugrogrisa neyobundlobongela obenziwa kubakhuseli bamalungelo abantu iphononongwa ngokukhawuleza nangocoselelo kwaye abenzi bobubi bafakwa umthetho;

ii. Ukuqinisekisa ukuba abasebenzi bonyanzeliso lomthetho baqeqeshwe ngokufanelekileyo ukuze kuthintelwe ukugxagxanyiswa kakhulu kwabaqhankqalazi

iii. Ukuhlaziya umthetho omayelana nolawulo loqhankqalazo ngenjongo yokuwuthintela ungasetyenziswa kakubi ukucinezela uqhankqalazo oluzolileyo.

5. Ukukhuthaza nokukhusela amalungelo abantu bemveli

Ukwamkelwa koMthetho weeNkokheli zeMveli nezamaKhoi-San kwabhengezwa njengenyathelo elilungileyo ukuqinisekisa ukuba abantu bemveli baseMzantsi Afrika nabo bawonwabela ngokupheleleyo la malungelo akhuselwe kulo Mnqophiso.

Le Komiti icebise urhulumente ukuba:

i. Asayine i-International Labour Organization Indigenous and Tribal Peoples Convention No.169 of 1989;

ii. Aqinisekise ukuba abantu bemveli bonwabela ngokupheleleyo amalungelo akhuselwe kulo Mnqophiso; kwaye

iii. Athethathethane, kwaye anike abantu bemveli ithuba lokuthatha inxaxheba ekusetyenziswen koMthetho weeNkokheli zeMveli nezamaKhoi-San.

6. Urhulumente kumele aqubisane nokuphathwa ngokungalinganiyo kwabantu

Amaqondo aphakame ngokungaginyekiyo empatho engalinganiyo ngokwasezimalini nakwezentlalo kubalulwe, kwaye ngokokubona kwale Komiti, kubonisa ukuba lo mfuziselo wophuhliso loqoqosho uzungulwa ngurhulumente awuquki wonke umntu ngokwaneleyo. Le Komiti iphawule ukuba:

i. Kukho impatho engalinganiyo kakhulu kweli lizwe, phakathi kwamaphondo naphakathi koomasipala basemaphandleni nabasezidolophini.

ii. Imigaqonkqubo yezemali kunye nemithetho yerhafu yeli lizwe ayilivumeli liqokelele oovimba aboneleyo abafunekayo ukuze kuthotywe ukuphathwa kwabantu ngokungalinganiyo.

iii. Akukho hlolo lwefuthe lwamalungelo abantu lwenziweyo, ingakumbi kumakhaya anemivuzo emincinci ngaphambi kokunyuswa kwerhafu i-value added tax (iVAT); kwaye

iv. Ukuxhaphaka kokuhamba kwezemali ngendlela engekho mthethweni kunye nokuphetshwa kwerhafu kunefuthe elibi kakhulu kumandla okuqokelela oovimba bezemali aboneleyo bokuqalisa izibophelelo zamalungelo ezentlalo noqoqosho.

Le Komiti yenze iqela leengcebiso, eziphambili kuzo kukuba urhulumente kumele:

v. Ahlole umgaqonkqubo wakhe werhafu nowenkcitho ukuze kubekho ingeniso eyaneleyo yokuzalisekisa imisebenzi yakhe;

vi. Athobe ukungalingani kwemimandla ekonwabeleni amalungelo phantsi kwalo Mnqophiso;

vii. Ahlole ifuthe lokunyuswa kweVAT, ingakumbi kumakhaya anemivuzo emincinci, aze athathe amanyathelo okulungisa oku njengoko kuyimfueko;

viii. Andise iinzame zokuphelisa ukuhamba kwezemali ngokungekho mthethweni nokuphetshwa kwerhafu; aze

ix. Aphinde ahlole umfuziselo wakhe wokukhulisa uqoqosho ukuze ajongise imibombo kwiindlela zophuhliso eziquka wonke umntu.

7. Ukuqaliswa kwamanyathelo okuthoba inkcitho

IKomiti ibinexhala lokuba urhulumente ungenisa amanyathelo okuthoba inkcitho aphelele ngokuthotywa kakhulu kolwabiwomali lwezempilo, imfundo kunye namanye amacandelo eenkonzo zoluntu, kwaye oku kusenokwenza ukuphathwa ngokungalinganiyo kwabantu kube mandundu nangakumbi kwindlela abonwabela ngayo amalungelo aphantsi kwalo Mnqophiso.

Ngokwale Komiti, apho amanyathelo okuthoba inkcitho engenakuphetshwa, kumele abe ngawexeshana, ajonge kuphela eli xesha lonxunguphalo, abe ayimfuneko kwaye alinganiselwe, kwaye kufanele angapheleli ngocalucalulo nolwandiso lokuphathwa kwabantu ngokungalinganiyo.

Le Komiti icebise ukuba urhulumente anyuse inqanaba lokunikezelwa kwemali kwiinkalo zokhuseleko lwezentlalo, lwezempilo nemfundo.

8. Abantu abane-albinism

Umzabalazo wabantu abane-albinism buyixhalabisa ngokukodwa le Komiti, yakube ibone ubungqina bokuba abantu abane-albinism bayaqhubeka nokuhlaselwa kwaye bagxalathelene nocalucalulo ekonwabeleni amalungelo aphantsi kwalo Mnqophiso, kuquka ilungelo lokusebenza kunye nelungelo lemfundo. IKomiti icebise ukuba urhulumente enze iinzame ezongezelelekileyo ukuphelisa ucalucalulo nobundlobongela obenziwa kubantu abane-albinism ngokuthi:

i. Omeleze imithetho;

ii. Akhuthaze ukwaziswa koluntu kunye nothethathethwano neenkokheli nabanyangi bemveli ngendlela eyondelelanisiweyo nehlanganisiweyo; kwaye

iii. Aququzelele ukufikelela kwabantu abane-albinism emsebenzini nakwimfundo ngokubabonelela ngenkxaso nangoncedo olufanelekileyo.

9. Avumele abacela indawo yokuzimela bafikelele kwiinkonzo zezentlalo

IKomiti ivumile ukuba eli lizwe lisindleka iimbacu ezininzi kunye nabacela iindawo zokuzimela abaninzi nabaye banyanzeleka ukuba baqhweshe kumazwe abo. Nangona iphawule inkqubela enkulu eye yenziwa ekusebenzeni izicelo zendawo yokuzimela, le Komiti ibinexhala lokuba semva kwezicelo zendawo yokuzimela ezilindele inkqubo yesibheno kunye nesiphakamiso sokumisela amaziko okusebenza izicelo zendawo yokuzimela kwimimandla esemdeni. Ukuqalisa isicwangciso esinjalo kusenokunyina ukufikelela kwabaceli bendawo yokuzimela kuncedo lwezomthetho, unakekelo lwempilo, imfundo nezibonelelo zoncedo lwezentlalo.

Le Komiti icebise urhulumente ukuba:

i. Akhawulezise ukuleqa ezi zicelo zendawo yokuzimela zilindileyo kwinkqubo yesibheno;

ii. Aqinisekise ukuba abaceli bendawo yokuzimela baqinisekiswe ukufikelela kakuhle kuncedo lwezomthetho, unakekelo lwempilo olusisiseko kunye nemfundo kwaye baxhaswe ekwenzeni isicelo sezibonelelo zoncedo lwezentlalo; kwaye

iii. Aqinisekise ukuba abacela indawo yokuzimela bangazixhasa kwaye bonwabele ilungelo lokusebenza.

10. Athobe amaqondo okungabikho kwengqesho

Ukungabikho kwengqesho kuphakame kakhulu kweli lizwe, kwaye kumi kwiipesenti eziyi-27.5 eluntwini jikelele nakwiipesenti ezingama-39 kulutsha. Nangona iqaphele uludwe lweenkqubo esele zikho zokunceda abakhangela umsebenzi bafumane ingqesho, le Komiti ibonise inkxalabo ngemilinganiselo yokungabikho kwengqesho, kuquka nokunganeli kwenani eliyi-2 pesenti elimiselwe ingqesho yabakhubazekileyo kumashishini abucala.

Le Komiti icebise urhulumente ukuba:

i. Enze zonke iinzame ukuthoba amaqondo aphakamileyo okungabikho kwengqesho, kuquka nokuphucula amathuba oqeqesho lwezakhono kunye nekharityhulam efundiswayo, kananjalo nangokuphuhlisa iinkqubo, ingakumbi ezabantu abatsha, ukuze bahlangabezane neemfuno zemarike yengqesho nangokubonelela abaqeshi ngezinto zokubakhuthaza ukuba baqeshe abantu abatsha; kwaye

ii. Aqalise kakuhle ingqesho yezi pesenti zi-2 zabantu abakhubazekileyo, ingakumbi kumashishini abucala, kwaye aqinisekise ukuba iimfuno zasemsebenzini zaba basebenzi ziyabonelelwa.

10.1 Ukungaphumeleli kwengqesho kumashishini asesikweni kunye nakuqoqosho olungekho sesikweni

Umba oxhalabisa nangakumbi kule Komiti linani elikhulu labasebenzi abasebenza kuqoqosho olungekho sesikweni ngaphandle kwamalungelo engqesho nokhuseleko olwaneleyo lwezentlalo. Ngoku akukho mithetho ilawula uqoqosho olungekho sesikweni, nto leyo ebeka abasebenzi abanjalo emngciphekweni wokuxhatshazwa ngabaqeshi nangamagosa onyanzeliso lomthetho. Omnye umba oxhalabisayo yinto le Komiti ebhekise kuyo "njengokwanda kokwenziwa kwengqesho yezingxungxu kuqoqosho olusesikweni.' Xa kujongwa ezi zinto zixhalabisayo, le Komiti icebise urhulumente ukuba:

i. Angenise imithetho yokulawula uqoqosho olungekho sesikweni, ngenjongo yokukhusela abasebenzi bangaxhatshazwa, kuquka namagosa okunyanzelisa umthetho;

ii. Andise iinkalo eziphantsi kolawulo lwemithetho yezengqesho kunye nokhuseleko lwezentlalo lwaba basebenzi;

iii. Aququzelele ukutshintshela kwabasebenzi abakuqoqosho olungekho sesikweni ukuya kuqoqosho olusesikweni; kwaye

iv. Athintele aze alungiselele ukwenziwa kwengqesho yezingxungxu kuqoqosho olusesikweni.

11. Ukhuseleko lwamalungelo abasebenzi bezesondo

Le Komiti ibinexhala lokuba abasebenzi bezesondo, noninzi lwabo olungamabhinqa, abawonwabeli amalungelo aqulathwe kulo Mnqophiso, ingakumbi ilungelo lokusebenza, ilungelo lezempilo nelungelo leeyuniyoni. Le Komiti kananjalo ibonise inkxalabo yokuba abasebenzi bezesondo bahlala begrogriswa kwaye bebanjwa bavalelwe ngaphandle kwesizathu, kananjalo bayanyanzelwa ukuba babelane ngesondo simahla kwaye banyobe amapolisa ngenxa yokwenziwa kokuthengisa ngesondo kube lulwaphulomthetho. Ukwenziwa kokuthengisa ngesondo kube lulwaphilomthetho kwenza kube nzima ukuxela ubundlobongela ngokwasemzimbeni nangokwesondo okwenziwa kubasebenzi bezesondo.

Le Komiti icebise urhulumente ukuba:

i. Amisele unqumamiso lwangoko nangoko lokubanjwa kwabasebenzi bezesondo de kumiselwe isimo sezomthetho sabasebenzi bezesondo;

ii. Aqwalasele ukuyekisa ukuthatha ukuthengiswa kwesondo njengolwaphulomthetho;

iii. Akhusele abasebenzi bezesondo ekugrogrisweni ngamapolisa, kananjalo nakubundlobongela ngokwesondo nangokwasemzimbeni kunye nokuxhatshazwa ngabo bathengisa ngabantu, ngabanini beendawo ezithengisa ngesondo kunye nabanye;

iv. Abonelele ngenkxaso kunye noncedo kumaxhoba okugrogrisa, obundlobongela kunye nokuxhaphaza; kwaye

v. Athathe amanyathelo okuthoba ukufunwa kokuthengisa ngomzimba aze abonelele abasebenzi bezesondo ngamanye amathuba okuphila.

12. Amalungelo engqesho abasebenzi basekhaya nabasezifama

IKomiti ivumile ukuba imithetho iBasic Conditions of Employment Act kunye neSectoral Determination 7 ibonelela ngomlinganiselo othile wokhuselo lwezengqesho nezentlalo kubasebenzi basekhaya nabasefama. Ukanti le Komiti ibonise iinkxalabo zokuba:

i. Abasebenzi basekhaya nabasefama badla ngokusebenza phantsi kweemeko ezibaxhaphazisayo;

ii. Abasebenzi basekhaya abakhuselwanga ngokonzakala nokubhubha kwasemsebenzini phantsi kweCompensation for Occupational Injuries and Diseases Act;

iii. Nangona le ndawo yokuhlala bayinikwayo iyinxalenye engundoqo yomvuzo wabo, umgangatho wale ndawo yokuhlala awulawulwa; kwaye

iv. Umthetho awuboneleli nto ngohlolo lwengqesho olungaziswayo olwenziwa emakhayeni nangeendlela ezisebenzayo ezivumela abasebenzi basekhaya benze izikhalazo ezisesikweni malunga neemeko zabo zengqesho.

Kuye kwenziwa iqela leengcebiso yile Komiti, neziquka:

v. Ukuba urhulumente kumele enze iinzame zokukhusela abasebenzi basekhaya nabasefama bangaxhatshazwa kwaye ababonelele ngokhuselo oluphuculiweyo lwezengqesho nezentlalo;

vi. Ukomelezwa komthetho ukhusele nabasebenzi basekhaya kukonzakala nokubhubha kwasemsebenzini, kuze kubonelelwe ngeengcebiso zezomthetho ngomgangatho wendawo yokuhlala;

vii. Kuhlale kuqhutywa uhlolo lwezengqesho olungamazisiyo umqeshi kumakhaya aqeshileyo;

viii. Ukuqinisekisa ukuba abasebenzi basekhaya nabasefama bayafikelela kwiindlela zokufaka izikhalazo ezisebenzayo; kunye

ix. Nokwandisa ulwazi loluntu lwamalungelo abasebenzi basekhaya.

13. Iimeko zokusebenza nezokuhlala kwishishini lezimbiwa

Indawo eye yasesweni mayelana neemeko zomsebenzi zabasebenzi bezimbiwa kunye nokungabikho kohlolo lwezengqesho kumashishini ezimbiwa, nokuye kwakhokelela kumaqondo aphakamileyo okonzakala nezifo zasemsebenzini. Eyona nto ixhalabisayo kananjalo kukuba uninzi lwabasebenzi basemigodini luhlala ematyotyombeni apha ngasemigodini ngaphandle kwamanzi, kweethoyilethi okanye kombane, kwaye izicwangciso zezentlalo nezengqesho ziye zingenziwa ngabaqeshi. Abasebenzi basemgodini abangamabhinqa baye bafumane ucalucalulo nokufumana ubundlobongela ngokwezesondo.

Le Komiti yenze iingcebiso kurhulumente ukuba aphucule iimeko zomsebenzi nezokuhlala zabasebenzi basemgodini ngokuthi:

i. Aqinisekise ukunyanzeliswa kweMine Health and Safety Act kunye ne-Occupational Health and Safety Act kumashishini ezimbiwa;

ii. Omeleze uhlolo lwezengqesho kwishishini lezimbiwa;

iii. Kuqinisekiswe ukuba abasebenzi basemgodini abonzakeleyo kunye nabasebenzi basemgodini abanezifo zasemsebenzini bayafikelela kunakekelo olululo kwaye bayakwazi ukuthatha amanyathelo ezomthetho ukwenza abaqeshi baphendule;

iv. Ukuqhuba uhlolo rhoqo lwemingcipheko yeengozi zokhuseleko nempilo yabasebenzi basemgodini, ingakumbi abasebenzi abazizingxungxu nabekontraka;

v. Ukukhuthaza ukhuseleko nesidima sabasebenzi basemgodini abangamabhinqa, ukuqubisana nokuphathwa ngokungalinganiyo kunye nobundlobongela obusekelwe kwisini, nokuphelisa izithethe zasemsebenzini ezigqugqiswa ngamadoda kweli shishini;

vi. Ukuphucula iimeko zokuphila zoluntu lwabasebenzi basemgodini, nokuqinisekisa ukufikelela kwabasebenzi basemgodini kwiinkonzo ezifanelekileyo zezindlu, amanzi, umbane, iithoyilethi, unakekelo lwempilo, imfundo kunye nezinye iinkonzo zezentlalo; kunye

vii. Nokunyanzelisa ngokungqongqo izibophelelo ezimayelana nezentlalo kunye nezicwangciso zengqesho kunye nokumisela izohlwayo zabaqeshi kumatyala okungathotyelwa komthetho kuquka nokuxuthwa kweelayisensi.

14. Owona mvuzo umcinane mawuqinisekise umgangatho wokuphila ofanelekileyo

Ngokuphathelelene nowona mvuzo mncinane, iKomiti ibonise inkxalabo yayo yokuba:

i. Lo mlinganiselo wangoku wowona mvuzo mncinci ngeyure (ongangama-20 eerandi) awuqinisekisi ukuba abasebenzi kunye neentsapho zabo baphila ngokusemgangathweni ofanelekileyo;

ii. Eyona mivuzo mincinci yabasebenzi basekhaya neyabasebenzi basefama iye yamiselwa kumlinganiselo ongaphantsi nangakumbi kunalo okwangoku; kwaye

iii. Nabasebenzi abaninzi abakhuselwanga ngumthetho wowona mvuzo umncinane.

Iingcebiso eziphambili zeKomiti kurhulumente kukuba:

i. Asebenzise umlinganiselo omnye wowona mvuzo mncinane kuwo onke amashishini, kuquka ekhaya, efama, nasezivenkileni; kwaye

ii. Anyuse umlinganiselo wowona mvuzo mncinci kuzwelonke aze emana ewulungisa rhoqo ngokweendleko zokuphila ukuze aqinisekise umgangatho wokuphila ofanelekileyo wabasebenzi kunye neentsapho zabo.

15. Avale isikhewu phakathi kwemivuzo yezini kwaye aqinisekise ukuhlawulwa ngokulinganayo ngokwenza umsebenzi onexabiso elinye

Isikhewu phakathi kwemivuzo yezini, esimi ku-27 pesenti, kananjalo nepesenti ephakamileyo yamabhinqa akwimisebenzi ephela msinyane, inefuthe ekonwabeleni kwamabhinqa amalungelo phantsi koMnqophiso ubomi bawo bonke. Into exhalabisayo kukuba imithetho yezengqesho kunye nezivumelwano zoninzi azihlanganisi inkolelo yokuhlawulwa ngokulinganayo ngomsebenzi wexabiso elinye.

Le Komiti icebise urhulumente ukuba azame nangakumbi ukuvala esi sikhewu seentlawulo phakathi kwamadoda namabhinqa kwaye aqinisekise ukuba inkolelo yokuhlawula ngokulinganayo ngomsebenzi wexabiso elinye iyaqukwa kwimithetho yezengqesho nakwizivumelwano zoninzi kwaye isetyenziswa ngokufanelekileyo.

16. Imali eyaneleyo yohlolo lwezengqesho

Le Komiti icebise urhulumente ukuba anyuse umlinganiselo wemali enikezelwe kwiSebe IoHlolo neeNkonzo zoNyanzeliso kwaye aqinisekise ukuba kukho iqela eliqeqeshiweyo labahloli bezengqesho ukuze kuthotywe ukuphakama kwenani labayekayo. Le Komiti ikwacele urhulumente ukuba aqinisekise ukuba imiyalelo yokuthotyelwa komthetho evela kubahloli bezengqesho iyenziwa.

17. Ukhuselo lwamalungelo eeyuniyoni

Eyona nto ixhalabisayo kwiKomiti kukuba abasebenzi basekhaya, abasebenzi basefama kunye nabasebenzi bemisebenzi yexeshana baye babekelwe ecaleni kwinkqubo yothethathethwano loninzi. Kwakujongwa le nkxalabo ingentla, iKomiti icebisa urhulumente aqinisekise ukuba:

i. Bonke abasebenzi, kuquka nabo bakwimisebenzi yexeshana, bathatha inxaxheba kwinkqubo yokwenza izigqibo ezimayelana neemeko zabo zomsebenzi njengoko kubonelelwe kuMgaqosiseko nakwimithetho yezengqesho; kwaye

ii. Izilungiso zeLabour Relations Act kumele zibonelele ngokhuselo lwamalungelo ezengqesho olomeleleyo nangakumbi, kuquka nelungelo logwayimbo.

18. Ukhuseleko lwezentlalo

Nangona le Komiti ivuma ukuba inkamnkam ibisisixhobo esibalulekileyo ekuthobeni intlupheko kweli lizwe, le Komiti isenexhala lokuba ireshiyo yentlupheko kweli lizwe iphakame ngendlela engamkelekanga. IKomiti ibalule la manqaku abalulekileyo alandelayo:

i. Imilinganiselo yezibonelelo zoncedo lwezentlalo lukarhulumente iphantsi kakhulu ukuba ingaqinisekisa umgangatho wokuphila ofanelekileyo wabo bazifumanayo kunye neentsapho zabo;

ii. Abo bangenamivuzo okanye banemivuzo emincinci abaphakathi kweminyaka eli-18 nengama-59 nabakwaziyo ukusebenza abakhuselwanga ngamalungiselelo akhoyo;

iii. Amanani akhuselwe ngezibonelelo ze-Unemployment Insurance Fund asephantsi kwaye abekela ecaleni abasebenzi abakuqoqosho olungekho sesikweni, abasebenzi bamaxesha athile enyakeni kunye nabasebenzi abazisebenzelayo; kwaye

iv. Neengcombolo nee-akhawunti zebhanki zabo bafumana inkamnkam ziye zasetyenziswa kakubi kwaza kwabhalwa phantsi into eninzi yeemali ezitsalwa ngokungagunyaziswanga kwizibonelelo zezentlalo.

Le Komiti yenze iqela leengcebiso, neziquka ummiselo wokuba urhulumente:

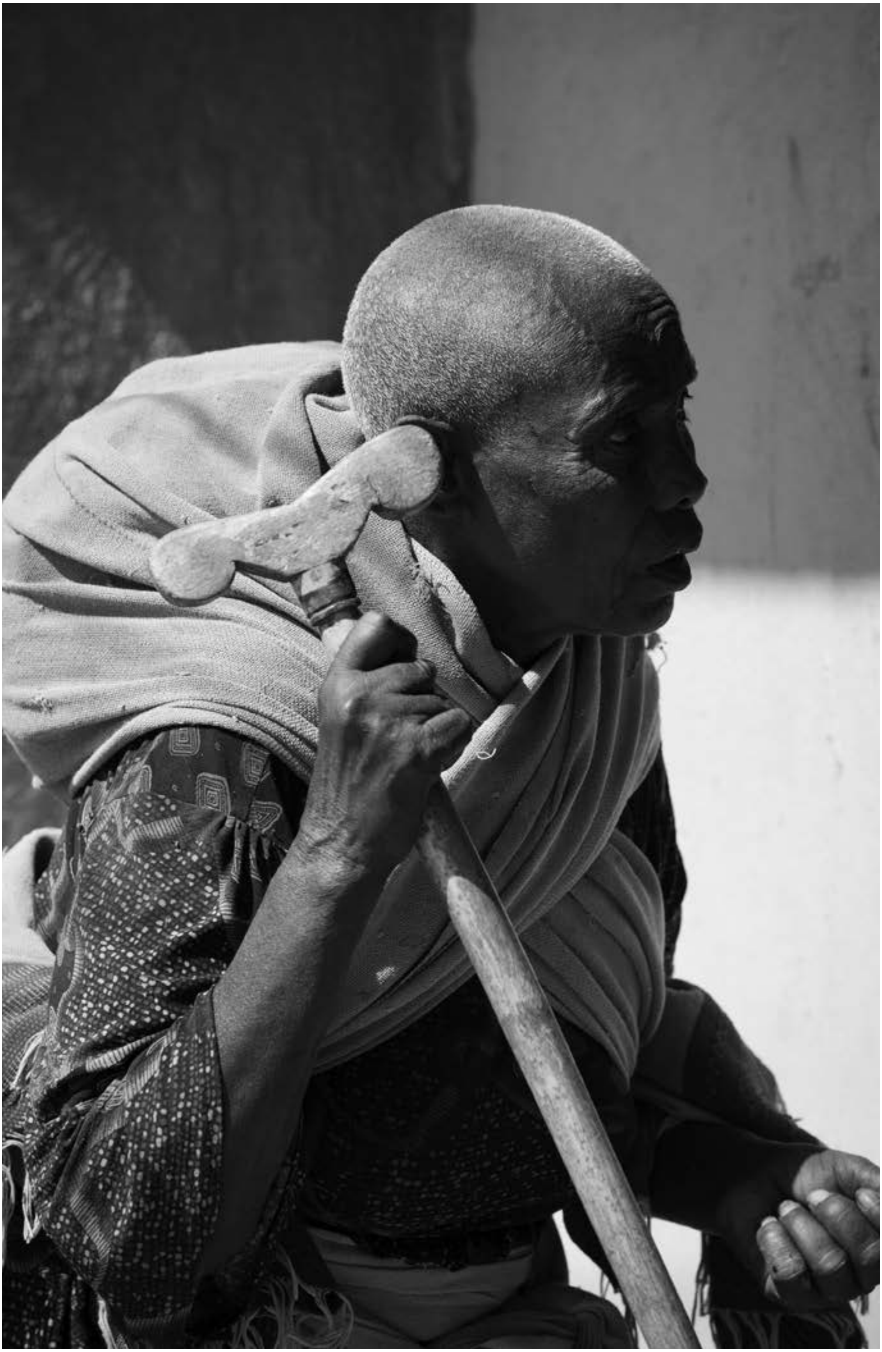
i. Anyuse imilinganiselo yezibonelelo zoncedo lwezentlalo lukarhulumente ziye kumlinganiselo oqinisekisa umgangatho wokuphila ofanelekileyo wabo bazifumanayo kunye neentsapho zabo;

ii. Aqinisekise ukuba abo baphakathi kweminyaka eli-18 nengama-59 abanemivuzo emincinci okanye abangenamivuzo bayafikelela kuncedo lwezentlalo;

iii. Andise abakhuselwa ngezibonelelo ze-Unemployment Insurance Fund ibe ngabo bonke abasebenzi, nokuba isikhundla sabo sithini na;

iv. Aqwalasele ukubakho kwethuba lokuba angenise inkamkam esisiseko kawonkewonke; kwaye

v. Aqubisane nemeko edalwe yinkqubo yokuqeshwa kwenkampani yangaphandle ukuhlawula inkamnkam aze aqinisekise ukuba zonke iintlawulo zenziwa ngexesha ngeli xesha lokutshintshela kwenye inkqubo.



19. Ukuphuculwa okufunekayo kubhaliso lwabantwana abazelweyo

Iipesenti ezilishumi zabantwana baseMzantsi Afrika azikabhaliswa kwaye ukubhaliswa kwabantwana abazelweyo kuyathintelwa, ingakumbi kwabo banomzali omnye okanye bobabini abavela kumazwe angaphandle kunye nabo banootata ababodwa, ngenxa yemimiselo eyongezelelekileyo efana neemvavanyo zokuqinisekisa ukuba ungutata womntwana. Le Komiti ibikwanexhala lokuba icandelo 4 (3) leCitizen Amendment Act litolikwa ngendlela enyiniweyo ukuze libe luncedo kuphela kubantwana abazelwe emva komhla woku-1 kuJanyuwari 2013, nto leyo eyenza uninzi lwabo bazelwe ngaphambi koko lubesemngciphekweni wokungabi nazwe.

Le Komiti icebise urhulumente ukuba:

i. Aququzelele ukubhaliswa kwabantwana abazelweyo ngokwenza inkqubo yokubhalisa ibe lula nokunceda abazali bafezekise imimiselo, ngokuthi umzekelo, abuyekeze iindleko zeemvavanyo zobungqina bokuba ngutata womntwana apho ezo mvavanyo ziye zabonisa ukuba ungutata womntwana; kwaye

ii. Asebenzise imithetho yokuba ngummi ngendlela ebangela abantwana babazali abavela kumazwe angaphandle bangabi semngciphekweni wokungabi nazwe.

20. Ubudala obuvumelekileyo xa kutshatwa kunye nokwamkelwa ngokusemthethweni kwemitshato yamaMuslim

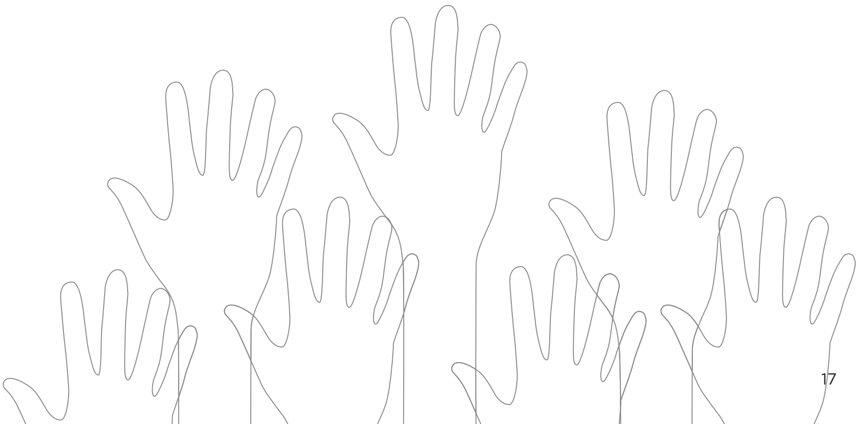
Le Komiti ibonise inkxalabo ngokungafani kobona budala bamkelekileyo bokutshata phakathi kwamakhwenkwe namantombazana, kananjalo nokungabikho komthetho owamkela imitshato yamaMuslim kunye nemiphumo yoku emibi kumabhinqa ethe imitshato yawo yamaMuslim ayabhaliswa ngokusesikweni.

Malunga noko, le Komiti icebise urhulumente ukuba ondelelanise yonke imithetho efanelekileyo ukuqinisekisa ukuba obona budala buncinci bamkelekileyo bamakhwenkwe namantombazana benziwa buhambelane nemigangatho yamazwe ngamazwe. Ikwacebise ukuba urhulumente aququzelele ukwamkela imitshato yamaMuslim, ngeli xa ebonelela ngeendlela zokukhusela amalungelo amabhinqa.

21. Izithethe ezinobungozi: uvavanyo lobuntombi kunye nokuthwala

Nangona le Komiti ivuma ukuba icandelo 31 loMgaqosiseko likhusela amalungelo ezenkcubeko, ezenkolo kunye noluntu lwezeelwimi, le Komiti ibonise inkxalabo malunga nefuthe ebantwaneni lezithethe ezifana novavanyo lobuntombi kunye nokuthwala, okuthi, xa loo ntombazana ingavumanga ukuthwalwa, kujongwe njengenye yeendlela zokuthengisa ngabantu.

Le Komiti icebise urhulumente ukuba alwe izithethe ezinobungozi, ezifana nokuthwala kunye novavanyo lobuntombi, kuquka ngokwandisa ulwazi lwefuthe elibi lwezi zithethe emantombazaneni nakumabhinqa ubomi bawo bonke, kwaye aqinisekise ukuba ezo zithethe zipheliswe kwaphela.



22. Ukungondleki kwabantwana kunye nelungelo lokutya okwaneleyo

Le Komiti ibalule ukungabikho komthetho wokuqinisekisa ilungelo lokufumana ukutya kwakunye nokuxhaphaka kokungabikho kokhuseleko lokutya kunye nokungondleki kweli lizwe, ingakumbi apha ebantwaneni. Le Komiti ibonise inkxalabo yayo yokuba isibonelelo sokuxhasa abantwana (esingama-400 eerandi ngenyanga) singaphantsi komgangatho wentlupheko kwaye ne-18 pesenti yabantwana abafaneleyo abasifumani esi sibonelelo, ngenxa yokungabi nazimpepha. Xa ibona oku, le Komiti icebise urhulumente ukuba:

i. Anyuse isibonelelo senkxaso yabantwana ubuncinane sifike kwinqanaba lomgangatho wentlupheko;

ii. Aqinisekise ukuba bonke abantwana abafaneleyo bafumana isibonelelo;

iii. Anyuse umgangatho wezibonelelo zenkxaso yabantwana ngabantwana abaziinkedama nabalahliweyo abahlala nezizalwane; kwaye

iv. Athathe umthetho okhusela ilungelo lokutya okwaneleyo kunye nokondleka, aze aphuhlise iqhinga lomsebenzi likazwelonke lokhuseleko lokutya nokondleka.

23. Ilungelo lokufikelela kwizindlu ezifanelekileyo

Le Komiti iyivuyele imizamo eyenziwa ngurhulumente yokubonelela ngezindlu zikarhulumente kwiintsapho ezinemivuzo emincinci. Kodwa ke le Komiti, isenexhala:

i. Ngobuninzi babantu abahlala ezindlwini ezingafanelekanga, kuquka nabo basematyotyombeni, ngaphandle kokufikelela kwiinkonzo ezisisiseko;

ii. Ngokwanda kwamatyotyombe ezidolophini ngenxa yokukhawuleza kokukhula kweedolophu, nangokuhla kwenani lezindlu zikarhulumente ezibonelelwa ngurhulumente;

iii. Ngeengxelo zokukhutshwa ezindlwini ngokungekho mthethweni nokusetyenziswa kwamandla agqithisileyo ngexesha lokukhutshwa ezindlwini, kananjalo nokukhutshwa ezindlwini ngaphandle kokubonelela kukamasipala enye indawo yokuhlala; kunye

iv. Neemeko ezimbi zezindlu nezokuhlala kwabo bahlala ezifama.

Le Komiti icebise urhulumente ukuba:

i. Aphucule iimeko zezindlu kwaye ahlangabezane nokufuneka kwezindlu okwandileyo, kuquka ngokuqhubeka ukubonelela ngezindlu zikarhulumente ezifanelekileyo ezidolophini nokuphucula iimeko zezindlu zasematyotyombeni;

ii. Aqinisekise ukuba ukukhutshwa ezindlwini kwenziwa kuphela njengenyathelo lokugqibela, ngaphandle kokusetyenziswa kwamandla nangokuthobela imigangatho yamazwe ngamazwe; kwaye

iii. Aphucule iimeko zezindlu nezokuphila kwabo bahlala ezifama ngokuwuthobela ngokupheleleyo uMnqophiso kunye neminye imigangatho yamazwe ngamazwe yamalungelo abantu, ingakumbi ummiselo wokuba abantu abakhutshwa ezindlwini mababonelelwe ngenye indawo yokuhlala efanelekileyo.

24. Ukucotha kwenkqubo yeenguqu yemihlaba kunye nokulinganiselwa kokufikelela kwimihlaba

Ukucotha kwenkqubo yeenguqu yemihlaba ibiyinto exhalabisayo kule Komiti, iphawule ukuba urhulumente uphanzile ukuhlangabezana neenjongo zakhe zokubuyisela abantu emihlabeni. Le Komiti ikwabonise nenkxalabo ngenkxaso engonelanga emva kokuhlawulwa nokungabikho koqeqesho lwabaxhamli bokuphinda kuhanjiswe komhlaba. Kananjalo okuxhalabisayo kule Komiti kukuba amabhinqa ngabanini be-13 pesenti kuphela yomhlaba wezolimo kwaye asagxalathelene nocalucalulo ekufikeleleni kwimihlaba, ngenxa yezithethe zamasiko amafa.

Le komiti icebise urhulumente ukuba akhawulezise ukuqaliswa kokuphinda kuhanjiswe imihlaba kunye nenkqubo yokubuyiswa kwemihlaba aze abonelele abaxhamli ngenkxaso eyaneleyo ukuze basebenzise le mihlaba yenze imveliso kwaye bazibonelele ngendlela yokuphila. Le Komiti iqhubekile yacebisa urhulumente ukuba aqinisekise ukuba amabhinqa afikelela ngokulinganayo emhlabeni nakubunini bemihlaba.

25. Ukufikelela kwezempilo ezifanelekileyo

Nangona le Komiti iphawulile ukuba uMzantsi Afrika uzama ukufikelela kukhuselo lonakekelo lwezempilo jikelele ngokuthabathela iNational Health Insurance Bill, le Komiti ibinexhala ngeyantlukwano enkulu phakathi kweenkqubo zonakekelo lwempilo zikarhulumente nezabucala, ibe inkqubo karhulumente isilela mayelana nenani leengcali zezonyango, izixhobo zezonyango, inkcitho yezonyango, kwakunye neyantlukwano yokubhalisa kwiNational Health Insurance Fund phakathi kweendawo ezisemaphandleni nezisezidolophini kunye nokufikelela kwiinkonzo zonakekelo lwempilo. Nangona le Komiti iphawule inkqubela eyenziweyo ekwenzeni unyango lwee-antiretroviral lufikeleleke kwizigulane ezineHIV, le Komiti ibinexhala lokuba izigulane ezininzi azikakwazi ukufikelela kolu nyango.

Le Komiti icebise urhulumente ukuba:

i. Akhawulezise ukuthatyathelwa kweNational Health Insurance Bill;

ii. Aqubisane neyantlukwano enkulu phakathi kweenkqubo zonakekelo lwempilo lukarhulumente nezabucala, kwakunye naphakathi kweendawo ezisemaphandleni nezisezidolophini, ngokufumana inani elaneleyo leengcali zezonyango, ukuphucula izixhobo zezonyango; kunye

iii. Nokuqinisekisa ukuba bonke abantu abadinga unyango olusindisa ubomi bayafikelela kumayeza afikelelekayo ngokwasemalini, ingakumbi amayeza ii-antiretroviral kubantu abaphila nentsholongwane iHIV.

26. Ukufikelela kunakekelo lwempilo yezesondo nezenzalo

Le Komiti ibonise ixhala lokuba mbalwa kwamaziko onakekelo lwempilo abonelela ngeenkonzo zokukhupha iizisu, kunye nokunyineka kokufikelela kwiindawo ezibonelela ngezi nkonzo, ingakumbi kwiindawo ezisemaphandleni. Kananjalo okuxhalabisayo kule Komiti kukuphakama kwamanani okukhulelwa kwabasafikisayo, nokukhokelela kwinani eliphezulu lokuyeka phakathi esikolweni kwamantombazana.

Xa ibona ezi nkxalabo zingentla, le Komiti icebise urhulumente ukuba:

i. Iindawo kunye neenkonzo zempilo yezesondo nezenzala, kuquka nezokukhupha izisu, mazifumaneke kwaye zifikeleleke kubo bonke abantu, ingakumbi kwiindawo ezisemaphandleni.

ii. Oogqirha abalayo ukukhupha izisu ngengxa yezazela zabo kumele bagqithisele abantu kwabanye oogqirha kwakule ndawo yabo okanye kwenye indawo ekufutshane ukuze oku kwala kwabo kungami endleleni yokufikelela kwamabhinqa kwiinkonzo zokukhupha isisu;

iii. Athobe amanani aphakamileyo okukhulelwa kwabasafikisayo kwaye aqinisekise ufikelelo nokufumaneka kolwazi malunga nempilo yezesondo kunye neyenzala kunye nocwangcisontsapho kumntu wonke, kuquka namantombazana namakhwenkwe asafikisayo, ingakumbi kwiindawo ezisemaphandleni; kwaye

iv. Abonelele ngeenkonzo zenkxaso ezifunekayo kumantombazama afikisayo akhulelweyo, kuquka namanyathelo okuwavumela aqhubekeke neemfundo yawo.

ART

27. Isimo sezinto ezisetyenziswa zizikolo kunye nefuthe lazo kwilungelo lokufunda

Enye indawo exhalabisayo kule Komiti sisimo sezinto ezisetyenziswayo zizikolo. Imiba exhalabisayo iquka:

i. Isimo sezinto ezisetyenziswayo zizikolo zikarhulumente ezingekho semgangathweni jikelele;

ii. Iqela lezikolo lifikelela ngokunyiniweyo emanzini okanye alifikeleli kwaphela emanzini, kwiindawo ezizithoyilethi okanye umbane; ngenxa yokusikwa kolwabiwomali kunye nokuphathwa kakubi kwemali, ngamanye amaxesha;

iii. Amanani aphakamileyo okuyeka kwabantwana esikolweni, ikakhulu ngenxa yeziseko zokufunda ezibuthathaka;

iv. Isithethe sokubizwa kweentlawulo zesikolo ngendlela yemirhumo enganyanzelekanga kwizikolo ezingahlawulisiyo, kunye nefuthe elicalucalulayo lokungahlawuliswa imali yesikolo kwizikolo ezihlawulisayo, ingakumbi kubantwana babazali ababodwa;

v. Ukungabikho kweengcebiso ngendima kunye noxanduva lweenkampani zabucala kwimfundo; kunye

vi. Nokuthatha inxaxheba okungephi kwabantwana abasuka kumakhaya anemivuzo emincinci kwimfundo yabasebancinci, nangona urhulumente esenza iinzame.

Le Komiti yenze iqela leengcebiso, ezijolise kwimfuno yokuba urhulumente:

i. Aphucule izinto ezisetyenziswayo zizikolo aze aqinisekise ukuba zonke izikolo ziyafikelela emanzini, kwiindawo zeethoyilethi nasembaneni ngokunikezela nokuphatha imali esemgangathweni owaneleyo.

ii. Athobe inani lokuyeka kwabantwana isikolo ngokuphucula ukufunyanwa kwezakhono ezisisiseko zokubala nezokufunda;

iii. Aqinisekise ukuba izikolo ezingahlawulisiyo ziyayeka ukubiza abazali iintlawulo aze ahlaziye imimiselo yokungahlawuliswa kwabathile kwizikolo ezihlawulisayo, ngenjongo yokuqinisekisa ukuba abantwana abahlelelekileyo abacalucalulwa;

iv. Aphucule imithetho yolawulo ukuze acacise iindima kunye noxanduva lwamashishini ezikolo zabucala, kwaye abeke esweni imfundo ebonelelwa zezi zikolo;

v. Aqinisekise imfundo yabasebancinci yezinga eliphezulu kubo bonke abantwana, ingakumbi abo bavela kwiintsapho ezihlelelekileyo.

28. Ukufikelela kwimfundo kwabantwana abakhubazekileyo, abavela kumazwe angaphandle, abaziimbacu nabacela indawo yokuzimela

Kuye kwagxilwa nangakumbi kumzabalazo wabantwna abakhubazekileyo. Le Komiti ibinexhala lokuba abantwana abaninzi abakhubazekileyo abahambi isikolo kwaye aba bantwana, ingakumbi abo bavela kumakhaya anemivuzo emincinci, abazuzi kwizikolo ezingahlawulisiyo. Le Komiti iye yaqhubeka nokubonisa ukuxhalaba ngobuninzi babantwana abavela kwamanye amazwe, nabaziimbacu nabacela indawo yokuzimela abangabhaliswanga ezikolweni ezisesikweni.

Kwakujongwa le nkxalabo ingentla, iKomiti icebise urhulumente ukuba:

i. Anwenwise ukuqaliswa kwenkqubo yezikolo ezingahlawulisiyo kwizikolo eziphethwe nguRhulumente zabantwana abakhubazekileyo abangakwaziyo ukuncedwa kwizikolo zikawonkewonke;

ii. Aqinisekise ukuba imfundo equka wonke umntu yinkolelo esisikhokelo kuzo zonke izicwangciso kunye neenkqubo zemfundo, kuquka nokubonelela ngeendawo zokuhlala ezamkelekileyo zabantwana abakhubazekileyo; kwaye

iii. Aqinisekise ukuba bonke abantwana abavela kwamanye amazwe, nabaziimbacu nabacela indawo yokuzimela bayafikelela kwimfundo nokuba sithini na isimo sabo sokufudukela kweli.

29. Ukhuselo lweelwimi zemveli zeli

Ukungabikho kokhuselo lweelwimi ezisecicini lokuphela kunye nokungabikho kokufundisa ngeelwimi zemveli zeli kunye neenkqubo zolwazi kwiinkqubo zezikolo zikarhulumente ibiyinto exhalabisayo kule Komiti.

Le Komiti icebise urhulumente ukuba:

i. Akhusele iilwimi ezisecicini lokuphela kwaye aqinisekise ukuba iilwimi zemveli zeli kunye neenkqubo zolwazi ziyafundiswa kwiinkqubo zezikolo;

ii. Omeleze umyalelo weBhodi eQuka iiLwimi zaseMzantsi Afrika (Pan South African Language Board) mayelana noku.

30. Ukuqinisekisa ukufikelela nokufikeleleka ngokwasemalini kwe-intanethi

Le Komiti ibonise inkxalabo ngokunyineka kokufikelela kwi-intanethi, ingakumbi kwiindawo ezisemaphandleni nasezikolweni, kwakunye nokungabikho kwamaxabiso afikelelekayo okungena kwi-intanethi koninzi lwamaqela ahlelelekileyo. Le Komiti icebise urhulumente ukuba athabathele kuye amanyathelo afanelekileyo ukuqinisekisa ukufikelela nokufikeleleka ngokwasemalini kwe-intanethi, ingakumbi ezikolweni nakwiindawo ezisemaphandleni nakuninzi lwamaqela ahlelelekileyo.

31. Ezinye iingcebiso

Le Komiti iye yenza kananjalo neqela leengcebiso kurhulumente, ezibalulekileyo kuzo zigxile kwisidingo sokuba urhulumente:

i. Avume uMgaqo oNganyanzelekanga woMnqophiso waMazwe ngaMazwe waMalungelo eZoqoqosho, eZentlalo kunye neNkcubeko:

ii. Avume iSivumelwano saMazwe ngaMazwe soKhuselo lwabo Bonke aBantu ekuPhelisweni ngeSinyanzeliso kunye neSivumelwano saMazwe ngaMazwe malunga noKhuselo lwaMalungelo abo Bonke aBasebenzi aBavela kwaManye aMazwe kunye naMalungu eeNtsapho zaBo;

iii. Aqinisekise ukonwatyelwa ngokupheleleyo kwamalungelo aqulathwe kuMnqophiso ekuqalisweni kwe-2030 Agenda for Sustainable Development (kwe-Ajenda yango-2030 yoPhuhliso oluThwalekayo) kuzwelonke, ngoncedo nentsebenziswano yamazwe ngamazwe xa kuyimfuneko;

iv. Athathe amanyathelo okuqhubeka nokuphuhlisa nokusebenzisa izinto zokulinganisela ezifanelekileyo ekuqaliseni ukusebenza kwamalungelo ezoqoqosho, ezentlalo nawezenkcubeko;

v. Apapashe konke oku kuFunyanisiweyo kwaGqitywa Ngako; kwaye

vi. Abandakanye iKhomishoni yaMalungelo aBantu yaseMzantsi Afrika, imibutho engekho phantsi korhulumente kunye namanye amalungu emibutho yoluntu kulandelelo lokuFunyanisiweyo kwaGqitywa Ngako nakwinkqubo yokubonisana kuzwelonke ngaphambi kokungeniswa kwengxelo elandayo yamaxesha athile.

Ukuqukumbela

Ngokuhambelana nenkqubo yolandelelo lokuFunyanisiweyo kwaGqitywa Ngako okuthatyathelwe yile Komiti, uMzantsi Afrika kufuneka ubonelele, ngo-Okthobha 2020, ngenkcazelo yokuqaliswa kokusetyenziswa kweengcebiso eziphathelelene nokulungiselelwa kwesalathiso samalungu eendleko zokuphila nokufikelela kuncedo lwezentlalo kubantu abadala abaminyaka ephakathi kwe-18 nama-59 ubudala, inkcazelo ephathelelene nokunyuswa okuphakanyiswayo kwesibonelelo sikarhulumente sabantwana abaziinkedama nabalahliweyo, kunye nenkcazelo ephathelelene nokufikelela kwimfundo kwabantwana abavela kwamanye amazwe, nabaziimbacu kunye nabacela indawo yokuzimela abangenazimpepha. Ukwaleka, urhulumente waseMzantsi Afrika kufuneka angenise ingxelo yakhe yesibini yamaxesha athile ngamanyathelo athathiweyo ukuzalisekisa izibophelelo zakhe phantsi koMnqophiso ngomhla wama-31 ku-Okthobha 2023.

The Dullah Omar Institute

New Social Sciences Building
University of the Western Cape
Robert Sobukwe Road
Bellville, Cape Town

Private Bag X17, Bellville 7535

Ifowuni: +27 21 959 2950/2951
Ifeksi: +27 21 959 2411

i-imeyili: serp@uwc.ac.za

www.dullahomarinstitute.org.za

Black Sash National Office

Elta House
3 Caledonian Road
Mowbray, Cape Town

PO Box 1282, Cape Town 8000

Ifowuni: +27 21 686 6952
Ifeksi: +27 21 686 6971

i-imeyili: info@blacksash.org.za

www.blacksash.org.za

Studies in Poverty and Inequality Institute (SPII)

Old Trafford 3 Building
Isle of Houghton
36 Boundary Road
Parktown, Johannesburg

PO Box 31747, Braamfontein 2017

Ifowuni: +27 11 833 0161/2
Ifeksi: +27 11 832 3085

i-imeyili: advocacy@spii.org.za

www.spii.org.za

Socio-Economic Rights Institute of South Africa (SERI)

6th floor Aspern House
54 De Korte Street
Braamfontein, Johannesburg

Ifowuni: +27 11 356 5860
Ifeksi: +27 11 339 5950

i-imeyili: sanele@seri-sa.org

www.seri-sa.org

People's Health Movement

129 Rochester Road
Observatory, Cape Town

Ifowuni: +27 21 447 5770

i-imeyili: secretariat@phm-sa.org

www.phm-sa.org