

# AmaLungelo oLuntu kuQhankqalazo lwabaHlali



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**kuQhankqalazo  
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# IMVELAPHI



Uninzi lwabaqhanqalazi eMzantsi Afrika lungamakhoba endlala kunye nokungalingani. Ukungalingani emibuthweni nakumaziko okuqhubekayo eMzantsi Afrika kubonakala kakhulu ekufumaneni okunganelanga kweenkonzo ezingundoqo kumacandelo ahlupekayo abemi baseMzantsi Afrika. Kwiimeko ezininzi abahlali, okanye amacandelo abo, bavakalise unxunguphalo lwabo ngokucutha kotshintsho nokungaziswa kweenkonzo ezingundoqo ezinjengamanzi, umbane nogutyulo lwelindle, ngoqhanqalazo. Ezi zihlandlo zoqhanqalazo, zaziwa ngokuqhelekileyo ngokuba zizihlandlo zoqhanqalazo zokuziswa kweenkonzo, kumaxesha athile aphembelele kwindlela yokuziphatha etshabalalisayo nethintelayo, ejongela phantsi amanye amalungelo anjengelo lemfundo esisiseko.

Kuqikelelwa ukuba uMzantsi Afrika unangaphezulu kwezihlandlo zoqhanqalazo ezingama-13 500 ngonyaka, apho uninzi lulo obundlobongela. Isibophelelo sikaRhulumente sokuhlonipha ilungelo lokuqhanqalaza sithetha ukuba masingathinteli ngokungafanelekanga abantu ukuba baqhanqalaze, kodwa siqinisekise ukuba kukho iindlela ezivulela abantu ngabodwa namaqela ukuba babonakalise amalungelo abo okuqhanqalaza.

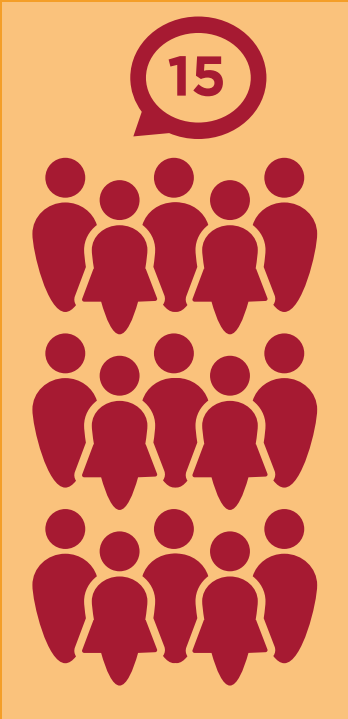
## Uthini uMgaqo-siseko?

**Wonke umntu unelungelo lokuhlengana nabanye baze babonakalise izimvo zabo kuwo nawuphi na umcimbi ngokukhululekileyo esidlangalaleni kwaye bonwabele ukhuseleko lukarhulumente xa besenza oko.**

**Icandelo 17 loMgaqo-siseko libalula ukuba: wonke umntu unelungelo, ngocwangco kwaye engaxhobanga, lokudibana, aqhanqalaze, agwayimbe adlulise amaxwebhu ezikhalazo.**

**Ukuqhuba loo malungelo kuza kwenziwa ngocwangco nangokuphathelele kumalungelo abanye.**

<sup>1</sup> Ulwazi olunikwa yi-SAPS ngoPhulaphulo-zimvo loPhengululo lweSizwe lwe- SAHRC kwimpembelelo yenyathelo elinxulumene noqhanqalazo ngelungelo lemfundo esisiseko eMzantsi Afrika



## Yintoni umgaqo we-Gatherings Act, 1993

EMzantsi Afrika, izihlandlo zoqhankqalazo zabantu abangaphezulu kwe-15 zilawulwa yi-Regulation of Gatherings Act, 205 of 1993. Lo Mthetho uwiselwe ukulawulwa kokubanjwa kweendibano noqhankqalazo kwiindawo ezithile kunye nokumisela imiba enxulumene nalapho.

Olu wiso-mthetho lulawula imicimbi enxulumene neendibano ezibonakalisa naluphi na uhlobo loqhankqalazo, imbambano okanye ukuhlaba amadlala esidlangalaleni.

I-Regulation of Gatherings Act inxulumene neDangerous Weapons Act 15 of 2013 ebalula izithintelo ezithile ngokuphathelele ekuphathweni kwezixhobo eziyingozi.

## Yintoni indawo esesidlangalaleni?



Esidlangalaleni kuthethwa nasiphi na isitalato okanye indlela, ipaki, isikweri sikawonkewonke, izitepsi okanye amabala esakhiwo okanye esinye isithuba esikwanjalo.



## Isaziso sokuqhankqalaza

Akufuneki ucele imvume yokuqhankqalaza kodwa kufuneka unike isaziso sokwenza njalo.

Icandelo 3 (2) le-Regulation of Gatherings Act libalula ukuba umbizi-ndibano uza kunika isaziso kwigosa elinoxanduva zingaphelanga iintsuku ezisixhenxe (7) phambi komhla wokubanjwa kwendibano, ngaphandle kokuba ukuba akufanelekanga ukuba umbizi-ndibano ukuba anike eso saziso msinya kuneentsuku ezisi-(7) phambi kwaloo mhla, uza kunika eso saziso kwelona thuba lamsinya elimiselweyo. Kwakhona, ukuba eso saziso sinikwe ngaphantsi kweeyure ezingama-48 phambi kokuqala kwendibano, igosa elinoxanduva linokuthi ngesaziso kumbizi-ndibano linqande indibano.

Nayiphi na indibano eqhubeka kunganikwanga saziso yindibano engekho mthethweni.

## Yintoni umbizi-ndibano?



Umbizi-ndibano uthetha nawuphi na umntu othe ngokuthanda kwakhe wabiza indibano okanye nawuphi na umntu ochongwe liqumrhu okanye naliphi na isebe lequmrhu ukuba abize indibano.

## Yintoni ekufuneka iqulathwe sisaziso

Olu lwazi lulandelayo kufuneka lubandakanywe kwisaziso:

- linkcukacha zombizi-ndibano
- Igama lequmrhu
- Injongo yendibano
- Ixesha, isithuba sexesha nomhla wendibano
- Indawo ekuza kubanjelwa kuyo indibano
- Inani eliqikelelwayo labantu abezayo.



## Yintoni isigunyaziso somgaqo-siseko seeNkonzo zamaPolisa aseMzantsi Afrika (i-SAPS)?

IiNkonzo zamaPolisa aseMzantsi Afrika (i-SAPS) zinoxanduva lokunqanda, ukulwa kwaye ziphande ulwaphulo-mthetho, zigcine ucwangco, zikhusele abemi beRiphabliki nepropati yabo. Kwakhona, i-SAPS igunyaziswe ukuba ixhase kwaye inyanzele umthetho ize idale imo yokhuseleko kubo bonke abantu baseMzantsi Afrika. Amapolisa futhi kufuneka anqande nantoni na enokoyikisa ukhuseleko lwalo noluphi na uluntu, aphande naluphi na ulwaphulo-mthetho oloyikisa ukhuseleko loluntu, aqinisekise ukuba abophuli-mthetho bayatshutshiswa, kwaye athabathe inxaxheba kwiinzame zokujongana noonobangela bolwaphulo-mthetho.

police line

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Indima ye-SAPS ngelixa lendibano okanye loqhankqalazo

**Ukuba indibano okanye uqhankqalazo luza kuqhubeka, amapolisa anokuthi:**

- Ukuba anezizathu ezifanelekileyo ukukholelwa ukuba awaz'ukukwazi ukunika ukhuseleko olwaneleyo kubantu abathabatha inxaxheba kuloo ndibano okanye uqhankqalazo, azise umbizi-ndibano okanye aboo bantu ngokufanelekileyo.
- Anganqanda abantu abathabatha inxaxheba kwindibano ukuba bangaqhubeki kwindawo eyahlukileyo okanye ukuphambuka kwindlela exeliweyo kwisaziso esifanelekileyo okanye isilungiso ke ngoko okanye ukungathobeli nasiphi na isimo exhomekeke kuso indibano.
- Angayalela nawuphi na umntu okanye iqela labantu elingenelela kwindibano okanye uqhankqalazo ukuba bayeke lo mkhwa kwaye babe kude kwindibano okanye uqhankqalazo.
- Angabamba nawuphi na umntu owenza nasiphi na isiphoso ngelixa lendibano.



## Ngawaphi amalungelo noxanduva lwabaqhankqalazi?

Umqhankqalazi ngamnye unelungelo noxanduva:

- Yokukhululeka ngokwenkolo, inkolelo kunye nokuvakalisa izimvo. Oku kuthetha ukuba unelungelo lokucinga, lokukholelwa nokukhonza ngendlela ofuna ngayo.
- Inkululeko yokuvakalisa izimvo. Wonke umntu unelungelo lokutsho, lokufunda nokustadisha nantoni na ayifunayo. Iintetho ezinezondo azivumelekanga.
- Indibano, uqhankqalazo, ugwayimbo nokuphakamisa uxwebhu lwezikhalazo. Wonke umntu unelungelo lokubamba okanye athabathe inxaxheba kuqhankqalazo, agwayimbe kwaye adlulise uxwebhu lwezikhalazo. Oku kufuneka kusoloko kusenziwa ngocwangco.
- Imicimbi yezabasebenzi. Unelungelo lokungenelela iimanyano zabasebenzi kwaye uqhankqalaze. Umsebenzi ngamnye kunye/ okanye umqeshi unelungelo lokuququzelela nokuthethathethana ngeenjongo ezingaphaya. Oku kufuneka kwenziwe ngokusemthethweni kwaye ngaphandle kokoyikiswa kwabasebenzi abaqhankqalazayo.



## Indima ye-ne-SAHRC



**IKOMISHINI YAMALUNGELO OLUNTU  
YASEMZANTSI AFRIKA (IKOMISHINI)  
LIZIKO LAMALUNGELO LABANTU LESIZWE  
ELINIKWE IGUNYA NGUMGAQO-SISEKO  
UKUBA IKHUSELE, IKHUTHAZE, KWAYE IBEKE  
ILISO AMALUNGELO OLUNTU ELIZWENI.  
KWAKHONA, IKOMISHINI INIKWE IGUNYA  
LOKUPHANDA, LOKUNIKA INGXELO,  
IBHEXESHE UKULUNGISWA KWAKHONA  
APHO KUYIMFUNeko, IQHUBE UPHANDO,  
KWAYE IFUNDISE NGAMALUNGELO OLUNTU.**

IKomishini inikwe amandla ngokwayamene neCandelo 13 no-14 le-South African Human Rights Act 40 of 2013 ukuqhuba iindibano zovakaliso-zimvo zophando ngemicimbi ebalulekileyo eluntwini ngenjongo yokwenza izindululo ezijonge ukugada ukunyhashwa kwamalungelo oluntu.

Ngowe-2016, iKomishini yaqhuba uPhulaphulo-zimvo lweSizwe ngeMpembelelo yemiGushuzo eNxulumene noQhankqalazo ngeLungelo leMfundo esiSiseko. IKomishini yafumanisa ngaphandle kokunye okufunyanisiweyo:

Ilungelo lemfundo esisiseko lichatshazelwa linyathelo elinxulumene noqhankqalazo elidalwa kwiimeko ezininzi ngoonobangela abanganxulumananga nonikezo lwemfundo esisiseko.

- Abaqhankqalazi abathintela ukufumaneka kwemfundo esisiseko banyhasha ilungelo lemfundo esisiseko labafundi abachaphazelekayo.
- Abafundi baba sengxakini ngamanyathelo athile anxulumene noqhankqalazo ngenxa yokuba baye okulandelayo baxwaxwe okanye boyikiswe ngokuya ezikolweni, kwaye amaseko abantwana abaxhomekeke kuwo ukufumana imfundo ayamoshwa okanye ayatshatyalaliswa.

- Ukusabela kweSebe leMfundo esiSiseko ne-SAPS kwezinye iimeko kuye kwacotha kwaye kukhangeleka ngathi akukho mgaqo-nkqubo ufanayo okanye inkqubo ukuhlangabezana nezo zehlo.
- Ukusilela konxibelelwano olululo nolwaneleyo phakathi kwabanamagunya noluntu oluchaphazelekayo olufuna iindlela zokuhlaba ikhwelo kwingxaki yalo. Ngokujolisa ezikolweni, ilungelo labantwana lemfundo elingundoqo lijongelwa phantsi.
- Uxanduva lokuqinisekisa ukuba ukhuseleko lwabafundi, ootitshala nezikolo alukho semagxeni esebe elinye, kwaye kwakungacacanga ukuba leliphilisebe elikhokelayo kwiimeko apho inyathelo elinxulumene noqhankqalazo lijonge ezikolweni.
- Kwiimeko ezithile ulwahlula-hlulo lweenkokeli kwinqanaba likarhulumente wengingqi lube isiphumo esingasihlanga kwiinzame zokuhlangabezana neengxaki ezivelayo, okuthi ke kujongele phantsi ilungelo lemfundo esisiseko.
- Kukho isidingo sokuba amasebe karhulumente, ingakumbi kwinqanaba lengingqi ukuba ngokungcono axoxisane nabahlali ngemicimbi yabahlali ebalulekileyo.
- Kukho isidingo sokukhuthaza abantu ukuba bafumane iindlela ezintsha zokubonakalisa iinkxalabo zabo ukuze amanyathelo abo angabi nempembelelo embi kwamanye amalungelo anjengelumungelo lemfundo esisiseko.

## Uqhankqalazo lwabahlali ngobuninzi

Ulwazi olunikwa yi-SAPS ngelixa loPhulaphulo-zimvo loPhengululo lweSizwe lwe-ne-SAHRC kwiMpembelelo yeNyathelo eliNxulumene noQhankqalazo ngeLungelo leMfundo esiSiseko eMzantsi Afrika eyayibanjelwe eBraamfontein ngowe-2016 yaveza ukuba:

- Ngo-2012 - 2014 wesithuba seminyaka emithathu eGauteng kwabakho izihlandlo zoqhankqalazo ezingaphaya kunalo naliphi na elinye iphondo.
- IKapa yayingoyena masipala uxhatshakelwe luqhankqalazo ngezihlandlo zoqhankqalazo ezingama-84, ilandelwa yiGoli, eThekwini, Tshwane kunye ne-Ekurhuleni. Phakathi kwazo aba masipala abambaxa bahlanu zaba nengxelo yesiqingatha salo lonke uqhankqalazo olurekhodiweyo.
- Ubukho jikelele bobundlobongela obunxulunyaniswa noqhankqalazo buqhubeka nokunyuka. Inani loqhankqalazo olunobundlobongela lalinerekhodi ephezulu ngowe-2014. Ngowe-2007 ngaphantsi nje kwesiqingatha sezihlandlo zoqhankqalazo zanaxulunyaniswa nobundlobongela obuthile. Ngowe-2014 phantse ama-80% ezihlandlo zoqhankqalazo zibandakanya ubundlobongela kwicala labathabathi-nxaxheba okanye abanamagunya.

## Uthungelwano olubalulekileyo

I-Ofisi yoMkomishinala oPhezulu wamaLungelo oLuntu - [www.ohchr.org.za](http://www.ohchr.org.za); [freeassembly@ohcr.org.za](mailto:freeassembly@ohcr.org.za) (United Nations Special Rapporteur on the right to freedom of peaceful assembly and association).

Iziko lenkululeko yokuVakalisa izimvo - [www.fxj.org.za](http://www.fxj.org.za)

Ingxelo ifumaneka kwiwebhusayithi [www.sahrc.org.za](http://www.sahrc.org.za)

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