



Isinqumo Samalungelo Oluntu Esenzwe Sabalula:

*Constitution of Zimbabwe
Amendment (No. 20) Act 2013*



1. Kuyini iSinqumo Samalungelo Oluntu?

ISisekelo Sombuso welizwe ngumthetho ongaphezukwayo yonke imithetho yelizwe njalo yiso esihlela indlela zonke ezilandelwa nguHulumende ekubuseni ilizwe. Iziqumo zamalungelo abantu zihlelwe kuSahluko sesine (4) seSisekelo Sombuso. Isahluko lesi siphathelane lamalungelo lezinkululeko ezifanelwe ukutholwa ngabantu bonke baseZimbabwe.

Amalungelo abantu zimfanelo zethu esizithola ngenxa yokuba ngabantu. Wonke amalungelo abantu alotshwe ngaphansi kwesahluko seziqumo zamalungelo njalo avikelwa yimithetho yelizwe. Ilizwe alivunyelwa ukubumba imithetho ephikisana loba ethathela izizalwane zalo amalungelo eziwaphiwa yiSisekelo Sombuso ngaphandle kokuba kulotshiwe ngaphansi kweziqumo zamalungelo abantu ukuba umthetho onjalo ungabunjwa njalo usetshenziswe elizweni. Nxa kulemithetho ethathela abantu amalungelo, imithetho leyo ingesulwa ingabisasebenza. Nxa kungenzeka ukuba umuntu aphanjaniselwe amalungelo akhe akusisekelo sombuso, lowomuntu ulakho ukuhlululisa labo abephule amalungelo akhe yena engelacala loba ahambise udaba lwakhe kumthethwandaba okhangela ngokusetshenziswa kwesisekelo sombuso ukuze athole isiqondiso ngokusemthethweni.

Iziqumo zamalungelo abantu ezilotshwe kuSisekelo sombuso zimumethe amalungelo oluntu lawezombusazwe kanye lamalungelo omnotho, awenhlalakahle lawamasiko njalo l amalungelo okuvikelwa kwemvelo.

Amalungelo empucuko lezombusazwe (*civil and political rights*) ngamalungelo atholwa ngumuntu ngenxa yokuba yisizalwane, isizukulwane loba ngokuhlala eZimbabwe ngokusemthethweni. Ukuqinisekiswa kwamalungelo la kwenzelwa ukuvikela umuntu omsulwa ekuhlukuluzweni nguhulumende, ngabanye abantu kumbe ezinye inhlanganiso. Amalungelo aqinisekisa ukuba umuntu ofisa ukuphatheka entweni ezenzakala elizweni kanye lezombusazwe enelise ukuzenza njalo engelakwesaba ukubandlululwa lokuhlukuluzwa. Izibonelo zamalungelo la yilezi: ilungelo lempilo, ilungelo lokukhuleka, ilungelo lokungahlukuluzwa, ilungelo

lokungaphathwa ngendlela yobugqili lokungalulazwa, ilungelo lenkululeko yokutsho umbono wakho, ilungelo lokubuthana kumbe ukuhlanganyela lokuhlangana labanye ukhululekile lelungelo lokuphatheka kwezombusazwe ukhululekile. Wonke amalungelo angaphansi kwesigaba lesi abizwa ngokuthi **ngamalungelo esigaba sakuqala** ngoba yiwo amalungelo aqala ukunanzelelwa lokuvikelwa emhlabeni wonke jikelele.

Amalungelo ezomnotho, inhlalakahle lamasiko (*economic, social and cultural rights*) aphaathelane lezinto ezimqoka empilweni zabantu ezifana lelungelo lomsebenzi, lezindlu zokuhlala, lokudla, lezenhlalakahle, lokufunda kanye lokukhuluma ulimi lwakho lwangekhaya. Amalungelo angaphansi kwalesisigaba abizwa ngokuthi **ngamalungelo esigaba sesibili** ngoba abunjwa ngemva kokuba amalungelo ezempucuko lezombuso esenanzelelwe avikelwa ngaphansi komthetho wesinqumo samazwe onke. **Amalungelo okubambana kwabantu kumbe awomphakathi** (*solidarity and group rights*) aziwa njalo ngokuthi **ngamalungelo esigaba sesithathu**. Wona agoqela ilungelo lokuthuthuka, elokuthula, lokuhlala endaweni ehlanzekileyo.

Amalungelo, kanye lomlandu wokuwavikela lokuwahlonipha kuhamba kubambene ndawonye. Umuntu munye ngamunye ulomlandu wokuhlonipha amalungelo abanye, lokuhlonipha iSisekelo Sombuso leminyane imithetho yeZimbabwe. Ngokunjalo, amanye amalungelo angaphansi kweZinqumo zamalungelo ayancitshiswa ngendlela enanzelela ukuthi imfanelo lelandu kazulu iyagcwaliseka lokuthi ukuhlonitshwa kwalawomalungelo akuphambanisi amalungelo abanye.

2. Isinqumo samalungelo oluntu sikhona yini kwamanye amazwe?

Manengi amazwe alezisekelo zombuso ezilesinqumo samalungelo oluntu. Lezo zinqumo zitholakala kakhulu emazweni alezisekelo zombuso ezabhalwa emnyakeni emlutshwane eyadlulayo afana leSouth Africa leNamibia.

3. Yiwaphi amalungelo abantu avikelwa yisinqumo samalungelo oluntu?

Amalungelo avikelwa yisisekelo sombuso abanzi. Ahlanganisa; amalungelo empucuko lezombusazwe; awomnotho inhlalakahle lamasiko; amalungelo amaqembu kumbe umphakathi jikelele lamalungelo weqembu labantu elithile. Isisekelo sombuso silotshwe ngendlela etshengisa ukuzimisela ukuhlonipha lokuvikela amalungelo lokubuswa kwelizwe ngentando kazulu, ngendlela ezihlelwe kuSahluko sakuqala sesisekelo sombuso esiyiso esiphawula imbali yelizwe lokunye okuqondane lelizwe. ISahluko sesibili simumethe izinjongo zelizwe. ISahluko sesithathu sigqela okuphathelane lokuba yisizalwane sakuleli. ISahluko sesine simumethe amalungelo oluntu okumele ahlonitshwe nguhulumende laزونکه ingatsha zakhe zokubusa labosongqongqotshe, iphalemende, idale labahluleli kanye lezinye izingatsha zikahulumende. Izibopho zamalungelo la ziphinda zibeke kubobonke abantu, inkokheli zenhlanganiso, kanye labalezikhundla abafana labaqhatshi, umlandu wokuvikela amalungelo abantu kusiya ngokuthi ilungelo okukhulunywa ngalo ngalesosikhathi liphathelane lani. Isinqumo samalungelo sivikela umuntu ngokwakhe, amankampani, inhlanganiso, ingatsha ezithile kanye lokunye.

3.1 Amalungelo abantu lezinkululeko ezimqoka

Okulandelayo ngaphansi ngamalungelo alotshwe ngaphansi kweSinqumo samalungelo oluntu:

Ilungelo lokuphila

Umuntu wonke ulelungelo lokuphila.

Kodwa, umthetho weSisekelo Sombuso uyakuvumela ukuthi ilizwe libe lesigwebo sokufa emuntwini ogwetshelwe ukubulala ngochuku olubi. Inkantolo azivunyelwanga ukwethesa isigwebo sokubulawa ebantwini abalandelayo:

- Umuntu oleminyaka engaphansi kwamatshumi amabili lanye ngesikhathi icala lisenzakala;
- Umuntu oleminyaka engaphezu kwamatshumi ayisikhombisa; kumbe

- Umuntu wesifazana.

Umntwana ongakazalwa laye ulawo amalungelo empilo. Kulomthetho ochasisa ukuthi ukukhutshwa kwesisu okusemthethweni kuvunyelwe nxa kutheni.

Ilungelo lokukhululeka komuntu

Wonke umuntu ulungelo lokukhululeka empilweni yakhe, okugaqela ilungelo lokungavalelwa entolongweni ungathonisiswanga, kumbe kungela sizatho esisemthethweni. Ngaphezu kwalokhu, akuvunyelwa emthethweni ukuba umuntu abotshelwe ukwehluleka ukulandela izinqumo zesivumelwano ayabe esenzile (*contract*). Lokhu kutsho ukuthi akulamuntu ozavalelwa entolongweni ngesizatho sokwehluleka ukubhadala isikwelede.

Amalungelo ezibotshwa labavalelweyo

Amalungelo akulesi isigaba agoqela amalungelo alandelayo:

- Lokwaziswa isizatho sokubotshwa loba ukuvalelwa kwakho;
- Lokumelwa ligqwetha emthethwandaba;
- Lokungabanjwa ngamandla ukuvuma loba ukufakaza ngecala oleteswayo;
- Lokwaziswa ngamalungelo omuntu obotshiweyo kumbe ovalelweyo;
- Lokungatsho lutho ngesikhathi ubotshwa;
- Lokwazisa izihlobo ngokubotswa kumbe ukuvalelwa kwakho entolongweni;
- Lokungathathelwa ilungelo lenkululeko yakho ngokuvalelwa ngesizatho esingekho emthethweni;
- Lokuphikisa emthethwandaba ukubasemthethweni kokubotshwa kumbe ukuvalelwa;
- Lokuphathwa ngendlela elobuntu lenhlonipho.

Phezu kwalokhu, inqe ngubani obotshiweyo kumbe ovalelweyo ulungelo lokuyathonisiswa emthethwandaba kungakadluli isikhathi eside. Lokhu kumele kwenziwe kungakadluli amahola angamatshumi amane laficaminwemibili ngemva

kokubotshwa kumbe ukuvalelwa kungelani lokuthi isikhathi lesi siphela kungoMgqibelo, iSonto loba ikhefu likazulu. Umuntu ongamiswanga phambi komthethwandaba phakathi kwesikhathi lesi, kumele akhululwe.

Ilungelo lokuhlonitshwa kanye lokuhlonitshwa kwesithunzi somuntu

Wonke umuntu ulesithunzi empilweni yakhe yangasese lasemphakathini njalo lelungelo lokuba isithunzi sakhe sihlonitshwe njalo sivikelwe ngokusemthethweni.

Ilungelo leli ligcizelelwe kakhulu kusiSekelo Sombuso ngoba libhalwe labalilungelo elizimele lodwa kusahlukwana samatshumi amahlanu lanye (51), laphinda labhalwa labayingxenye yensika lezimiso zakuqala zesisekelo sombuso ezilotshwe kusahlukwana sesithathu (3). Njengoba sekutshiwo ngaphezulu, ukuhlonitshwa kwesithunzi somuntu ngokunye kwamagugu lezimiso okumele kunanzelelwe kakhulu yimthethwandaba nxa ichasisa umthetho wesisekelo sombuso.

Ilungelo lokuvikeleka komuntu

Wonke umuntu ulungelo lokwenza izinqumo eziphathelane lomzimba kanye lengqondo yakhe. Lokhu kugqela:

- Ilungelo lokungahlukunyezwa;
- Ilungelo lokwenza izinqumo eziphathelane lenzalo lokuzala; kanye
- Lelungelo lokungasetshenziswa ekuchwayisisweni kwezesayensi (*science*) loba ezibhedlela, ukukhitshwa kumbe ukusetshenziswa kwezitho zomzimba womuntu ngaphandle kwesivumelwano esenziwe ngemva kokuchasiselwa okugcweleyo ngalokhu okuyabe kusenzakala.

Inkululeko evikela ukuhlukuluzwa, ukuphathwa ngochuku, kumbe ukujeziswa ngendlela elulaza umuntu

Akulamuntu okumele ahlukunyezwe emzimbeni kumbe engqondweni. Akulamuntu okumele aphaatheke kumbe ajeziswe ngendlela elochuku, engelabuntu njalo elulaza isithunzi somuntu.

Inkululeko evikela ukugqilazwa/ ukusetshenziswa njengesichaka

Akulamuntu okumele aphathwe njengesigqili kumbe avinjelwe ukuzikhethela ekhululekile lokhu afuna ukukwenza kumbe lempilo afuna ukuyiphila.

Inkululeko evikela ukubanjwa ngamandla ukusebenza

Akulamuntu okumele abanjwe ngamandla ukwenza umsebenzi angazikhethelanga wona ekhululekile.

Ilungelo lokuphathwa ngokulingana lokungabandlululwa

Bonke abantu bayalingana phambi komthetho njalo balelungelo elilinganayo lokuvikelwa ngumthetho. Wonke umuntu, kungelani lokuba ngowesilisa kumbe owesifazana ulamalungelo okuphiwa amathuba alinganayo kungelani lokuthi zindaba zombusazwe, ezomnotho, ezamasiko kumbe ezenhlalakahle. Umuntu wonke ulelungelo lokungabandlululwa ngezizatho ezifana lokuthi ngowaliphi ilizwe, umbala wakhe, umhlobo wakhe wazalelwa ngaphi, uvela ngaphi, ulimi lwakhe, isimo sempilo yakhe, ukholo lwakhe, ungowaliphi ibandla lezombusazwe, imibono lamasiko akhe, ubulili, ukuthi wendile kumbe uthethwe, ukuthi uminjani kusimo sezomnotho kumbe ulesithunzi bani kumphakathi, ukukhubazeka kwakhe, umdala okunganani, ukuthi uzithwele kumbe ukuthi uzelwe ngabazali abatshadileyo kumbe abangatshadanga.

Uhulumende kufanele athathe amanyathelo asemthethweni ukukhuthaza lokugcwalisa ukuphathwa ngokulingana kwabantu. Kumele njalo uhulumende athathe amanyathelo okuvikela lokuphakamisa amaqembu abantu abakade benganelisi ukuzivikela ekubandlululweni ngenxa yezinye izizatho ezilotshwe phezulu. Amanyathelo wonke azathathwa nguhulumende ekulungiseni lokhu kawasoze athathwa njengamanyathelo angalunganga.

Amalungelo okuba lemfihlo

Amalungelo la agoqela ilungelo:

- Lokuthi umuzi womuntu, indlu, indawo, kumbe impahla yakhe ingangenwa loba ngubani ngaphandle kwemvumo yomnikazi;
- Lokuthi umzimba womuntu, umuzi, indlu, indawo loba impahla zakhe zingakhuthuzwa (ukusetsha) kungelamvumo yomnikazi;
- Lokungahluthunyelwa impahla ngamandla;
- Lokuthi ilungelo lakhe lengxoxo/inkulumo ezangasese, lingephulwa;
- Lokuthi ilungelo lesimo sempilakahle yakhe lingephulwa ngokutshela umphakathi kungelamvumo yakhe.

Inkululeko yokuhlangana lokubuthana

Umuntu wonke ulelungelo lokuhlangana lokubuthana labanye. Lokhu kugoqela ilungelo lokukhetha ukungahlangani lokubuthana labanye. Akulamuntu okumele abanjwe ngamandla ukuba abelilunga lenhlanganiso loba ukuthi angene emhlanganweni kumbe embuthanweni angayifuniyo.

Inkululeko yokutshengisela kanye lokutshengisela ngamaphepha abhalwe izinto ezihluphayo

Wonke umuntu ulemvumo yokubonisa ukungasuthiseki kwakhe emsebenzini ngokutshengisela lokwethula izikhalazo zakhe langokutshengisela ngamaphepha abhalwe izinto ezihluphayo nxa lokhu kutshengisela kwenziwe ngokuthula.

Inkululeko yomzwangedwa

Umuntu wonke ulelungelo lokuzicabangela ekhululekile, eligoqela inkululeko yemcabango, yembono, yokholo lenkululeko yokwenelisa ukusebenzisa lokunika imbono yakhe kungelani lokuthi usendaweni ecatshileyo loba emphakathini. Akulamuntu okumele abanjwe ngamandla ukuthi enze isifungo esingahambelani lokholo lwakhe. Abazali lalabo abagcine abantwana abangabazaliyo balelungelo lokukhetha ukholo lamasiko abawabona elungele ukukhulisa abantwana babo ngendlela abayibona ifanele ngaphansi kokholo lamasiko abo. Kodwa lokhu akufanelanga kuphambanise amalungelo abantwana okuthola imfundo,

impilakahle, ukuphepha lokuvikelwa. Inhlanganiso zokholo ezitshiyeneyo zivunyelwe ukwakha indawo zokufundisa ezokholo.

Inkululeko yokupha imbono lenkululeko yentathelizindaba

Wonke umuntu ulelungelo lokupha umbono wakhe ekhululekile okugogela:

- Inkululeko yokudingisisa, uthole njalo udlulisele phambili imbono kanye lezinye izindaba;
- Inkululeko yokukhipha imbono ngokudweba imfanekiso/lokwenza imidlalo/ingoma/ukubaza, lenkululeko yokudingisisa ngesayensi (*science*), leyokusebenzisa ingqondo ngokujulileyo ngendlela ezikhipha imbono etshengisela ukukhalipha kwengqondo, bebhala ingwalo endaweni zokufunda ezebanga eliphezulu.

Phezu kwalokhu:

- Inkululeko yentathelizindaba, lemisakazo ivikelekile njalo intathelizindaba zivunyelwe ukungavezi isisusa sezindaba zazo kumbe ukuveza amagama alabo ababatshela lezondaba.
- Abantu loba inhlanganiso ezifisa ukusungula imisakazo ehambisa izindaba ngamagagasi kanye laleyo ehambisa izindaba ngomabonakude bavunyelwe ukusungula leyomisakazo bekhululekile. Okumele bakwenze nje yikulandela yonke imithetho yelizwe yokubhaliswa kwemisakazo.
- Imisakazo yezindaba elawulwa nguHulumende ayifanelanga ikhethe uhlangothi kodwa isakaze indaba ingelahlangothi eziyisekelayo kwezombangazwe. Kumele njalo izimele iphiwe amalungelo okuzikhethela indaba lemifanekiso ezifuna ukuyisakaza njalo zanelise ukunika abalembono ehlukeni lekahulumende amathuba alinganayo okubeka imbono yabo emphakathini.
- Kodwa-ke, inkululeko yokuveza imbono lenkululeko yokukhitshwa kwezembiko lezindaba ayivumeli abantu ukuthi batshotshozele udlakela, bakhankasele udlame, lenzondo lenkulumo ezilenzondo ezinxwanele ukubhidliza isimilo

lesithunzi somuntu. Ayivumeli njalo ukuthi umuntu ephule ilungelo lemfihlo zomunye kungelasizatho esiqinileyo sokwenza lokho.

Ukufinyelela ulwazi

Isizalwane sonke seZimbabwe kumbe umuntu wonke osehlala eZimbabwe ngokusemthethweni ulungelo lokufinyelela loba yiluphi ulwazi ulusezandleni zikaHulumende lengatsha zakhe nxa lololwazi ludingeka ekuthini uzulu anelise ukuthola ingcazelo eziphathelane lesizwe. Ilungelo leli lingasetshenziswa njalo ngamakhampani lentathelizindaba. Phezu kwalokho, umuntu wonke ulungelo lokuthola ulwazi olubanjwe ngomunye umuntu loba uHulumende nxa lololwazi ludingakala ekutholeni loba ekuvikelweni kwelungelo elithize.

Bonke abantu balelungelo lokucela uHulumende, loba ingatsha zakhe lezinye inhlanganiso ezisebenzela ngaphansi kukaHulumende ukuthi kucitshwe loba yiluphi ulwazi oluphathelane lalwomuntu olungasiqiniso, loba ubufakazi obungaphazamisa indlela umphakathi akhangela ngaye lowomuntu.

Ilizwe lifanele libumbe umthetho ozaqondisa ukutholakala kwamalungelo wonke abhalwe ngaphezulu. Umthetho lo ungaba lamandla okunciphisa ilungelo lokufinyelela olunye ulwazi olungaphazamisa ukuvikeleka komphakathi lezinye inhlanganiso ezithile. Izinciphiso lezi kufanele zenziwe ngendlela engancindezeliyo kodwa eyamukelekayo elizweni elibuswa ngumbuso olawulwa ngabantu.

Indimi lamasiko

Umuntu wonke ulungelo lokusebenzisa ulimi azikhethela lona lokulandela amasiko awafunayo kodwa lokhu akumelanga kuphazamise amalungelo abantu alotshwe kusisekelo sombuso. Isisekelo sombuso sinanzelela ukubakhona kwendimi ezilitshumi lasithupha (16) ezilandelayo: isiTshewa, isiTshibarwe, isiLungu, isiKhalanga, isiKhoyisani, isiNambiya, isiNdawu, isiNdebele, isiTshangane, isiShona, ukukhulumisana kwabangakhulumiyi (*Sign Language*), isiSuthu, isiTonga, isiTswana, isiVenda lesiXhosa.

Ilungelo lokukhetha umsebenzi kumbe ukufundela umsebenzi

Umuntu wonke ulungelo lokukhetha kumbe ukufundela umsebenzi kumbe aqhatshelwe umsebenzi afuna ukuwenza empilweni yakhe. Kodwa-ke, ukusebenza lokhu lokungena ekhosini kulakho ukuqondiswa yimithetho eqondane lezemisebenzi.

Amalungelo okusebenza

- Umuntu wonke ulungelo lokusebenza ngendlela eqakathekisa ukuvikeleka lokuphepha kwabasebenzi njalo abhadalwe imali ehambelana lomsebenzi awenzayo, njalo azuze leholo elaneleyo.
- Umuntu wonke osebenzayo ufanele ukusebenza ngaphansi komumo oqondileyo.
- Umuntu wonke, ngaphandle kwabasebenza kwezokuvikelwa kwelizwe, ulungelo lokubumba lokungena inhlanganiso ekhangele amalungelo ezisebenzi kumbe aphaatheke kunhlanganiso zezisebenzi azikhethela zona.
- Umuntu wonke, ngaphandle kwalabo abasebenza ngaphansi kwenhlangothi zokuvikela ilizwe, uvunyelwe ukuba aphaatheke embuthanweni yokutshengisela ephathelane lesimo sokungasuthiseki emsebenzini. Lokhu kugoqela ilungelo lokutshengisela ngokubeka phansi izikhali zokusebenza, ukutshengisela ngokuzihlalela emsebenzini lokutshengisela ngokutshiya umsebenzi. Lanxa kunjalo kungaba lomthetho onqabela izisebenzi ukuphatheka kulokhu ukuze kungabi lokuphambaniseka kwemisebenzi eqakathekileyo kuzulu.
- Abesifazana labesilisa balelungelo lokusebenzela imali elinganayo nxa besebenza umsebenzi ofanayo.
- Abesifazana balelungelo lokuthatha ikhefu elingaba zinyanga ezintathu, bebhadalwa imali yonke yomholo, nxa besiyabeletha lokugcina usana.

Inkululeko yokuhambahamba lokuhlala

Sonke isizalwane saseZimbabwe silelungelo lokubaphakathi, lokungaxotshwa elizweni laseZimbabwe lelungelo lokuthola iphasiphothi loba ezinye incwadi

zokuvakatshela amanye amazwe.

Isizalwane sonke saseZimbabwe kanye laye wonke umuntu ohlezi eZimbabwe ngokusemthethweni ulungelo lokuhambahamba ekhululekile, njalo akhethe ukuhlala loba ngaphi kwelizwe okuvunyelwe ukuhlala abantu kanye lokusuka elizweni leZimbabwe.

Amalungelo Ezombusazwe

Sonke isizalwane seZimbabwe silelungelo:

- lokhetho olukhululekileyo, olungelabuqili njalo olwenziwa ngesikhathi sonke esiyabe sihlelwe emthethweni.
- lokwenza izinqumo eziphathelele lezombusazwe zikhululekile
- lokukhetha ibandla loba ummeli elimfunayo ngemfihlo njalo likhankasele ukumela umphakathi ukuze likhethelwe isihlalo sikazulu uma esefikise iminyaka yokuzalwa elitshumi lesificaminwemibili (*18 years*).

Kusiya ngokuhlelwa komthetho wesisekelo selizwe, izizalwane zeZimbabwe zilelungelo:

- lokusungula, zingenele njalo ziphatheke kuzinto zamabandla ezombusazwe loba inhlanganiso umuntu azikhethela ngokuthanda kwakhe.
- lokukhankasela ibandla lezombusazwe elithile zikhululekile njalo kungeladlakela lokwethuselwa;
- lokuphatheka okulokuthula kuzinto zenhlanganiso kumbe amaqembu aphathelane lezombusazwe.

Zonke izizalwane zeZimbabwe ezileminyaka yokuzalwa elitshumi lesificaminwemibili lengaphezu kwaleyo zilelungelo lokukhetha abameli besizwe lokumela ukukhethwa ukuze zingene ezikhundleni zokumela uzulu. Ukuze kukhankaselwe umbuso welizwe ovumela ukubunjwa lokubakhona kwamabandla ezombusazwe amanengi, kufanele ilizwe libumbe umthetho wePhalamende ochasisa indlela uhulumende okumele anike imali kumabandla atshiyeneyo

awezombusazwe.

Ilungelo lokuphathwa ngendlela elungileyo emawofisini

Umuntu wonke ulungelo lokuphathwa ngendlela efaneleyo, esemthethweni, athole uncedo aludingayo ngokuphangisa njalo ngendlela engelabandlululo. Wonke umuntu ulungelo lokwaziswa ngokuphangisa njalo ngokubhalelwa phansi izizatho eziyabe zibangele ukuthi athathelwe ilungelo, inkululeko, loba ukuthola loba yini akhangelele ukuphathiswa ngakho ngokusemthethweni.

Ilungelo lokuthoniswa ngabomthetho ngendlela eqondileyo

Umuntu wonke ocatshangelwa ukuthi wephule umthetho ulungelo lokuthoniswa okuqondileyo, azikhulumele emthethwandaba lomphakathi usizwa. Njalo kumele athonisiswe ngokuphangisa, emthethwandaba ongelabandlululo, osetshenzelwa ngabantu abangakhethi uhlangothi, abangaphathekanga ngodaba oluyabe luthonisiswa.

Umuntu wonke ulungelo lokufinyelela imithethwandaba yonke yaseZimbabwe lokukhetha ukumelwa ligqwetha phambi kwaloba yiwuphi umthethwandaba, inkundla loba idale.

Amalungelo abantu abetheswe amacala

Wonke umuntu owetheswe icala ulamalungelo agoqela alandelayo:

- Ukuphathwa njengomuntu ongelacala kumbe omsulwa kuze kuvezwe ngumthethwandaba ngemva kokuthoniswa ukuba ulecala;
- Ukutshelwa ngokuphangisa ukuthi ubotshelweni ngabomthetho;
- Ukunikwa isikhathi esilingeneyo sokulungisa ubufakazi;
- Ukuzikhethela igqwetha azalibhadala elizammela emthethwandaba;
- Ukuphiwa igqwetha elibhadalwa nguHulumende ukuba limmele nxa icala lakhona lilikhulu njalo kubonakala ukuthi kungaba lokungathethwa kuhle nxa engamelwanga ligqwetha uma engelamali yokuzibhadalela.

- Ukuba lomuntu ozachasisa konke okukhulunywayo kanye lokwenzakalayo ngolimi oluzwisiswa ngumuntu owetheswe icala.
- Ukuba khona emthethwandaba nxa kuthoniswa icala
- Ukuletha ubufakazi phambi komthethwandaba lokuphiwa ithuba lokuphikisa ubufakazi obuyabe bulethwe ngabammangaleleyo;
- Ukukhweza udaba lwakhe emthethwandaba ophezulu nxa ebona angathi icala alithethwanga ngendlela esuthisayo kumbe isigwebo asiphiweyo asihambelani lecala aletheswayo;
- Lokuthi umthethwandaba ophezulu ukhangele icala lesigwebo sakhe kakutsha.
- Ukuthi ubufakazi obuyabe butholwe ngendlela engahambelani lezinqumo zamalungelo ezilotshwe kusisekelo sombuso bungasetshenziswa kwesinye isikhathi;
- Lokungabotshelwa icala kumbe isenzo esiyabe singakabi licala ngesikhathi sisenzakala kumbe isenzo esiyabe singaseyisocala ngalesosikhathi.
- Ukungaphindi abotshelwe isenzo ake asibotshelwa waxolelwa, kumbe icala lesulwa loba wasibotshelwa lesosenzo;
- Lokuphiwa ugwalo olutshengisa konke okwenzakeleyo ngesikhathi icala lithonisiswa ngemva kokuhlawula imali elingeneyo.

Amalungelo kwezempahla

Umuntu wonke ulelungelo lokuthenga, ukusebenzisa, ukunika omunye umuntu, ukusebenzisa njengesibambiso, ukubolekisa lokuthengisa loba yiphi inhlobo yempahla eyedwa loba elilunga leqembu kumbe elenhlanganiso elabanye.

Umuntu wonke ulelungelo lokungathathelwa impahla zakhe/ ukuxotshwa endaweni yakhe ngamandla ngaphandle kokuba lokhu kwenzeka ngendlela elandela imithetho yesizwe kumbe nxa ukwenza lokho kulenhloso yokufeza izimiso zikazulu lokunceda uzulu. Nxa kungenzeka ukuthi impahla loba indawo leyo ithathwe ngendlela le, umnikazi kumele aphiwe ithuba elaneleyo lokuthi aqoqe izinto zakhe athuthe njalo ahlawulwe imali yokuphazamisa impilo yakhe. Inhlanganiso ethatha leyompahla kumbe indawo kumele icele incwadi yemvumo

evela emthethwandaba eyokuthatha leyondawo. Ugatsha oluthatha leyondawo kumele lubelemvumo yomthethwandaba egcizelela ukuthathwa kwaleyondawo kungakedluli amalanga angamatshumi amathathu bephiwe leyomvumo. Umuntu othathelwa impahla/indawo yakhe uvunyelwe ukuya emthethwandaba aphikise ukuthathelwa lokhu kumbe inani lemali ayabe eyiphiwe njenghlawulo yokumphazamisa.

Kodwa ilungelo lempahla eliphathelane lomhlabathi wokulima lincitshisiwe ngendlela ezilandelayo:

Ilungelo lomhlabathi wokulima lokufuya

UHulumende angathathela loba ngubani, kulesivumelwano loba singekho, umhlabathi wokulima lokufuya nxa lowomhlabathi uthathelwa ukuhlalisa abantu abanengi ukuze bathole indawo yokulima, ukuhlaliswa kutsha kwabantu, ukuhlanyelwa kwezihlahla ezivikelekileyo, ukuvikela imvelo, inyamazana zasendle kanye lamanye amagugu emvelo kumbe ukuhlaliswa kutsha kwabantu abayabe besuswe endaweni ethile ngenxa yezizatho ezehlukeneyo. Umhlabathi wonke othathwa ngalindlela ubangumhlabathi olawulwa nguHulumende kuphela.

Akulanhlawulo ezakhitshwa ukuze kubhadalwe umhlaba oyabe uthethwe nguhulumende elandela iziqondiso zesisekelo sombuso. Kodwa okade engumnikazi wendawo ulakho ukuphiwa imali elingeneyo kusiya ngezakhiwo kanye lezinye inguquko ayabewazenza kuleyo ndawo.

Uhulumende owedlulayo wabeLungu nguye olomlandu wokubhadala inhlawulo yomhlabathi owathathelwa ukuhlalisa kutsha kwabantu.

Amalungelo emvelo

Umuntu wonke ulamalungelo:

- wokuhlala endaweni ehlanzekileyo, engelangozi kumpilo yakhe kumbe kunhlalakahle yakhe;
- lawokuthi imvelo kanye lendawo zigcinakale ngendlela evikelekileyo kusenzelwa izizukulwana ezizazalwa ngesikhathi esizayo.

Ngakho ke, uhulumende kumele athathe izinqumo ezithile ngokusemthethweni kanye lezinye indlela ukuze:

- kuvikelwe ukungcoliswa, ukugugudeka lokubhidlika kwezemvelo lomhlabathi;
- abantu bakhuthazwe ukugogosa indawo zabo kanye lemvelo;
- lokutholakala kwendlela zentuthuko ezihambisana kuhle lokugcinwa, lokusetshenziswa kuhle kwemvelo lomhlaba njalo zithuthukisa ezomnotho lenhlalakahle.

Uhulumende ulomlandu wokuthatha amanyathelo azaphathisa ukuze kutholakale amalungelo wonke alotshwe phezulu.

Inkululeko evikela ukuxotshwa mahlayana endaweni yokuhlala

Akulamuntu ozaxotshwa endaweni yakhe yokuhlala kumbe, endlini yakhe kumbe adilizelwe indlu yakhe ngaphandle kwemvumo evela emthethwandaba. Leyomvumo kumele itholakale ngemva kokuhlolisiswa ngobunono obukhulu.

Ilungelo lokuthola imfundo

Isizalwane sonke saseZimbabwe kanye labantu abahlala eZimbabwe ngokusemthethweni balelungelo :

- Lokuthola imfundo yebanga eliphansi bebhadalelwa nguhulumende kanye lemfundo ephansi yabantu abadala.
- Ulelungelo lokuqhubekela phambili ngemfundo yaphezulu ephathiswa nguHulumende kulandelwa izinqumo ezisemthethweni lezinye izindlela ezingamnceda ekwenzeni lokhu. UHulumende kumele athathe lawomanyathelo azakwenza imfundo yaphezulu itholakale lula kuye wonke umuntu ofisa ukuqhubekela phambili ngemfundo yakhe.

Umuntu wonke ulungelo lokusungula lokusebenzisa indawo zokufundela ezizimele zodwa kodwa lowomuntu kavunyelwa ukubandlulula loba ngayiphi indlela elotshwe kusisekelo sombuso.

Uhulumende kumele athathe amanyathelo, ahambelana lemali alayo, azakwenza ukuthi ilungelo leli litholakale lula kuye wonke umuntu.

Ilungelo lokuthola impilakahle

Izizalwane zonke, kanye laye wonke umuntu ohlala eZimbabwe ulungelo lokufinyelela ezempilakahle kanye lelungelo lempilakahle kweziqondane lezenzalo.

Umuntu wonke ophila lomkhuhlane ongelaphekiyo ulungelo lokuthola ukwelatshwa okungamphathisa (*basic health*), okuqondane lalesosifo. Akulamuntu ozakwenqatshelwa ukuthola uncedo lwezempilakahle olwesiphangiphangi kuloba yisiphi isibhedlela nxa kudingakala ukuba athole loloncedo.

Uhulumende kumele athathe amanyathelo ukuthi ilungelo leli litholakale ebantwini kusiya ngemali alayo.

Ilungelo lokuthola ukudla lamanzi

Umuntu wonke ulungelo lokuthola amanzi ahlanzekileyo kanye lokudla okwaneleyo. Uhulumende kumele athathe amanyathelo ukuthi ilungelo leli litholakale ebantwini kusiya ngemali alayo

Ilungelo lokutshada

Umuntu wonke oleminyaka engaphezu kwetshumi lesificaminwemibili ulungelo lokutshada aqale imuli yakhe. Akulamuntu ozabanjwa ngamandla ukuthi atshade loba ozatshadiswa ngaphandle kwemvumo yakhe. Abantu abalobulili obufanaya bayenqatshelwa ngumthetho lo ukuba batshade kumbe bahlale ndawonye njengomuntu lomkakhe.

Ukugcizelelwa kwamanye amalungelo

Isahlukwana lesi sesisekelo sombuso sigcizelela amanye amalungelo lenkululeko ukwenzela ukuthi kubelula ukuzwisisa lawo malungelo.

Amalungelo abesifazana

- Wonke umuntu wesifazana ulesithunzi somuntu esigcweleyo njalo esilingana lowesilisa. Lokhu kugoqela amathuba alinganayo kwezombusazwe, ezenhlalakahle, kanye lezomnotho.
- Abesifazana balawo njalo amalungelo afana lawabantu besilisa nxa kukhangelelwa ukugcinwa kwabantwana. Uhulumende angabumba umthetho wePhalamende ozalawula ukusetshenziswa kwalawo malungelo.
- Yonke imithetho, amasiko lemikhuba evimbela abesifazana ekutholeni amalungelo akusisekelo sombuso lesi akumelanga iqhubeke isetshenziswa.

Amalungelo abantwana

Umntwana wonke (okugoqela umuntu wonke oleminyaka yokuzalwa engaphansi kwetshumi lesificaminwemibili) ulamalungelo alandelayo:

- Ilungelo lokuphathwa ngendlela efana leyabanye emthethweni;
- Ilungelo lokuphiwa ibizo lesibongo somdeni;
- Ilungelo lokuthola incwadi yokuzalwa masinyane;
- Ilungelo lokugcinwa ngabazali loba ngezinye inhlanganiso ezikhangelwa ukugcinwa kwabantwana;
- Ukuvikelwa ekuqilweni endabeni eziphathelane lezomnotho, ezemacansini, ukusetshenziswa imisebenzi efanele ukwenziwa ngumuntu oleminyaka yokuzalwa engaphezu kweminyaka yalowomntwana, ukuhlukuluzwa, ukungananzwa kanye lezinye indlela ezihlukuluza abantwana.
- Ilungelo lokuthola imfundo, impilakahle, ukudla okwakha umzimba kanye lendawo yokuhlala.
- Ilungelo lokungenziwa ibutho lesizwe kumbe ukuphatheka nxa kuliwa empini;
- Ilungelo lokungabanjwa ngamandla ukuthi angene kumabandla ezombusazwe kanye lokwenza imisebenzi yezombusazwe;

- Ilungelo lokungavalelwa entolongweni ngaphandle nxa kungasela ezinye indlela ezingasetshenziswa ukuqondisa lowomntwana;
- Nxa ukuvalelwa entolongweni lokho kungenziwa, kumele kube ngokwesikhathi esifitshane, njalo lowomntwana avalelwe endaweni okungela zibotshwa ezindala njalo aphantwe ngendlela elungele ukuphathwa kwabantwana.

Kuzo zonke indaba eziphathelane labantwana, kuyaswelakala ukuthi izinqumo ezithathwayo ziqonqonsele ukuthi izinswelo zomntwana ziyasuthiseka ngaso sonke isikhathi. Abantwana bonke balelungelo lokuvikelwa ngumthethwandaba, kakhulu umthethwandaba ophezulu obizwa ngokuthi *yiHigh Court* ngoba yiwo umthethwandaba olomlandu wokugcinwa kwabantwana.

Amalungelo abantu asebeluphele

Umuntu wonke oleminyaka engaphezu kwamatshumi ayisikhombisa ulungelo lokuthola:

- Usizo olufaneleyo oluvela kuHulumende lasemulini zabo;
- Usizo oluvela kuHulumende lokuthola uncedo lwempilakahle olwaneleyo;
- Usekelo lwemali evela esikhwameni sikahulumende esiqondane lezenhlalakahle.

Uhulumende kumele athathe amanyathelo ukuthi ilungelo leli litholakale ebantwini kusiya ngemali alayo.

Amalungelo abagokekileyo

Uhulumende kumele athathe amanyathelo ahambelana lemali alayo ukuthi abagokekileyo benelise ukuphila impilo ngendlela esuthisayo. Uhulumende kumele njalo athathe amanyathelo azakwenza ukuthi:

- abagokekileyo benelise ukuziphilisa bezimele bodwa;
- benelise ukuphila lemuli zabo baphatheke kuzinto eziphathelane lezenhlalakahle, lezokuzithokozisa lokwenza nje izinto ezithile;

- bavikeleke kuzozonke indlela zokuncindezelwa lokuhlukunyezwa;
- bathole uncedo lwezempilakahle, ezokuhlaliseka engqondweni lokwelatshwa okwenza umuntu enelise ukuphila kuhle;
- baphiwe usekelo oluqondileyo olubaphathisa kwezemfundo yabo;
- lokuthola imfundo kanye lokufundiswa ezomsebenzi bebhadalelwa nguhulumende.

Amalungelo abalweli benkululeko

Abalweli benkululeko bagoqela abantu abalwa impi, ababencedisa abalwayo, ababotshwayo kumbe bavalelwa ngenxa yombangazwe ngesikhathi sempi yenkululeko yeZimbabwe. Abantu laba bonke kumele banakekelwe ngenxa yokuzinikela kwabo langomsebenzi abawenzayo ekukhululeni ilizwe leZimbabwe. Kufanele njalo bathole ukugcinakala ngendlela eqondileyo ngokuphiwa imali yomhlala-phansi (ipentsheni) lokufinyelela impilakahle emqoka. Kumele kube lomthetho wePhalamende ozaphawula ukutholakala kwamalungelo la.

4. Amalungelo amqoka anganciphiswa yini?

Isisekelo sombuso silesigaba esinciphisa amalungelo kodwa nxa siqathaniswa lesisekelo sombuso esidala, isisekelo sombuso esitsha sileziqondiso ezilutshwana ezinciphisa lezivimba ukutholakala kwamalungelo amqoka. Iziqondiso ezivimba ukutholakala kwamalungelo yilezo ezibhalwe ngendlela enciphisa amalungelo ngokubeka sobala ukuthi ilungelo lelo linganciphiswa ngokusemthethweni. Isigaba lesi sethula izizatho ezithile okumele zihlolisiswe ukuthi ukunciphiswa kwamalungelo lokho kuyadingakala yini nxa kukhangelwe inswelo zikazulu lokuthi amalungelo wonke anciphiswe ngaleyondlela aphathelane lokuvikela liphi ilungelo loba yiphi inkululeko kanye lokudingisisa indlela okunciphiswe ngayo lawo malungelo.

Akhona amalungelo angavunyelwayo ukuthi afakelwe iziqondiso zokuwanciphisa.

Lawa agoqela ilungelo lempilo (ngaphandle kokuba umuntu egwetshelwe ukufa), ilungelo lokuhlonitshwa kwesithunzi somuntu, ilungelo lokungahlukuluzwa kumbe ukuphathwa loba ukujeziswa ngendlela embi elulaza umuntu, ilungelo lokungaphathwa njengesigqili kanye lelungelo lokuthonisiswa icala ngendlela eqondileyo engathathihlangothi.

Ngaphansi kwalesosigaba esinciphisa ukutholakala kwamalungelo isisekelo sombuso siyavumela uhulumende ukubumba imithetho evumela ukunciphiswa kwamalungelo nxa kudingakala ukuba lokho kwenziwe ngokuphangisa ukuze kuvikelwe umumo oyingozi elizweni.

5. Kuvunyelwe yini ukuguqula isinqumo samalungelo esibhalwe kusisekelo sombuso?

Njengoba isinqumo samalungelo siyingxenye yesisekelo sombuso, njalo uhulumende esenelisa ukuguqula isisekelo sombuso, kuliqiniso ukubana isinqumo samalungelo singaguqulwa laso. Kodwa ukuguqulwa kwesinqumo samalungelo kunzima kulokuguqulwa kwezinye izigaba zesisekelo sombuso ngoba ukuguqulwa loba yiliphi ilungelo lenkululeko ezibhalwe ngaphansi kwesinqumo kufanele uzulu wonke aphaatheke ekuguqulweni kwesinqumo samalungelo. Ngokunjalo, uhulumende kumele enze ukhetho lwezwe lonke abantu bevuma kumbe besala leyonguquko yamalungelo lenkululeko.

6. Yiziphi indlela zokukhankasela ukuhlonitshwa kwamalungelo esisekelo sombuso?

Isisekelo sombuso silendlela eziphawula ukuthi amalungelo wonke alotshwe kusahluko sesine angahlonitshwa njani.

- Isisekelo sombuso esitsha sithi kumele kubunjwe umthethwandaba wezesisekelo sombuso (*constitutional court*) njalo izinqumo zemithethwandaba yonke yaselizweni kumele ihambelane lezinqumo zomthethwandaba lowo. Eminyakeni

eyisikhombisa ezalandela kusukela ngomnyaka wokuqala kusetshenziswa lesisekelo sombuso esitsha omahluli bonke basemthethwandaba ophakemeyo (*supreme court*) yibo njalo abazakwahlulela indaba zasemthethwandaba wesisekelo sombuso (*constitutional court*).

- Nxa kulomuntu ocabangela ukuthi amalungelo akhe awaphiwa ngaphansi kwesigaba samalungelo ayaphazanyiswa kumbe angaphazanyiswa, lowomuntu uvunyelwe ukuba aphanyeke udaba lwakhe emthethwandaba wesisekelo sombuso ukuze udaba lwakhe luqondiswe ngokusemthethweni. Isisekelo sombuso siyavumela ukuthi umuntu omele amalungelo omunye ongenelisiyo ukuzimela/ukuzihambela emthethwandaba, loba umuntu omele abantu abathize, omele izifiso zeqembu elithize, kumbe amalunga enhlanganiso ethize, loba izifiso zomphakathi, ulungelo lokwethula udaba lolu phambi komthethwandaba wesisekelo sombuso. Lowo muntu ozakwethula udaba lolu emthethwandaba wesisekelo sombuso ufanele atshengise ngokugcweleyo ukuthi elinye loba amanye amalungelo alotshwe ngaphansi kwesahluko sesine aphanjanisiwe kumbe alakho ukuphanjaniswa ngendlela ethize. Umthethwandaba ulakho ukwethula isinqumo esingavikela ukuphazanyiswa kwalawo malungelo.
- Umuntu ulakho njalo ukucela umahluli loba umantshi loba nguwuphi umuntu okhokhela ukuthoniswa kwendaba emthethwandaba ukuthi akhweze indaba yakhe kumthethwandaba wesisekelo sombuso nxa ebona ukuthi amalungelo akhe amqoka angaphazanyiswa. Umantshi kumbe umahluli kumele adlulisele lolodaba emthethwandaba wesisekelo sombuso ngaphandle kokuba ebona ukubana udaba lolo alulabufakazi obuqinileyo, kumbe lubunjwe ngendlela engasuthisiyo, engadlalisa isikhathi somthethwandaba ophezulu.
- Isisekelo sombuso welizwe silomthetho opha uhulumende umlandu wokubumba amakhomishini azimeleyo abunjwa ngenjongo yokuqhuba umbuso kantando kazulu. Amakhomishini la lawo angeyinye yezindlela zokukhankasela lokuqinisa ukuhlonitshwa kwamalungelo abantu. Amakhomishini la alamandla okwenza lokho agoqela ikhomishini yamalungelo abantu kanye lekhomishini ekhangela ngezobulili. Amakhomishini la alamandla okuchwayisisa ukuphazanyiswa kwamalungelo abantu kodwa kawalamandla okwenza izinqumo ezibophelayo ezifana lezinqumo zomthethwandaba.