



NABASINDILEYO BASENGCIPHEKWENI

EMZANTSI AFRIKA ABATHESIBANDA UKUDLWENGULWA NOKUHLWUKUNYEZWA BATSALA NZIMA BASOKOLA NENDAWO EZIZIZO ZOKUBA NCEDA NOKU BANYANGA

Ubomi babantu base Mzantsi Afrika buyaqhubeka busoloko buhleli phantsi kwezilonda zohlukumezo kungenjalo kusoloko inxunguphele yohlukumezo ayihoyeki kwezemithetho ayilandelwa inhloko imaxongo ubumelwaneni nasemakhayeni jikelele. Abakwantsasana bathi bafumanisa amatyala athe afakwa okudlwengulwa abayi 75,500 ukususela ngo April 2006 ukuya ku September 2007. Ukusukela apho amaqumrhu abahlali akholelwa bona ekubeni lamanani angaphezulu kakhulu ngenxa yenhlopheko ngokwe zomnotho ne nhlala kahle abesifazane basuke babe modolonzima bangayi kufaka isimangalo msinyane.

Uhlukumezo ngokocanzi kunxulumanisa nokokhula kwentlonti eninzi kwecanzi nakwi nkathazo nakwizifo ezinxulumene nenzalo. Emzantsi Afrika udlwengulo lubeka abesifazane esichengeni soku hlaselwa yintsholongwane yengculazi. Ngenxa yoku khaphaka kwesifo sika gawulayo, ukwanda kwezifo izazi nokuhlukumezeka ngokocanza nokwanda kwokudlwengulwa kwabesifazane ligqhuba lamadoda ngaxesha linye be mpakanyela (gang rape).

Impilo nesimo sempilo yezengqondo ngabo bathe basinda base ngciphekweni, ngenxa yongabikho zindawo zaneleyo ezifumaneka lula namsinyane eziluncedo olulo kwezempilo ngakumbi emaphandleni. Abakwa ntsasane bathi nabo nxawumbi besuke baba nomkhethe kwaba badlwengulweyo okanye xabe ngxamele ezi zamatyala odlwengulwa bayayandisa ingxaki ekhoyo.

iNGO's nabezempilo nthle kade bebhityishele kuphuhlise ezempilo no nonelelo basinda kwezocanzi, banengxaki ezenze bathi bahlangana nazo bathe bazi bhala phantsi. Kanti kwasanabo abongikazi naba sebenzi bezempilo bayasoleka ekubeni babonisa ukungabi nanceba bangabi nankathalo, nonelelo, sebefuna nokuzenza abagwebi kulo maxhoba asindileyo. Intoleyo eyenziwa kukunhlabi namfundo yaneleyo ngendlela yokuphatha abo-bahlukumeziweyo ngokucanzwanezinto zoku sebenza ezikudidiokuphakene imithetho nomgomo wesizwe uthi bonke abadlwengulweyo mabafumane ukuphatheka kakuhle unyango olululo nezophando nezozinto ezincedisayo uphando kwezo mthetho noxilongo gqhirha abalungiselela ezomthetho zihambe lula ne kliniki ezifikelelekayo zoluntu.

Amaphondo amaninzi sele evule indawo ezi nonelela abo badlwengulweyo kuphela ngabanemfundo ne ngqheqesho elungile lonto yokudlwengulwa kuze abobathe basinda, zebafumane unyango, unonelelo, inkathalo, inthla kahle nendawo ehloniphekileyo nekhuselekileyo kuhlukumezo xabe thetha nabomthetho.

uMzantsi Afrika wenze izinqumo zama lungelo phantsi komnqophiso kwazwelonke omalunga nezomnotho nhlala kahle neze ncubeko besinqumo nakwi Konvenshoni (Convention) ukususwa zonke inthlobo zocalulo nohlukumezo kwabe sifazane nemi gaqo nemigomo njongoko kutshiwo kwi African Charter ngoku malunga amalungelo abantu noluntu lonke ngoku phathelele kumalungelo angqongqo ubone ukuba amalungelo abesifazane ngokuphathelele kwezempilo yenzolo iyahlonitshwa njalo inyuselwa kwizinga eliphezulu, lonto inika ilungelo lokuba bakhuselwe kwa-njalo kwizifo zocanzi kunye nesifo ugawulayo.

**XASIHLELA PHANTSI
KOLOYIKO AKUKHONTO
SINOKUKWAZI UKUYENZA
NGOKU LAUNGA NOKU
ZIKHUSELA.**

Watsho u LE-omnye wabasindileyo ekudlwengulweni
kwabaphila negciwane lengculazi-Meyi 2007



UDLWENGULO

**NOKUHLUKUMEZO KWOCANZI
SISENZO ESIKHOHLAKELEYO
ESAPHULA UMTHETHO KWA
NANJALO SITHOBA ISIDIMA
SEXHOBA AZIVE EHLAZEKILE,
EHLELEKILE INTHLONIPHO
YOBUNI BAKHE IHLUTHIWE
KUYE, UHLAZISIWE KANJALO
UHLUTHWE NESIDIMA.**

South African Supreme Court of Appeal, 1997

November 2008
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uTK- owaye dlwengulwe ngo Meyi 2006 waxelela uAmnesty International, ukuthi xa wayefune ufaka isimangalo, wafika isimangalo sokudlwengulwa wafumanisa isitishi samapolisa ukuba sivaliwe. Kusasa omnye phaya emapoliseni uthu wombuzo ingcombholo yakhe yonke yodlwengulwa kusiva wonke ubani kulo nkantolo yokufaka izimangalo. Wambuzo ngemphahla awayeyinxibile, nokuba kwakwenze njani abe akekho ekhaya yena ebusuku esazula. Wayesenza ibengathi ufaka isimangalo sobuxoki ekugqibeleni wamxelela ukuthi agoduke aze abuye ngemini elandelayo. Abakwa ntsasana bamthatha bamsa kwagqirha. Waye yedwa xa exolongwa ngugqirha – uthi “*Ndadi khala – ndi ngonwabanga ku kubanaye sibe sobabini qha – akazange andixelele nto azange andibuze ukuba kwenzeke ntoni – wavela wandifaka isandla sakhe ngaphantsi.*” Ukuba phaya kwam naye kwaba yimizuzu enoba eku ten okanye fiftin (10-15 minutes). Emva koko kwafuneka aye kuxilonga esibhedlele nalapho akazange anyange kwelo anikwe kwano nyango- nononelelo.

Phantsi komthetho omtsha wezo lwaphulo mthetho wezocanzi okhutshwe ngo 2007 basinde kubadlwenguli kubayingozi ngoba bayazusa ingculazi bene lungelo lofumana unyango ukuze bahlise amathuba okuzusa igciwane lengculazi lonto bathi luncedo olwenza ukhuseleko lassemva kubekho abazithathele ucanzi ngolunya (PEP okanye Postexposure prophylaxis). Lowo usindile kubadlwenguli kufanele aye kamangala kwaba kwantsasane kuqala okanye kwindawo yezempilo ekufutshane. Imithetho karhulumente ephume ngo 2008 ukhusela amalungelo abo badlwenguliwe mabaqale komongikazi kuqala kumaziko ezempilo phambi kwabo mthetho kanjalo imigaqo yabo lesebe lezempilo ukuba fanele bathini ichaziwe neya phaya kwa ntsasane xabeye emthethweni ichaziwe.

Kodwa abo babehlukunyezwe ngocanzi basafumana ubunzima nemiqobo bambi kwabo. Bambi bathi abakwazi ukufikelela kulo maziko akude yaye abanayo imali yokuya bambi basaxelwa kokuba abafumani unyango kuqala.

uSW-wathwalwa ngenkani ngo busuku esuswa ekhayeni lakhe yindodana ethile ingrhorhisa ngemela. Yaya kumdlwengulela ebaleni lebhola elikufutshane wathi waxelela abakwa Amnesty International ukuba wanikwa amayeza la okuqalisa ukhuseleko esifweni zocanzi, amayeza aththa iintsuku ezine (4 days) waxelelwa aze abuye azokuva ingxelo zama gazi awayethathelwe ingculazi, kwathwa aze azokuthatha amayeza okukhuseleko. Nokuba ufamne ingcebiso nokuba hoya nononelelo nezenthlala kahle.

Abomthetho kunyanzelekile baqiniseke ngabantu abahluphekileyo nasindileyo ukuhlukunyezweni, kudingwa indawo zoku faka iintloko nezi nika unonelelo kunye noxilongo lwezozabafazi(PEP), kuyadingeka ukubakho kwoxhaso enhlalweni elibhekiswe kwabe nhlukubezo.

Xa ufuna ukufunda nokuzityebisela ngale ngxelo, ungaya kwi ripoti yakwa Amnesty International ‘*Ndi sisigxina, ndiphantsi kwayo yonke*’: *Amakhosikazi asemaphandleni aphila neNgculazi azaku melana noku hlukubezwa kwamalungela oluntu eMazantsi Afrika*, Index: AFR 53/001/2008, ulwazi luyafumaneka kwi internet.

U-Amnesty International yintshukumo yajikelele equnywe ngabantu abamanani angaphezulu kwi zigidi ezimbini ezizweni ezilukhulu eli namashumi amahlanu, ezi zizwe ziphembelela ukuphelisa inhlukubezo yamalungelo abantu.

Linjongo zethu kukuqinisekisa ukuba wonke umntu ehlabathini uyakwazi ukunambitha amalungelo akhe abhengezwa yi Declaration of Human Rights yama qumrhu jikelele.

Siliphawu elizimeleyo futhi qhagamishelananga futhi asixhomekekanga kurhulumente, nabe politiki, ne zomnotho, okanye ezenkonzo. Inxowa mali yethu ikakhulu ivela kumalungu eli lungiselelo kunye no wonke wonke.

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