



UMZANTSI AFRIKA

## “Siza kukubonisa ulibhinqa”

Udlame nocalu-calulo kizitabane ezimnyama ezingamabhinqa kunye nezingamadoda eMzantsi Afrika

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## **“Siza kukubonisa ukuba ulibhinqa”**

Udlame nocalucalulo kwizitabane zabafazi ezimnyama  
kunye nabangamadoda eMzantsi Afrika

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Umzobo weqweqwe wenziwe ngu-Rafael Jimenez

Ababukeli Bamalungelo Abantu uzinikezele ekukhuseleni amalungelo abantu kwilizwe lonke jikelele. Sima namaxhoba kunye nabalwela amalungelo abantu ukulwa ucalucalulo, sikhuthaze inkululeko kwezopolitiko, sikhusele abantu kwizenzo ezingafanelanga bantu kunye sizise abani kumthetho. Siyaphanda kwaye ukumoshswa kwamalungelo abantu. Sithumela umceli ngeni kurhulumente, neziphathamandla, nabo abahlukumezayo ukuba bamamele. Sithumela umceli ngeni kurhulumente, neziphathamandla, nabo abahlukumezayo ukuba bahloniphe umthetho welizwe jikelele wamalungelo abantu. Sicela abahlali kunye nendawo zelizwe jikelele ukuba bahloniphe isehlo samalungelo abantu bonke.

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## “Siza kukubonisa ukuba ulibhinqa”

Udlame nocalucalulo kwizitabane zabafazi ezimnyama kunye nabangamadoda eMzantsi Afrika

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# Uluhlu lwenkcazelo

**Isini sokuzalwa:** uhlobo lokubonisa isini sokuzalwa emzimbeni njengendoda okanye ibinqa, ngokokokubona ilungu langaphandle lomzimba, umphakathi wesini kunye nelingu elizalisayo, iihomoni kunye nekhromosomes.

**Umbono-mnbini:** Ngumntu obonisa umdla ngokwezesondo nokuthandana kubantu bobanini abangamabhinqa kunye namadoda.

**Omnyama:** Kule ngxelo sisebenzisa eli gama “umnyama” ukubhekisela kubantu abangama-Afrika.

**Imbonakalo yobudoda:** Kukuzibonakalisa njengendoda; igama elidumile kwizitabane ezingamabhinqa kunye nezingamadoda ekuhlaleni ukucacisa isitabane esilibhinqa ebonakalisa isini sayo njengendoda.

**Ukuba kwiqokobhe:** Umntu angathethi ngesini sakhe kwabanye abantu. Abantu “ngokuphelele” bangakwiqokobhe (bangavumi isini sabo nakomnye umntu), ngaphandle konke, okanye phakathi koko.

**Imbonakalo yobubhinqa:** Kukuzibonakalisa njengendoda; igama elidumile kwizitabane ezingamabhinqa kunye nezingamadoda ekuhlaleni ukucacisa isitabane esilibhinqa ebonakalisa isini sayo njengebhinqa.

**Isitabane:** Lelinye igama elithetha ukuthanda isini esinye kwindawo ezininzi zelizwe; kule ngxelo, ndilisebenzisele ngqo ukubhekisela kwisini somntu oyindoda unomdla okanye umdla wakhe otsalwa ngamanye amadoda.

**Isini:** izibizo zasekuhlaleni nezenkcubeko (ngaphandle kwesini sokuzalwa) esisetyenziswa ukwehlula ulwazi lwabahlali “ngokobubhinqa” kunye “nokomelela kobudoda.”

**Ukuzibonisa isini:** Izenzo zangaphandle kunye nezenzo abahlali abazicaza nje “ngazemabhinqa,” ezingaqhelekanga,” okanye “ezamadoda,” ukuquka izinto ezifana nokunxiba, izenzo, ukwenza iinwele, ukuthetha, kunye nokwenza ekuhlaleni kunye neengxoxo nabanye abantu, “ukunxiba njengendoda,” kunxiba njengendoda kancinci ” kunye “nokufana nebhinqa” yimizekelo yokuzibonakalisa kwesini.

**Okuchaza ubuni:** Umphakathi womntu, uvakalo olunzulu lokubalibhinqa okanye indoda, zombini, okanye enye into ngaphandle kobalibhinqa okanye indoda.

**Udlame oluqalele kwisini:** Ludalame olujoliswe kumntu omnesini okanye isondo elithile. Udlame lwesini liquka udlame ngokwesondo, udlame ekhaya, ukuhlukunyezwa emoyeni, ukuhlukunyezwa ngokwesondo, ukuhlukunyezwa ngamazwi, izithethe eziyingozi, kunye nezenzo ezikhethayo ziqalele kwisini. Igama liqalele ekuchazeni udlame kumabhinqa kodwa ngoku liqondwa ngegama eliquka udlame kubafazi, izitabane ezingamadoda, namadoda ngenxa yokuba besiva kwaye bebonakalisa isini sabo kunye nezesondo zabo.

**Otsalwa sisini esingafani:** Ngumntu omdlua wakhe ngokwesini okanye ngokwezesondo utslala, okanye isini sakhe sikwabanye abanesini esingafaniyo nesakhe.

**Ukungafuni zitabane:** Luloyiko okanye ukungathandi abantu abanomdla kwizini ezifana nezabo, kudla ngokuba ibekelwe kububu ngengcinga kubantu abanomdla kwizini zinye.

**Othanda isini esinye:** Ngumntu onesini apho isini sakhe sokuqala kunye nomdla wakhe ngokwezesondo kubantu banesini esifana nesakhe.

**Isini esixubekile:** Ligama elibhekisele kwimeko ezahlukene apho isini somntu kunye okanye imbonakalo zamalungu kunye nezokhula zingangqinelani kucaciso olwangamelayo okanye ingaciso yokiba “libhinqa” okanye “yindoda.”

**Isitabane esiyintombi:** Ubuni ngokwesondo kwebhinqa isondo layo lokuqala kunye nemvakalelo isebafazini.

**I-LGBT:** Izitabane ezingamabhinqa, ezingamadoda, kunye nezitshintshatshintshayo; ligama elibicala kumawela kunye nobuni ngamanye amaxeshwa baqukwa njenga "bambalwa kwisondo."

**Phandle/okanye ukukhutshwa pandle:** Oku kubhekiselwa xa ukwinqanaba apha isini sakho saziwa phandle kwaye sithathelwa inxaxheba, okanye isehlo apho isini sakho sivezwayo (mhlawumbi ngaphandle kokwazi) mhlawumbi ngamazwi okanye ngezenzo, okanye xa omnye evezwe njengesitabane okanye othatha izini zombini ngomnye umntu ngaphandle kwemvume yakhe.

**Ukudlula:** Kuxa umntu oqhelene naye, kunye/okanye ejongwa ngabahlali njengoyinxalenye yohlanga oluthile, isini, ubuni bakhe, okanye into akwazi uyenza, ibonakalisa abathile

okanye ngamaxesha onke njengabayinxalenye enye. Kule ngxelo, amaxa okudlulisa aquka abantu abazalwe bengamabhinqa abantu abababone njengabazalwe beyindoda ngenxa yokuzibonakalisa isini sabo, nakumaxa apho izitabane ezingamabhinqa bobonwa ngabantu befundwa ingathi bathanda isini esingafani nesabo, nakhona ngenxa yesini sabo.

**Ukuchaza ubuni:** Yindlela apho ubuni bomntu kunye nemfuno zakhe zesini zijongiswe. Eli gama licacisa nokuba umntu unomdla kubantu abanesini esifana nesakhe okanye esinye isini, okanye kuzo zombini.

**Abavuleleke kwizini zombini:** Igama elichazyo elisetyenziswa ukucacisa isini somntu ozalwe evuleleke kuzo zombini izini (abantu bachazwa ngokuzalwa phandle) abekho kwisini esithile (isini abasithandayo bangaziveza ngaso okanye bazibonakalise, ukuba bebenokukhethiswa).Umntu ovuleleke kwizini zombini udla ngokuthatha okanye angakhetha ukuthatha ukuzibonakalisa kwesini neso bakhetha ukuzibonakalisa ngaso, kodwa bangafuna okanye bangangafuni ukuthatha imbonakalo zamphelo kwimizimba yabo ukuze bangene kweso sini basikhethayo.

**Ibhinqa elithanda isinxibo samadoda:** Ngumntu ozalwe elibhinqa ezibona njengendoda kwaye usoloko ezibonakalisa isini asikhethayo ngelokhwe kunye nokuzithanda kakhulu.

**Uloyiko lwezitabane:** Uloyiko kunye nokungafuni abavulelekile kunye nabazitshintshile isini, kudla ngoba kungenxa yeengcinga ngokuvuleleka kwesini okanye ngokutshintsha isini.



# Imaphu yaseMzantsi Afrika



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## Isishwankathelo

Ngo-1996, kwiminyaka emibini sele luphelile ucalucalulo, eMzantsi Afrika imithetho yolawula ilizwe emitsha yabayeyokuqala elizweni ukufaka ukungacalucalulwa ngokwesini. Olu khuseleko lakhutshwa “kumba wolingano” Lwelungelo Labantu. Ngamanye amaxesha, ukunyanzela ulingano kunye nokungacalucaluli izitabane ezingamabhinqa, ezingamadoda, abathatha izini zombini, kunye nabo batshintshatshintshayo (LGBT) kunye nabalwela amalungelo esini baphelele ekuzameni ngokuchazwa yipolitiki kwezinye imbumba okanye amaqela. Njengabantu abanye baseMzantsi Afrika kuqatshelwe, “Imeko yokungafani, ukuvuyela ukungafani kunye, ngakumbi, ilungelo lokuba nesiphi isini zakhuselwa njengexalenye yengxaki ekwakheni izizwe esinye.”<sup>1</sup>

Isakhiwo mthetho sagunyazisa isakhiwo kwezixeko ezintandathu ukuxhasa ukhululeko lwesakhiwo mthetho, ukuquka ukumela ukulingana kwesini kunye nokume;a Amalungelo Abantu eMzantsi Afrika. Ngelixa lomgama olandelayo, abahlali baseMzantsi Afrika baphumelela amadabi amaninzi omthetho, kuquka ukuguqula “imithetho enzima”, befumana amalungelo okuboleka abantwana, kwezempilo, ukubanemvume yabantwana, i-inshorensi, ukuya kwezinye iindawo, utshintsho ekuchazeni isini kunye nobume besini, okufumana ngokuzalwa, kunye nokubonwa ngurhulumente ukuba abesini esinye bangatshata. Ngelixa ukwenzeka okuncicni, izitabane ezingamabhinqa, nezingamadoda, kunye nabo batshintshatshintshayo eMzantsi Afrika baqhubeka nokujongana nobubi nodlame. Inginga zabantu ziyatshintsha: uphando lwasekuhlaleni lwangoku lubonakalisa umda omkhulu ngaphakathi kwabathile besakhiwo-mthetho kunye nengcinga zabantu phandle ngabo bantu. Inginga zabantu ezimbi kubantu abazizitabane zihambisana ingxenye enkulu nocalucalulo, udlame, ukonyanya, kunye nacalucalulo olunzulu ebantwini abaziwa okanye abacingelwa njengezitabane ezingamabhinqa, ezingamadoda, kunye nabo batshintshatshintshayo, okanye abo bamosha isini kunye nemithetho yembonakalo yesini okanye abenza oko (njengamabhinqa adlala isoka, banxiba njengamadoda, abangafuni ukuthandana namadoda). Kwaye ukhuseleko ngokomthetho kutyhafiswa ngurhulumente ngokoyisakala ukuwufaka ngendlela. Le ngxelo yekucalucalulwa kunye nohlukumezo kubantu abamnyama abazizitabane ezingamabhinqa, nezingamadoda, kunye nabanye, nokuba bezalwe bengamabhinqa, abangeni kwimeko zesini zamabhinqa nendlela yokwenza. Aba bantu nala maqela afumana ucalucalulo, ukuhlukunyezwa ngamazwi, kunye nodlame kwizandla zabantu

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<sup>1</sup>Jacklyn Cock, “Engendering Gay and Lesbian Rights: the Equality Clause in the South African Constitution,” *Women’s Studies International Forum*, 2003, vol. 26, no. 1, pp. 35-45

babucala ngamanye maxesha abathunywa bakarhulumenye. Bangagxothwa kumakhaya abo; bahlazwe kunye bahlukunyezwe esikolweni; bahlukunyezwe ngamazwi, bathukwe, kunye babethwe ezitratweni, ecaweni, kunye nasemsebenzini; boyikiswe ngabamelwane kunye nabantu abangabazi.

Uhlukumezo abalufumanayo lungabangamazwi, enyamaneni, okanye ngesondo, kaye kungaqhubela ekubulaweni. Sisikhalo nje eside xa sijonga isithembiso sokulingana kunyenokungacalucalulwa kwabantu “ngokwesini sabo” esiqulathwe kumthetho-siseko. Ezoqoqosho kunye nochaphazeleko lwezokuhlala kwizitabane ezibhinqile, kwezingamadoda, kunye nabanamalungu-mbini, okanye bantu abatshintshe isini eMzantsi Afrika, kunochaphazelo oluncinci kumava abo. Abo bakwaziyo ukuphila ubomi obubhetelana abanokuva uhlobo olunye lokhetho kunye nocalucalulo kwincala lwesini sabo. Kodwa kwabo abathambe ekuhlaleni kunye nakwezo qoqosho, umfanekiso usoloko eluzizi. Ukungafumani izinto ezinje ngezindlu ezikhuselekile kunye nokhetho kwezothutho zinyusa kakhulu ukuthamba kwabantu kudlame. Uninzi abanye abathathi nxaxheba kule ngxelo ngamabhinqa azizitabane, amadoda azizitabane, kunye nabo ungekhe ubachaze kwisini, abaninzi babo abeva ukuhlukunyezwa, ukoyikiswa, udlame, kunye nocalu calulo ezimpilweni, kwaye banokuncinci ukulwa ukutahamba kwabo. Abantu abanizi abayi-121 esasinengxoxo nabo ukwenzela le ngxelo basixelela ukuba abona bahlali kunye nemeko zenkcubeko sobubhiqa obububo kunye nesenzo sobudoda kubenze ukuba baphile ubomi boloyiko kunye nokunemithetho abazenzela yona, ngamanye amaxesha kuchaphazele ekubeni bangakwazi ukugqiba isikolo okanye bafumane okanye bagcine umsebenzi, kwaye kubabeke ebungciphekweni bokungafunwa kunye nokunyenjwa kwiindawo zokuhlala kunye nasemakhaya. Udlame olwenziwe kubo oluninzi lungangachazwa.

Njengokuba kunjalo nokuhlukunyezwa ngesini kubantu abaninzi, uloyika kunye nesimnyama esincanyathiselwe kuhlukunyezwa ngesini kwenza ukuba lomatyala anagchazwa. Abambalwa abaxelayo ukuhlukunyezwa kunye nodlame badlangokujongana nempathombi, ucalucalulo kumapolisa kunye, ngamanye amaxesha kubanekezi besevisi. Le ngxelo idwela kubantu abamnyama abatsala nzima kwindawo zabo zokuhlala kuba iingxelo zodlame ezishicilelwe ngu-LGBT iqela alamalungelo kuleminyaka emibini edluli kucebisa ukuba ngenxa yembali, izitabane ezibhinqile ezimnyama kunye nezingamadoda abahlala elokishini, kwidolophana kunye nasezilalini kunye nakwimikhukhu ngabona abaphatheke kakubi nababuthathaka kumalungu aseMzantsi Afrika kuninzi lwe-LGBT. Amabhinqa, kunye namadoda azitsintshe isini ajonge ukuthi uhlukumezo kunye nodlame ngenxa yesini kunye/okanye nokuzibonakalisa isini yehlukile, okanye “ithe xaxe”, kunodlame elifunyanwa liqela eahlukile, elifana nabathisa umzimba, abasuka ngaphandle, abantu abakhubazekile, abantu abaphila ne-HIV, kunye namabhinqa onke.

Kodwa, izama kuqonda uhlukunyezwa kunye nohlukumezo oluphathelele kwisini kumxholo othe xaxe localucalulo kunye nobubi.

Okuthethwa yimidiya kungekudala kuxuba udlame kwizitabane ezingamabhinqa kunye nezingamadoda kusoloko kubonakaliswa “njengodlwengulo lokulungisa,” indlela yokudlwengula abantu abaqikelea okanye ababazi ukuba zizitabane ukuze “babaguqule” ukuze benomdla kwisini esingesinye.

Nangona ujongo “kudlwengulo lokulungisa” lutsala umdla kwicala elibalulekile lwengxaki, iyakwatsala nakwinqwaba yengxaki ezikhuthaza udlame kunye nocalucalulo kwizitabane ezingamabhinqa nezingamadoda.

Ingqwalaselo enzulu “kudlwengulo lokulungisa” kunganikeza imboniso engeyiyo yokuba “Izitabane ezinxiba njengamadoda” bangamaxhoba ohlukunyezwa ngokwesondo, okanye udlwengulo yeyona ngxaki abajongane nayo, okanye uhlukumezo ngokwesondo kwizitabane kuhlukile okanye kuthe xaxe kunomntu ongabonwa njengesitabane. Abahlali kunye nogayo lwamazwe jikelele kukugxekile ukuziqhelanisa kunye nempendulo zikarhulumente nazo ziqwalasele kakhulu ngokubizwa ngokua “ludlwengulo lokulungisa.” Ngokuthathwe kuphando olwenziwe kumaphondo asithandathu, le ngxelo yandisa ulwazi lwengxaki ngokujonga kwiqela kunye nochaphazelo lodlame, ucalucalulo, kunye nokunganakwa kwezitabane ngurhulumente.

\* \* \*

Le ngxelo iqala ngokubeka ucalucalulo kunye nodlame olujongwe zizitabane ezingamabhinqa kunye nezitabane ezingamadoda, ujonge kuzo zombini kumgangatho ophezulu waseMzantsi Afrika wodlame, kuquka udlame ngokwesondo kunye nokucutha isini samabhinqa kunye nobuthunywa bokuhlala eMzantsi Afrika.

Okulandelayo, uxwebhu lamazwi oluxeliwe, enyameni, kunye noloyikiso lwesondo, ukhlukunyezwa, kunye nodlama olujongwe zizitabane ezingamabhinqa, amadoda azizitabane, kunye nesini esingangqinwa ngabantu.

Njengokuba ubungqina apha bubonisa, olo dlame lwenziwa ngamadoda angaziwa kwaphela ukwakha le nto bayibona ingathi kukubhoxa “obona” bubhinqa, kodwa ikhuthazwa nangaba sibaziyo, abahlobo, kunye nosapho.

Amaxwebhu engxelo enqanaba loloyiko kunye nokungohlwaywa ngaphakathi kwezitabane ezingamabhinqa kunye nezingamadoda bezama ukuzama ukhuseleko lwabo, ngamanye amaxesha naxa besenza imisebenz eqhelekile njengokuyokuthenga isinko evenkileni esekoneni.

Iqaqambisa ezinye zendlela abazisebenzisayo ukubaleka ukuba bahlaselwe. Eli candelo lilandelayo lijonga ukungathathi nxaxheba kunye nokungafuni ukunikeza ngesevii kwizitabane ezibhinqile kunye nezingamadoda kwaye okokuba ifaka inxaxheba enjani ekwenzakaleni kwabo. Eli candlelo lijonga nokuphelelwa kokholo kwezitabane ezibhinqile kunye nezingamadoda kumapolisa, apho boyika ukubangamaxhoba kwakhona endawni yokuba bakhuselwe. Olo loyiyo alunakuthethelelwa; ngamaxesha amaninzi, amapolisa ngokwawo aye abonisa ukuhlukumeza kunye nodlame. Umthetho ubala nocalucalulo olungafuneki kwiindawo zokusebenza kunye nezikolo kodwa, njengokuba le ngxelo ibonisa, lo mithetho ayifakwa qho. Okokugqibela, ingxelo ijonga uxanduva lomzantsi Afrika kwezomthetho wekhaya, engqingqini, kunye nakwiindibano zaselizweni jikelele kwaye benza uthethelelo oluliqilima kubaphatha mashishini, ukuquka iiMinyango emininzi eMzantsi Afrika yaseburulumenteni. Umzantsi Afrika sele ebeke imithetho emininzi kunye neenkqubo ukujongana nokuhlukunyezwa ngokwesondo; into eshiyekile kukwenza ezo zinto zibekiwe. Banemfanelo kurhulumente wasemzantsi Afrika ukuba bathathe amanyathelo angoku ukubamba isithembiso sabo sokulingana, ukungacalucalulwa, kunye nobomi besidima kwezitabane ezingamabhinqa nezingamadoda kunye nabazini zimbini kunye nabatshintsha isini; okoyisakala ukwenza njalo kuthengisa umthetho-siseko, bafaka engozini onke amalungelo eMzantsi Afrika ukuthethelelwa ngamandla.

# Okona kubalulekile ukujonga

## KuMongameli waseMzantsi Afrika kunye nenkokhelu zikaRhulumente

- Phandle bagxeke udlame olwenzelwe kwisini, kuquka nodlame lokungafuni izitabane kunye nabazitshintshe isini kunye bafake imfundiso zika wonke wonke ukwenyusa ukwazisa kuzo zonke iindawo zokuhalala Zomba Wokulingana Zomthetho-siseko kunye nemigaqo ekungacalu calulini.
- Kwenziwe iinkqubo zokujonga kunye nokubalwa Kweyona minyango karhulumente, Ukuqukaka uMnyango Wezemfundo, Wezempilo, Amapolisa, eyabantwana namabhinqa, kunye Nabatshitshisi beengingqi, kuqinisekiswa ukusetyeniziswa kwemithetho esele ikhona yokungacalucaluli kunye nemigangatho.

## Kumnyango wezomthetho kunye nophuhliso lwezoMthetho

- Kusetyenzwe Nabatshitshisi Bengingqi kulungisa ingxaki ezivalile kumatyala otshutshiso kwezesondo kunye nodlame lwasenyameni, ukuquka ngenxa yesini sakho kunye nokuzibonakalisa isini, kwaye qiniseka lo matyala axazululwe ngexesha.
- Umkhokheli kuMnyango weSini kufuneke aphuhlise, adibane nabantu abasekuhlaleni, icebo lengingi ukuqiniseka ukuba amabhinqa kunye naba bazitshintsha isini bayafumana kukwenza umthetho-siseko wamalungelo kukhuseleko labantu, imfundo, ezabucala, kunye nenkululeko yokuzibonakalisa kunye nentshukumo nasekuhlaleni, kwiphondo, kunye nakwinqanaba lakwilizwe lonke.

## Kumapolisa eseMzantsi Afrika

- Ukuqokelela idata kudlame lwenyama kunye nolwesondo, bajonge iinjongo ukujonga izehlo dodlabe kuba bengafuni izitabane kunye nabangafuni abazitshintsha isini.
- Kuqinisekwe ukuba zonke izitishi zinomntu womthetho oqeqeshiwe kwaye walungiselelwa ukuba aqonde, enze amaxwebhu kakuhle, kwaye aphaathe kakuhle amatyala odlame kwisini—ukuquka kwindaba zobuni kunye nokuzibonakalisa ubuni ngokwendlela neyiyo eyokugweba.

## **KuMnyango wezeMpilo**

- Kudityanwe namaqela asekuhlaleni ukuqinisekisa ukuba bonke abakhathalela impilo abasebenzi bayaqeqeshwa kwizinto ezidibene nesini nokuzibonakalisa ngesini kunye nesimo sabo.

## **Kumnyango wezamabhinqa, Abantwana, kunye nabantu abakhubazekile**

- Kudityanwe namaqela asekuhlaleni ukwenza uqeqesho kunye nezinto zokufundisa ukwenzela iimfundiso zikawonke-wonke ngokulingana ngesini kunye namalungelo amabhinqa nabantu abazitshintshe isini.

## **Kowamalungelo Abantu baseMzantsi Afrika**

- Kwakhiwe iqela labasebenzi basekuhlaleni abazimeleyo ukuba bajonge kunye kulungiswe nemeko zokuhlukunyezwa ngamazwi, enyameni, kunye nangesondo ngenxa yokuzibonakalisa isini kunye nobubona kunye nesini.
- Kuphuhlise kwaye kuvezwe ingqokela yajikelele kulandelwa udlame ezenzeke kumhlaba wesini somntu kunye nokuzibonakalisa isini sakhe kunye nobuni bakhe.

## Ibali likaBoipelo

UBoipelo wakhula kumakhulu wakhe elokishini lase-Pietermaritzburg kwaZulu Natal, eMpuma koloni eMzantsi Afrika. Ngo-1997, ngokuya waye ena-13, wazibona ukuba usisitabane esilibhinqa. UMzala wakhe omdala oyindoda naye wayehlala kulo ndlu. Waye engayifuni indlela ka-Boipelo yokubonakala njengenkwenkwe kunye nendlela enza ngayo kwaye waye efuna enze imisetyenzana yasendlini eyenzela yena. uBoipelo waye esala kodwa adibane nokugxekwa nokucalucalulwa nguye.

“Kutheni evunyelwa ukuba afane nenkwenkwe?” waye ebuza. Ngenye imini, xa u-Boipelo kunye nosisi wakhe omcinci babebodwa ekhayeni kunye nomzala wakhe wamdlwengula ephinda phinda. “Ndaxelela umama kunye nomakhulu bam xa bebuyile,” uBoipelo watsho. “Kwajongwana nayo njengengxaki yekhaya. Kwafuneka ngoku sivane.”

Ngo-2003, Xa waye ena-19, uBoipelo waphuma amaqhakuva akrawuzelelayo kunye nezilonda kwaye kwafunyaniswa ukuba ufumene i-HIV. Kungoko ndafumanisa ukuba umzala wam waye echaphazelekile. Umama wam wayesazi kodwa zange andixelele. Waye ehlala nathi nangelo xesha. Kulo nyaka omnye ngo-2003, bobani umzala ka-Boipelo kunye nomama wakhe basweleka kwanyanzeleka ukuba aphume esikolweni kuba waye engaphilanga. Ngoku waye exomekeke kumalume wakhe owafumana indlu kamakhulu wakhe njengelifa. Impilo ka-Boipelo yabangcona kumnya olandelayo kwaye waqalisa wadlala isoka, umdlalo owaye ewuthanda phambi kokuba agule. Ngo-2004, uBoipelo, ngoku una-20, waye ethanda ukuchitha ixesha nomqeqeshi wakhe wesoka, owaye esazi ukuba usisitabane esiyintombi. Ngenye imini esendlini yomqeqeshi wakhe, wamxelela ukuba ubhatele umalume wakhe ilobola kwaye waqononondisa ukuba makalale naye. Umqeqeshi wathi akandithandi njengesitabane esiyintombi kwaye undifuna njengomfazi wakhe ukuze ndiyeke ukubasisitabane esiyintombi....xa ndisithi “hayi” ndizama ukuhamba, wandibetha ngehenga engqalile [eyempahla]. Watsho wandidlwengula kaninzi, ubusuku bonke. Ekuseni ngosuku olulandelayo umqeqeshi wambuyisela kumalume wakhe, wakhalaza ukuba ebengathathi nxaxheba kwezesondo, kwaye wayifumana ilobola yakhe. Boipelo wakhulelwa wabanomntwana ngo-2005. Umalume wakhe waye esoyika indaba ezipapashwayo wayohlala kwenye ilokisi wamshiya ukuba akhulise umntwana nosisi wakhe omcinci. “Ukuba ufuna ukuba yindoda, kufuneke ukhathalele abantwana bakowenu,” watsho. “andizukukhathalela kwakhona.”

Ngo-2007 uBoipelo waye egqibezela unyaka wakhe wesikolo; kwakhona waye ehlala kwindlu kamalume wakhe. Umfundisi wasekuhlaleni owamqhela ngomhlobo wasekuhlaleni waxelela uBoipelo ukuba uyamthanda kwaye angambonisa “kunjani ukubanendoda.” Wamxelela ukuba sisitabane esilibhinqa. Ngenye imini, umgana kunye nomfundisi beza apho ndihlala



khona... Ndamxelela ukuba makamke. Wathi uze kuxolisa. Wangena; waxolisa. Emveni koko watsho ukuba usandithanda. Wathi uza kundibonisa ukuba andiyondoda ndilibhinqa. Wandidlwengula ngalo mini. ... ndaya kwiklinikhi yalo ndawo ndajonga ukuba andikhulelwanga na. Unesi waye ephethe wathi akanondinceda ndikhuphe isisu kuba ayivumelekanga lonto kwicawe yakhe. UBoipelo wavula ityala lokudlwengulwa ngumfundisi esitishini sasekuhlaleni samapolisa.

Umfundisi wabhatala umalume wakhe ilobola, kwaye umalume kaBoipelo wamxelela ukuba uza kumkhupha endlini yakhe ukuba uqhubeka netyala. UBoipelo walicima ityala; akazange akwazi ukugqiba isikolo ngenxa yokungaphili kakuhle.

UBoipelo ngoku una-26, wazazisa njengesitabane esilibhinqa, kwaye unabantwana ababini. Uyanyangwa kwaye unikeza ngexesha lakhe kubantu abaphila ne-HIV kunye ne-AIDS. Ufumana imali encinci karhulumente yokuncediswa kumntwana.

Umsebenzi wakhe wokuzinikle unikeza ukuhlonitshwa kukaBoipelo ngabahlali, kodwa akakwazi nokuphila impilo engcono, nangoku akakasigqibi isikolo, kwaye udibana nokuhlukunyezwa ngamazwi ngenxa yokuzibonakalisa kwesini sakhe okanye ezesondo zakhe. “Nangoku,” uthi, “izinto azikho mbi kakhulu.”

**Ababukeli Bamalungelo Abantu babanengxoxo noBoipelo, ePietermaritzburg, ngo-Agasti we-4, ku-2010**

## **Ukucalucalulwa ngamazwi, Enyameni, kunye nagokweSondo: Ukoyisakala ukubakhusela**

Izitable ezingamabhinqa, amabhinqa azini zombini, izitamane ezingamadoda, kunye namabhinqa azalwe azalwe ongenongqina isini kubantu bajongana nodlame, kunye nocalucalulo kwimpilo zabo zemihla ngamihla ngemihla kubamelwane, kwizihlobo, kubahlobo, kunye nakubantu abangabazi. Le ndima ingena nzulu koko kuhlukunyezwa. Kuqala, ijonga intlobo eziqhelekile zohlukunyezwa ngamazwi ngakubantu abazitable ezingamabhinqa nezingamadoda, kunye nokufana kunye nokungafani ngaphakathi kohlukunyezwa olujoliswe kwizitable ezinxiba njengamadoda, nezitable ezingamadoda kunye nezitable ezibonisa ubutabane bobubhinqa kunye namabhinqa athatha zombini. Ilandela, ngokunikeza iinkcukacha ezithe xaxe zokuhlaselewa ngobuni kwizitable ezingamabhinqa nezingamadoda, bekhupha umehluko ngokwendlela ababonisa ubuni babo.

So yenza amatyala odlame ngokwesondo kwizitable ezingamabhinqa nezo zinxiba njengendoda kunye nezingamadoda, kujongwe imeko zokwenza zesini, njengokuba xa amadoda efunda intshukumo kunye nesiqhelo sesini sabantu ongenobachaza isini sabo, izitable ezingamabhinqa namadoda phambi kokuba babafake ekoneni; imeko apho amadoda ajikela abahlobo babo abazitable ezingamabhinqa bengabalumkisanga; kunye neemeko apho amadoda azenza angathi zitable ukuze athenjwe zitable ezingamabhinqa.

### **iswa kakubUkuhlukunyezwa ngamazwi, ukuhlazwa, ngamazwi kunye nokuhlaliswa kakubi**

Phantse bonke abaxoxisane Nababukela Amalungelo Abantu bathe bahlukunyezwe ngamazwi, bahlukunyezwa kumakhaya abo ebomini babo—okanye, nenan labantu abambalwa, ezimpilweni zabo oko—ngenxa yokuzibonakalisa isini sabo kwaye bayaqikelwa okanye siyaziwa isini sabo. Ukuhlukunyezwa ngamazwi kunye nokukhwazwa kukhokhela izitable ezingamabhinqa kunye nezitable ezingamadoda ukuba zoyike kwaye zilumnke njenogokuba qho ithumela umyalezo ukuba abantu basekuhlaleni ababathandi. Zezo zinto zishiywa zingajongwangwa, obobubi buyahamba kwaye kungxininise ucalucalulo kubo kunye nasekuhlaleni. Ukuhlukunyezwa ngamazwi kunye nokuphathwa kakubi abajongana nabo abantu ekuzibonakaliseni isini sabo kwaye/okanye isini sabo esingayenza okanye bakhulise imbonakalo embi, benze ingcinga zikawonke wonke ezingalunganga, bafake uloyiko nehlozo ebantwini, bavale amathuba abo ukungena kwisithuba sabahlali bafune uncedo okanye ubulungisa. Idala kwaye igxininise ubume bobubi apho, njenokuba ingxelo ibonakalisa,

udlame lusenyuka ukusukela ukuhlukumeza ngamazwi kunye nohlukumezo enyameni kunye nohlaselwa ngokwesini. Phantse bonke abantu abaxoxisene Nabajonge Amalungelo Abantu bathi amadoda abangawazi kunye nababaziyo basoloko bebabiza ngamagama kunye nezinye intlobo zokuhlukunyezwa ungaphathwanga, apho bangenakuthini okanye bangazikhuseli. Nontle, ona-34, wakhula ethandana nabafana, kodwa ukusukela ngo-2005, xa wathi wanomntwana, waye wathandana namabhinqa. Ngeli xesha sixoxisana naye waye enentombi engumsasazi, nangona unontle ngokwakhe enobudoda. Uye wahlukunyezwa ngamazwi kwaye wahlukunyezwa xa enentombi yakhe. UNontle watsho,

Sifumana amazwi anje: “Bantu abanamadimoni [abantu], siza kunibulala, sinihlabane”... Ezo zinto zenzeka lonke ixesha. Abafana baza kusilandela xa sisiya eteksini. Bazama ukubamba intombi yam. Bathi baza kusigwaza, sithatha amantombi abo.

Abantu abadlula ngeteksi bakhwaza uNontle kwaye nabantu abangamazi benza intentho oko. “Xa ndinxibe njengendoda kakhulu ndingena evenkileni, yenzeka lonke ixesha,” UNontle watso.<sup>2</sup>

UNaledi ona-24 uyaxoxiswa ngembonakalo yakhe yonke imihla:

Abantu bathi, “Kutheni ubonakala njengomfana uyintomabazana. UThixo zange enze ibhinqa nebhinqa; wenza u-Adam no-Efa.” Abafana abasela esitratweni batsho ezi zinto. Ndiye ndiqhubeke ndihamaba ndingatsho nto.<sup>3</sup>

UNyameko ona-28, usoloko exelelwa ngokumosha amasiko.

Abantu bathi, “Ayonkcubeko yethu ukubanje. Kufuneka ubenendoda. Kule minyaka, kutheni ungenabantwana? Kuheni ungenandoda?”<sup>4</sup>

Isitabane esilibhinqa kunye nezitabane ezingamadoda bajongana nohlobo oluthile lokuhlukunyezwa ezigxininisa uhlobo oluthile lohlukunyezo enyameni kunye nodlame lwesondo kubo. Ukuzibonakalisa njengamadoda oko kukwenza ngoko nangoko baziwe “njengezitabane ezingamabhinqa” kwaye nje ngokubakhona kwabo endaweni kwenza ukuhlazwa kunye nokuhlukunyezwa.

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<sup>2</sup> Human Rights Watch ibenengxoxo no Nontle (igama elenziwe), East London, June 29, 2010.

<sup>3</sup> Human Rights Watch ibenengxoxo no Naledi (igama elenziwe), Katlehong, June 14, 2010.

<sup>4</sup> Human Rights Watch ibenengxoxo no Nonyameko (igama elenziwe), Khayelitsha, June 21, 2010.

U-Lee ona-21, ubukhwenkwana kakhulu kwaye udibana nokuthukwa kunye nokoyikiswa phantse yonke imihla kubantu abangamazi nabamaziyo.

Stabane [elingqale ukthetha. umntu onamalungu amabini; elifana nokubangumntu onezini ezibini] sisiteketiso sam. Yonke imihla ndibizwa ngelo gama.... Bathi, “Iphi inyoka, iphi inyoka? <sup>5</sup> Ukuba uthatha intombi yam kuza kufuneke ndenze lento uyenza kubo”. ... Xa ndiphumile nentombi yam, abafana batsho kuye, “Asikoneli? Kutheni lento ufuna ukufumana iminwe? So kutheni guys niphume nesitabane”<sup>6</sup>

UNozizwe wadlwengulwa ngamadoda amane ayebhidwe kwaye acaphukiswa kukuzibonakalisa eyindoda. Imbonakalo kaNosizwe ithatha uhlu kunyezwa ngamazwa.

Abantu bayandibuza ukuba ndiyindoda okanye ibhinqa. Ndingabanaki. Ukuba uyabamamela, ndiza kuphambana. Abantu bathi kum, “Una-25, ungumhlobo onjani womntu? Wenza njengendoda. Kutheni ungabalo bhinqa?” Ubomi bam bonke ndizivile ezi zinto.<sup>7</sup>

UNbushe uhlu kunyezwa ngamazwi liqela lamadoda elinye yonke imihla, kwaye uyazi ukuthukwa ekuhlukunyezweni kungathatha nohlobo lwasenyameni. Ukubizwa isitabane, yinto yemihla ngamihla.

Andiyicingi nokuyicinga lo nto. Okanye abantu bathi kum xa ndihamba nentombi yam, “Ngubani umfana?” okanye “Ngubani indoda? Aba bafana banye benza ezo nkcaza imihla ngemihla. Andiziva ndikhuselekile. Andifuni kudibana nabo ebusuku.

Kwizitabane ezingamabhinqa ezibonakala njengamadoda kunye namadoda azizitabane, ukuhlukunyezwa ngamazwi sele kuqhelekile bade angakuboni njengokuhlukunyezwa. UMosa ona-23, uthe:

Andizange ndahlukunyezwa ngamazwi.... Xa ndisiya kwiindawo ezithengisa iimpahla, Ndibizwa ngamagama—stabane—okanye abafana basibiza

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<sup>5</sup> Inani labaphandi bajonge ubuxokiobudumile ukuba izitabane ezingamabhinqa 'zinenyoka'.

<sup>6</sup> Human Rights Watch ibenengxoxo no Lee (igama elenziwe), Lusikisiki, July 2, 2010.

<sup>7</sup> Human Rights Watch ibenengxoxo no Nosizwe (igama elenziwe), Tzaneen, June 15, 2010.

“amadoda.” Xa ndihamba nentombi yam, abafana baye basiqhase, nokuba sithi esinxiba njengamadoda, abafana abahlala ekoneni<sup>8</sup>

Kodwa hayi wonke umntu akachatshazelwa luhlukunyezo. UNthanda, ona-19, uthetha ngoloyikiso nokuhlukunyezwa oluqhubeka qho.

Abaqhubi beeteksi, abafana endleleni, bacinga ukuba ndizama ukuthatha amantombi abo. Abaqhubi beteksi knye nabancedisi babo baye bandikhwaze. Baye bazame ukundibetha... Ngezenzo zam okanye ngentetha zam, abantu abayazi ukuba ndisisitabane esilibhinqa. Abafana baye beze kum uzokubuza ukuba ndisisitabane silibhinqa na. [Abantu batsho lo nto] Ndifuna indoda; ukuba bendinendoda, bendiza kufunda ukuhlonipha inkcubeko. Amabhinqa athi ndilhlazo kubafazi bebonke.<sup>9</sup>

Abahlobo ababini bakaKifilwe babethwa kwaye badlwengulwa liqela labafana kuba babezizitabane ezingamabhinqa anxiba njengamadoda. Basindayo bawabona amadoda aye ebadlwengula kwalapha ekuhlaleni kubamelwane kaninzi emveni kwesenzo. Abadlwenguli baxelela umhlobo kaKifilwe,

Ezi zitabane zingamabhinqa zitsatsaragh-ziphambili; ziyaziqhenya. Abababulisi abafana. Nokuba senzeni, siza kuphinda siyenze kwakhona. Siza kubalungisa.<sup>10</sup>

Amadoda adlwengule izitabane ezingamabhinqa abaziwa ngokuziqhenya esidlangalaleni ngezenzo zabo zokophula umthetho, kodwa bafaka nokuzimisela ukuba badlwengule kwakhona, njengokuba besitsho, izitabane ezingamabhinqa azibaphathi “abafana” ngentlonipho. Ukudlwengula izitabane ezingamabhinqa kungenza indoda “ibeligorha” Ekuhlaleni kwaye ikhuthaze imeko apho ukuhlukunyezwa ngokwesondo kungenzeka. Umhlobo kaZebo osenyongweni, wadlwengulwa kabuhlungu liqela ngo-2008 kwaye washiywa ukuba makafe ngamanye amadoda ahlala kufutshane. UZebo wathi, “Abafana baphatha abo bafana [abangabadlwenguli] njengamagorha. Bayabaqhwabela ... [ba] khululekile kwaye boyikisa ngokuphinda oko babekwezile [kumhlobo wam] kwaye bazokwenza oko nakwesiphi isitabane esilibhinqa.”<sup>11</sup>

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<sup>8</sup> Human Rights Watch ibenengxoxo no Mosa (igama elenziwe), Katlehong, July 13, 2010.

<sup>9</sup> Human Rights Watch ibenengxoxo no Nthanda (igama elenziwe), Pietermaritzburg, July 13, 2010

<sup>10</sup> Human Rights Watch ibenengxoxo no Kefilwe (igama elenziwe), Katlehong, July 13, 2010.

<sup>11</sup> Human Rights Watch ibenengxoxo no Zebo (igama elenziwe), Kwa-Thema, March 13, 2009.

Ukuhlukunyezwa ngamazwi kakhulu kunye noloyikiso kudala imeko yokuhlala ebuhlungu kunye noloyiko. UMasego, ona-26 ushilo:

Kuza kwenzekani ukuba ngenye imini umntu undibonisa ukuba ibhinqa lifuneka liphathwe njani? Ayingomadoda odwa atsho into. Ngamanye amaxesha, ngamabhinqa athe ngqo, “Mabhinqa, aniyazi into eningayifumani.” Ingangumntu endingamazi okanye endimaziyo. Kunzima ukuchaza ukuba bayadlala okanye banyanisile. Bathetha ingathi ngamanye amaxesha ayingobantu. ndiziva ndithukwa kwaye ndisoyika.<sup>12</sup>

UZebo ngoku kwaye kalula ufundwa njengebhinqa elisistabane ekuhlaleni. Umhlobo wakhe oonakala njengendoda waye wadlwengulwa kabuhlungu kwaye wabethwa ngamanye amadoda kufutshane ekuhlaleni kwaye washiywa ingathi uza kufa, umzimba wakhe uxhonywe kucingo oluhlabayo. UZebo uhlala yedwa, endlini apho indlu yangasese iseyadini, ngaphandle kwendlu.

Abanye abafana abahlala kufutshane bathi [kum] baza kulala kuphahla lwasekhaya bandibambe xa ndisiya ngasese bandidlwngulele ekhaya. Batsho qho...xa ndiye esirhoxweni nomhlobo wam. Abafana bathetha ngendlela sinxiba ngayo, basihlukumeze ngamazwi, [kwaye] sihambe. ... Ndiyabazi aba bafana bandoyikisayo. Emveni kwento yenzeka [kumhlobo wam], ndafumana uloyikiso ukuba ndiyalandela. ... Bathi “Akukagqitywa, kusaqalwa.”<sup>13</sup>

Ngamanye amaxesha ukuhlukunyezwa ngamazwi kuqhubela abantu ukuba bahambe kumawabo. UNthanda utshilo:

Ngo-2006, abafana basebumelwaneni [eDurban, apho untanda waye ehlala khona] babehleli. Omnye umfana wayedla ngokuthi ukuba bendinendoda bendiza kuba libhinqa lokwenyani. Wathi uza kundifundisa, andibonise, andifundise ukuziphatha kunye nengqeqesho Lento yenzeka iinyanga ezintandathu, yonke imihla ... Umama wam wandixelela ukuba madiyilibale. Ndahamba ndaya eRhawutini.<sup>14</sup>

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<sup>12</sup> Human Rights Watch ibenengxoxo no Masego (igama elenziwe), Nelspruit, July 11, 2010.

<sup>13</sup> Human Rights Watch ibenengxoxo no Zebo (igama elenziwe), Kwa-Thema, March 13, 2009.

<sup>14</sup> Human Rights Watch ibenengxoxo no Nthanda (igama elenziwe), Pietermaritzburg, August 4, 2010.

## Ibali likaKatlego

Esakhula, uKatlego, ona-21, ngamanye amaxesha waye ebubhinqa, ngamanye abengumfana kanje. Namhlanje wonke umntu uyazi ukuba nsisisistabane sebehinqa ngenxa yendlela endinxiba ngayo kunye nendithetha ngayo. Abamelwane bathi. “Waye uyintombi elungile, kwenzekani? Yntoni embi eyenzeka?” Amadoda athi, “Ufuna nje incanca elungile kwaye uza kulunga. Umama wakho angayivuma kanjani le nto?”

Qho xa ndiphumile baza kutsho lo nto. Bendiqhele ukuvele ndihlale ekhaya. Kwintombi yam, bathi, “Ubona ntoni kulo? Ufuna ntoni kulo kuba akananca?”

Abanye bamadoda akhupha izoyikiso ngabalingana no-Katlego, abantu awaye ekhula nabo, abanye badala. Omnye wamlumkisa, “Ukuba ndidibana nawe ebusuku ndiza kukudlwengula ukuze unqale kwakhona.” UKatlego watsho:

Ndivele ndingatsho nto. Ngamanye amaxesha, xa ndihamba, uza kubamba isandla sam. angavumi ndidlule. Qho ndidibana naye esitalatweni uthi kum. Andixeleli mntu ... Ngamanye amaxesha, ndiziva ingathi ndingakhala okanye ndikhwaze kakhulu.... Uza kundibamba athi, “Namhlanje uza kuhamaba nam.” Uza kundibamba andiqinise ngamanye amaxesha azame ukundincamisa. Uqinile. Ndiye ndithi, “Ndiza kuxelela utata,” kwaye athi akakhathali.

UKatlego unesizathu sokoyika; umhlobo wakhe obonakala njengomfana wadlwengulwa yindodana owaye eyibona njengomhlobo wakhe. Katlego uyabazi abadlwengulu kwaye uyababona ekuhlaleni.

Bamd lwengula endlini yakhe. Bazenza ingathi ngabahlobo kwaye bamfumana kanjalo... Bathi kuye “suzenza ingathi uyinkwenkwe kuba salala nawe.”

Xa uKatlego wayezama ukunceda umhlobo wakhe, umhlobo wakhe omdala oyindoda wathi kuye, “Ukuba bendinegquba labafana, bendiza kukuthatha ngaphandle kwekhaya lakho kwaye ndikuse kwindawo [exakekile kwicala lelokishi] kwaye ndikudlwengule futhi ndikubulale.” UKatlego uhlala kowbo ukubaleka “ezi zinto.”

Amadoda adlwengula umhlobo kaKatlego akazange azifihle okanye aphike into abayenzile; kodwa baye baziqhenya ngokwaphula umthetho kwabo, bexoxa ukuba baseva njengabobonisa indlela amanye amadoda.

Ababukeli bamalungelo abantu babanengxoxo noKatlego, Katlehong, ngoJulayi ka-13, ku2010.

Izitabane ezingamabhinqa, ezisoloko zifundwa njengabazalwe neso sini ngabanye abantu abangabazi, bakwingxaki ezifanayo kunye namanqabanaba afanayo ekuhlukunyezweni okujoliswe kumabhinqa onke; ngaphandle, ngaphandle basoloko beziva uhlobo olongezelelwe. UNkosazana uthi:

Ukuba libhinqa ufumana ukuhlukunyezwa ngamazwi ngalo lonke ixesha ngakumbi xa besazi ukuba usisitabane esilibhinqa. Bathi, “Singakubonisa ukuba indoda yamanyani ingenza ntoni, ngaphandle kweminwe nolwimi. Ndiza kukubonisa ukuba indoda yamanyani injani.”<sup>15</sup>

Imbonakalo yesini kwizitabane engamabhinqa ezibonakala njengamabhinqa kungachaza ukuba “baphandle” zabekwinoxalenye, okanye bebonakala ukuba bazidibanisa nabani ngesondo, isitabane esilibhinqa esinxiba njengendoda okanye ezingamadoda. Xa ibhinqa eliyintoombazana liphumile uhlukumezo anagalufumana kungalingana nokufunyanwa zizitabane ezingamabhinqa ezinxiba njengamadoda. Ngokuka Denise, ona-21:

Bathi ndinenyoka. Andiphumi ngoku ekhaya ebusuku kuba [amadoda akufutshane] aqhuebeka ngokundithembisa ukundidlwengula. ... Andibazi kodwa kodwa ndiyazi ukuba banyanisiile .... Aaba bafana abathetha ezi zinto, balumkisa amanye amabhinqa ukuba bangaziqhelanisi nam<sup>16</sup>

UVicki ufumana “uhlukumezo lwamazazi eliqhubekayo” kwirensi zeteksi.

Bathi “Wonela kanjani ngumnwe nolwimi? Udinga incanca.” Ngelinye ixesha indoda yakhupha ilungu layo yandibonisa kwaye yathi, “Ufuna le nto”<sup>17</sup>

UDorothy uyiyikiswa lonke ixesha

Kudla... ngokuba abafana bamqhase xa ehamaba. [Bathi,] “Yiza apha. Uyintombaza, awunokutshela.” Bayabona ukuba usisitabane esilibhinqa ... [kodwa bathi,] “Awuzukubangumfana. Uyayoyika incanca.... Uyabaleka kodwa lento yinto ofuneka uyenzile....”

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<sup>15</sup> Human Rights Watch ibenengxoxo no Nkosazana (igama elenziwe), Pietermaritzburg, August 4, 2010.

<sup>16</sup> Human Rights Watch ibenengxoxo no Denise (igama elenziwe), Lusikisiki, July 2, 2010.

<sup>17</sup> Human Rights Watch ibenengxoxo no Vicki (igama elenziwe), Pietermaritzburg, August 4, 2010.



## Ukuhlukunyezwa enyameni

Lingxoxo ezininzi kodwa ezingakhuphi izitabane ezingamabhinqa abonakala njengamadoda kunye namadoda atshintshe isini baye bahlukunyezwa enyameni ngenxa yokubonakalisa isini sabo kunye nesini abasiso. Ngamanye amaxesha bayalwa kubo xa behalselwe ukuzikhusela bona, nabahlobo kunye namaqabane abo.

Abantu ababizwa ngamagama okanye abahlukunyezwayi abaphenduli kuba bayazi ukuba ingagqibela ingumlo. UTau, ona-16, wahlaselwa kufutshane nendawo ehamba iimoto njengokuba waye ehamba nabahlobo abathathu. Indoda yababiza iimofi [iyathuka kwizitabane ezingamadoda] kwaye nezitabane. Xa uTau waye engavumi, waye wamdundula kwaye wambetha. Ngalo mini ngokuhlwa, uTau waya endlini yalo ndoda kunye nobhuti wakhe ukuyomxoxisa. Indoda yathi, “Ndimbethe kuba uzama ukuba ngumfana; akangomfana.”<sup>18</sup>

UVinny wabethwa lusapho lakulentombi awayencumisana nayo. NgoNovemba 2008 abanye babahlobo bakhe bavela kumabonakude kwaye bachaza phandle ukuba bazizitabane. Kwagqibela, uVinny ekhutshwa ekuhlaleni kuba waye esoloko echitha ixesha nabo.

Ngabo-7:00 ebusuku ngobo busuku, Umama [wentombi yam], ubhuti wakhe kunye nabanye abantu basekuhlaleni beza ekhaya namakhuni namatye. Intombi yam yeye ingqunywe ligazi. Bangena. Umama wakhe waxelela abafana ukuba bandibambe, batsho bandibetha kakhulu. Baphula ingalo yam yasekhohlo. Abanye amalungu asekuhlaleni eza xa eva ingxolo, kwaye ndabaleka.... Ndandinegquba inyanga<sup>19</sup>.

UMontsho uza ukwa xa enokwazi ukubaleka ukwenzaka kakhulu.

Xa [intombi yama kunye nam] sihamba kunye, abafana abandaziyo, baye bazame ukumfuna.... Ngexesha lokugqibela, ndaphulukana nezinyo. Ngamanye amaxesha ngabafana ababini, ngamanye omnye. Ndilwa nabo ngoko.<sup>20</sup>

Abantu bade bahlaselwe kumakhaya abo. Ngobunye ubusuku kuMeyi ka-2008 amadoda amahlanu baqhekeza ekhayeni lika-Kaya apho wayehlala khona nomama wakhe.

Uneminyaka eyi-26 wathi:

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<sup>18</sup> Human Rights Watch ibenengxoxo no Tau (igama elenziwe), Khayelitsha, June 22, 2010.

<sup>19</sup> Human Rights Watch ibenengxoxo no Vinny (igama elenziwe), Lusikisiki, July 2, 2010.

<sup>20</sup> Human Rights Watch ibenengxoxo no Montsho (igama elenziwe), Katlehong, July 2, 2010.

Bathatha umama wam bamsa kwelinye igumbi bambophelela. Abanye abathathu bandisa kwelinye igumbi. [Babasithi,] “Ke ngoku uyindoda? Ucinga ukuba uyindoda?” ... Babendibetha, bendibetha entloko nasemagxalabeni ngesabham. Baphantse bandidlwengula ... kodwa kwenzeka into bakhetha ukuhamba. Andazi ukuba kwaqhubekani ... Neva ukuba kungenxa yam ngelinye ixesha. Uyazi ukuba uza kuzingelwa xa unxiba kanje.<sup>21</sup>

Izatabane ezingamabhinqa ngamanye amaxesha zifumana ukuhalselwa ngqo ngamadoda abawashiya, bangawanaki, okanye ubatyahfisa iinzame zabo. UGloria wahlasela yindoda angazange ayifune. “Wonke umntu uyazi ukuba ndisisitabane esilibhinqa ngendlela endinxiba ngayo. Enye indoda yandifuna; wayenza lonto ukundicaphukisa. Ndamxelela ‘hayi’ kwaye wazama ukundibetha.”<sup>22</sup>

U-Abigail, ona-37, kunye nbabahlobo bakhe banxiba njengamadoda basoloko bezifumana bengene kwimilo.

Ngenye imini mna nentombi yama sesisesirhoxweni. Umfana waye efuna ukuthetha nam.... Ndandingamnaki. Weza kwaye wathi, “Awuboni ndiyakubiza?” Waye efuna ukuthatha nam bucala. [Intombi yam] yangenelela. Waqalisa wamkhwaza wamxelala ukuba makajonge iindaba zakhe. Wathi ndiyinxaki yakhe. Waqalisa wasiqhwaba. Abanye abantu bangenelela kwaye saphuncuka<sup>23</sup>.

Ukuhlukunyezwa enyameni ngamanye amaxesha kuhamaba nodlame ngesondo. U-Oyama waye ehamba nentombi yakhe ngokunye ukuhlwa ngoMatshi ku-2009. Ndandithule; sihamba endleleni.

Abafana abane beza kuthi kwaye bandibuza ukuba ndingayithanda kanjani intombazana ndiyiyo nam. Abafana bandibetha. Omnye wabo wathatha intombi yama kwaye wayidlwengula. Babendikhaba esifubeni ngamanyawo. Abafana abathathu babendibetha. Kwavakala ingathi kudalla. limbambo zam zazibuhlungu, zavakala zophukile, ndandingakwazi kuphefumla. Bathi xa bengqiba ndakwazi ukuphakama ndihambe, kodwa kwakububuhlungu. Ndandingabazi abafana. Lo wathatha intombi yam

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<sup>21</sup> Human Rights Watch ibenengxoxo no Kaya (igama elenziwe), Pietermaritzburg, August 4, 2010.

<sup>22</sup> Human Rights Watch ibenengxoxo no Gloria (igama elenziwe), Nelspruit, July 11, 2010.

<sup>23</sup> Human Rights Watch ibenengxoxo no Abigail (igama elenziwe), East London, June 29, 2010.

wayisa kude, ndambona ecaleni kwendlu yentombi yama .... Andizange ndikwazi ukubaqaphela [abanye]. Ndihlukane nentombi yama kwiiveki eziphelile ezimbini.<sup>24</sup>

## Ubundlobongela ngezesondo

Uphando lucebisa ukuba amabhinqa akubudlelwane nesini esingafani abahlukunyezwa ngesondo basoloko nehlaselwa ngamaqabane abo, ngababengamaqabane abo, okanye ngamalungu osapho kunye nabanye abantu abadibana nabo kumakhaya babo okanye ebumelwaneno kumakhaa abo; okwesithathi bahlaselwa ngabantu abangabazi<sup>25</sup>. Ngokothelekiso, uphando lwethu lubonise ukuba izitabane ezingamabhinqa kunye nezingamadoda ixesha elininzi bahlaselwa ngabantu abangabazi, nabantu abasanda kudibana nabo, kunye nagmanyane amaxesha ngabahlobo; amaxesha amanizi uhlaselo lwenzeka kwindwo zika wonke wonke okanye kwiindawo ezibucala apho bathanthwa ngaphandle kwelungelo labo.

Ena-15, ngo-2000, uNosizwe, ozibonakalisa njengendoda, wate “enxibe njengomfana. Ndandidlala qatha kunabafana.” Ngobunye ubusuku ngoMgqibelo, xandandibuya ndodwa esikolweni kuhambo lwesikolo, uNosizwe waye exhakwe ngamadoda amane angaqhelekanga.

Xa ndibadlula, bandibuza ukuba ndiyintombazana na. Ndathi, “hayi.” “Ungumfana?” Ndathi, “ewe.” Ndabadlula, kengoku, omnye wabo wathi, “Yintombazana. Mandikubonise yintombazana” Beza emveni kwam, banditsala; baqalisa bandibetha .... Bandidlwengula - kathathu okanye kabini bonke, andikhumbuli. Ndavuka ekuseni. Iimpahla za zazikrazukile. Kwakukhona igazi. Ndandizingceba. Ndaziva ingathi andingomntu.

Andizange ndihambe ekhaya iintsuku. Ndandicinga ukuba ... iza kwenzeka kwakhona<sup>26</sup>.

Udlwengulo lwatshintsha ubomi bukaNosizwe. UNosizwe wakhulelwa kwaye umama wakhe ukhulisa umntwana.

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<sup>24</sup> Human Rights Watch ibenengxoxo no Oyama (igama elenziwe), Katlehong, July 7, 2010.

<sup>25</sup> See CSV, “Tracking Rape Case Attrition in Gauteng: The Police Investigation Stage,” [http://www.csvr.org.za/index.php?option=com\\_content&view=article&id=1498%3Atracking-rape-case-attrition-in-gauteng-the-police-investigation-stage&Itemid=2](http://www.csvr.org.za/index.php?option=com_content&view=article&id=1498%3Atracking-rape-case-attrition-in-gauteng-the-police-investigation-stage&Itemid=2), (accessed on April 1, 2011), p. 18, for numbers suggesting that at least 50 percent of rapes against women in heterosexual

<sup>26</sup> Human Rights Watch ibenengxoxo no Nosizwe (igama elenziwe), Tzaneen, June 15, 2010.

UFarai, ona-32, osuka eLusikisiki, indawo engathi yidolophu kwindawo eseMpuma Koloni, waye wahlaselwa ngenxa yokubonakalisa isini sakhe—ngokuthe ngqo, uthi, ngenxa yendlela anxiba ngayo. Ngo-2000, xa wayena-22, uFarai wadlwengulwa liqela labafana esabaleka ejima.

Omnye umfana weza ezokuthetha nam. Andizange ndifune ukuthetha naye kwaye waqalisa ukwenza ngendlela engaqhelekanga satsho [saqalisa] ukulwa. Wandiqhwaba. Omnye umfana weza, Bendimazi [yena] [Waziwa eLusikisiki njengo] mdlwenguli kunye nesela. Ndandisilwa ngamandla ngelo xesha. Andazi ukuba indoda yesithathu neyesine ukuba yavela phi. Bathi baza kundifundisa ukuziphatha njengebhinqa. Bathi mandingaqini. Babezithi, “Ucinga ukuba ungubani” Bendibalwa bonke kwaye ndiphumelele. Kodwa umfana wesihlanu ... kungoko bandifumana. Weza ngasemva wandibetha. Kungelo xesha ndawa, kwaye ndicinga ukuba ndafa isiqaa. Umfana owaye edlula wandifumana ndinjalo kwiyure ezidlulile wandithatha wandisa ekhaya. Ndabanentloko ebuhlungu kakhulu iyure ezine ... Ndandicinga ukuba ndiyopha. Ndafika ekhaya ndavasa kwaye imvakalelo zange indishiye. Ndavasa kwakhona. Ndatsho ndabona ukuba andophi. Babegalele ipetroli kum. ... Andizange ndixelele mntu kuba ndandingacingi ukuba kukhona umntu oza kundikholelwa. Kwaye ndacinga ukuba ndiza kulibala<sup>27</sup>

Abanye ethe sabanengxoxo nabo bacacisa ukuhlukunyezwa ngesondo, ngamanye amaxesha ngokuphindaphindiwe, ngabantu abangabazi nababaziyo. U-Onalenna, ohlala eTzaneen kwicandelo laseLimpompo, waqale wadlwengulwa ngo-1994, eneminyaka eyi-15 ngumqeqeshi wakhe wesoka; ilixa lesibini kwakungo-1996, xa amadoda amathathu, eye embiza monnamusadi (“ndoda-mfazi”) bamruqa kwaye wadlwengulwa okwesithathu ngoAprili ku-1999, kunye nasePolokwane, ngamadoda aye emjongile kwaye aqulunqa ukumhlasela ukuze “bamfundisa” isifundo bamtshintshe bamenze “ibhinqa lokwenyani.”

Ubungozi bokuhlaselwa ezirhoxweni nakwindawo zomntu wonke kusoloko kunyanzelisa izitabane ezingamabhinqa nezingamadoda ukuba balungiselele indlela yabo yokuphila kunye nendlela abazixuba ngayo nabanye abantu; ngamaxesha amaninzi bakhetha ukuzixuba kwindawo ezikhuselekile kwindawo zamakhaya abo. Kodwa namakhaya abucala nawo akakhuselekanga. Ekuseni kakhulu ngoFebhuwari ka-23, ngo-2008, uFrances waye elele endlini yakhe eKabokweni, idolophu ekufutshane ne-Nelspruit

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<sup>27</sup> Human Rights Watch ibenengxoxo no Farai (igama elenziwe), Pietermaritzburg, August 4, 2010.

kwicandelo laseMpumalanga, xa amadoda amabini enye yazo ayiqaphelayo ngelizwi lakhe njengomntu owayesoloko embuza ukuba kutheni aphila “njengendoda”—waqhekeza endlini. Le ndoda wayiqaphelayo yamnyanzela ukuba aphume endlini umkhombe ngemela, umsa kumgama ozimitha eziyi-300 kude kumfula okufutshane, apho wamhlaba entloko kwaye wamdlwengula iiyure ezine ezinecala. Mva umelwane waxelela uFrances ukuba umhlaseli uthe uza kumfundisa “ukungabiyondoda.”<sup>28 29</sup>

### Ibali likaDumisani

UDumisani wadlwengulwa ngaphezulu kakanye, ngabantu anagabazi kunye nabanye adibana nabo nje ababefunda indlela enza ngayo.

Nge-12 ka-September, 2005 ngo6:00 ebusuku, uDumisani ona-17 waye ehamba ecaleni kwendlu yakhe eMdantsane, eMpuma Koloni, kwenye yelokishi ezinkulu zaseMzantsi Afrika, xa indoda yaqalisa yathetha naye

.... indoda yandibuza ukuba ndiyayithanda na. Ndandingayazi lento ayitshoyo. ndasuke ndathi “hayi” kwaye ndazama ukuhamba kodwa wandinqanda. Kwakumnyama ngoku. Ndandikhala ndimcela ukuba makandiyeke. Waqalisa wandibetha. Wakhupha imela. Ndabaleka kodwa ndawa wandifumana.

Waye esazi izinto ngam. Wayesazi apho ndihlala khona kwaye nokuba ndibuya nini ekhaya, nokuba ngubani oqhele ukuya endlini yam, ngabahlobo abanjani endinabo. Wayeqhele ukubona abahlobo bam abazizitabane ezingamabhinqa zisiya ekhaya kwaye wathetha nangokuba thina sinxiba njengamadoda.

Wamtsalela emahlaleni, wambetha, kwaye wamdlwengula kwade kwangokuhlwa ebusuku; emveni koko wathi uza kumkhapha agoduke.

UDumisani waye esoyika ukuya emapoliseni kuba abadlwenguli babehlala kufutshane, kwaye kwakucacile ukuba bamjongile, kwaye babesaziwa ekuhlaleni ngokubayingozi. Utitshalakazi owaqaphela ukuba kukhona into engalunganga wathatha uDumisani wamsa emapoliseni, ukuba makaxilongelwe i-HIV, kwaye bajonge ukuba akakhulelwanga na.

<sup>28</sup> Human Rights Watch ibenengxoxo no Frances (igama elenziwe), Nelspruit, July 11, 2010.

<sup>29</sup> Human Rights Watch ibenengxoxo no Onalenna (igama elenziwe), Tzaneen, June 15, 2010.

Wavuya engakhulelwanga kodwa amapolisa akazange ayibambe indoda nangona wayichaza emapoliseni, emveni koko wambona ekuhlaleni.

Ndandizonyanya nyhani ngoko.... Kude kubenamhlanje, andikwazi kuqhubeka. Xa abafana besiza ukuzothetha nam, indikhumbuza into eyenzeka. Into ivele ithi nqe ndibenomsindo. Ndinomsindo kum. Ndibaneengcinga ezinzulu ndide ndigule.... Andifuni kungqongwa ngabantu, ndifuna nje ukusela ndilibale yonke into.

Kodwa okuninzi kwakusele kuza kuza. Ngokuhlwa kwangoLwesihlanu ku-Okthobha 2009 uDumisani waye ebuya ekholeji, wadlula ngaseklabhini. Amadoda amabini amlandela kwaye bamtsalela kumahlaha akufutshane:

[Babe] tshintshanisa ngam. Ndandibacenga ukuba bandiyeke. Ndaye ndaliquaphela ilizwi lomnye wabo. Babendibetha. Ndaye ndatsala nzima kwaye ndatsala nzima. Yonke into yama.... Yonke into yama kum.

Ndandingazi ukuba mandithini. Maninzi lo madoda anjalo kufutshane, badibene. Ndiyazi ukuba abaya bafana bayandazi. Babefuna ukwenza lento kwisitabane esilibhinqa esinxiba njengendoda. Ngokuya babendidlwengula omnye wabo wathi, "Ucinga ukuba womelele, ucinga ukuba ningamadoda, ninazitabane ezingamabhinqa kunya." Ukuba ndazisa ityala, ngokucacile, bangabanjwa kodwa babeza kubanabafana abangaphandle kwaye babeza kundifumana. Ndiyazi babeza kwenza njalo.

UDumisani wasikhupha isisu ekupheleni kuka-2009 kwaye uzixilongela i-HIV oko.

**Ababukeli Bamalungelo Abantu babanengxoxo noDumisani, Emonti, ngoJuni ka-28, ku2010.**

Ngamaxesha amanzi phantse bonke, njengoDumisani, abantu abaphila nokudlwengulwa bajongana nobubi bokubona abahlaseli babo ngokuphelele emveni kokuhlaselwa; oku kuthatha inxaxheba ukoyikosa abao baphila nodlwengulwa kwaye bagqibezele nokuzithemba kwabo okuthambile kumapolisa kunye nenkqubo yobulungisa bezikrelemqa. Le ngxaki ixhaphakile, ayiphelelanga kukudlwengulwa kwizitabane ezingamabhinqa.

UMosa wadlwengulwa ngumelwane wakhe ngo-2003 xa waye ehlala eKlerksdorp, eyaziwa nangoMatlosane, kwimida ey-125 ukusuka emazantsi eseJozi kwicandelo laseGoli. Emveni

kokuba emdlwengulile, indoda yathi: “Khumbula, nokuba uyathetha, ndiza kuya ejele, kulungile, kodwa ndiza kufuna abantu abazakubulala, kwaye ityala liza kuphelela emehlweni.” Esoyika uMosa waxelela umama wakhe ukuba kwenzekela ntoni emveni kwentsuku ezintathu, bobabini baya kwisitishi samapolisa esiseKanana ukuvula ityala lokudlwengulwa. Umdlwenguli wabanjwa kodwa wakhululwa ngebheyile ngeli xesha umusa wayesesibhedlela uokwenziwa uqhahqo oluquka ukwenzakala abufumene ngexesha lokudlwengulwa. Waqalisa ukumoyikisa xa ebuya ekhaya. Umosa wafumana impepha zokhuseleko kumapolisa.

Ityala lacotha eziva engakhuselekanga ukuhlala kufutshane nomdlwenguli, uMosa kunye nomama wakhe bathuthela eLusikisiki eMpuma Koloni. Amapolisa amazisa ukuba kuza kufuneka angqine eGoli. Kuphakathi kuka-2004 wafumanisa ukuba ufumene i-HIV. Phaya ku-2005, ngokuya wayeseseMpuma Koloni, umphandi olipolisa wamfowunela wamxelela ukuba kudingeka angqine enkundleni eGoli kusuku olulandelayi. Ukudinga imali uMosa waye engakwazi ukuhamba umda oyi-400 (ongangemida eyi-700) ngokunikezwa isilumkiso sosuku olunye; wayengazinto, ukuba kwenzekani ngetyala, kuba amapolisa akazange aphinde anxulumane naye kwakhona kwaye wancama <sup>30</sup>.

Kwimeko kaMosa, engqondweni nasenyameni uchaphazelo lokokuhlaselwa bangakunyamezela. USaden, ona-19, wathi xa ena-16 abahlobo bamdlwengula ngo-2007 kwisithili esikwiPhondo saseLimpopo, wafumanisa ukuba uhlukumezo lwamshiya ene-HIV. Ukuzibonakalisa ngesini; babengakholelwa ukuba uSaden ukuba akayondoda basuke bamhlukumeza bamhlazangembonakalo yakhe. Ngoku ukunyango ngokuthetha naya. <sup>31</sup>

ULee, owayephumile osisitabane esilibhinqa waze wadlwengulwa ngamadoda asisibhozo ngo-2006, wayeka ukuthemba abantu emveni kokuba ehlaselwe kwaye waqalisa ukusela kakhulu. Waye wakhulelwa ngenxa yokudlwengulwa.

Ndandifuna ukusikhupha isisu. Ndaya kwisibhedlela sabucala. Umntu ndandithetha naye wathi ufuna undibuza imibuzo emibini. “Ungahlala nesiqu sakho uzazi ukuba wabulala umntwana? Okwesibini, uza kucingani ngalo lonke ixesha ubona umntwana?” Ndandifuna nje ukumbulala umntwana.... KwakunguDisemba ka-2006 ngoko ndandiyothetha nomntu. Ngexesha ndisiya esibhedlele yayizinyanga ezine ezidlulile. Kwakungekho thuba lokucinga [ngokusikhupha isisu]. Umama wam umkhathalele umntwana. <sup>32</sup>

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<sup>30</sup> Human Rights Watch ibenengxoxo no Mosa (igama elenziwe), Lusikisiki, July 2, 2010.

<sup>31</sup> Human Rights Watch ibenengxoxo no Lee (igama elenziwe), Lusikisiki, July 2, 2010.

<sup>32</sup> Human Rights Watch ibenengxoxo no Carol (igama elenziwe), Ermelo, July 10, 2010.

UCarol, ona-35, wathengiswa ngumzala wakhe oyintombi xa waye ena-19. UCarol wayesoloko ebonakala njengendoda umzala wakhe engasifuni isini sikaCarol. “Waye athi kum, kutheni uzenza inkwenkwe,” UCarol utshili. Umzala kaCarol wamema kwipati waqononondisa ukuba makasele. UCarol wafumanisa kudala ukuba umzala wakhe waxuba isiselo sakhe esiyibhiya koba busuku kwaye umntu othandana nomzala wakhe wamdlwengula ngokuya waye engeva nto.

Ndavuka ekuseni kusuku olulandelayo egumbini, ndijajile, kwakukhona igazi kum ndonke. Kwakukhona imali phantsi komqamelo. Ndandikhala. Usisi wam weza ekhaya kwaye ndamxelela ukuba kukhona into eyenzekile. Ndanina-19.... Emveni koko ndafumanis ukuba ndikhulelwe. Ndandifuna ukuzibulala ngoko nangoko.<sup>33</sup>

Umntwana kaCarol ngoku uneminyaka eyi-15 kwaye ukhuliswe ngumama wakhe.

Ngojanyuwari ka-2009 uNkosazana waphuma nomzala wakhe kunye nomntu othandana nekhazini yakhe, owaza nomhlobo wakhe oyindoda. Umhlobo lo wafuna uNkosana ephindaphinda ngokuhlwa; wala oko na oko. Indoda inomsindo yamsa kwilokishi ekude kunekhaya lakhe ekuthiwa yi-Imbali, kwisixeko saKwaZulu-Natala, ezinzulwini zobusuku wamkhuphela ngaphandle emotweni yakhe. Kwisitrato apho uNkosazana waye lahlwe khona akanakwa; amadoda amabini ayedlula, amkhomba ngemela amsa kumkhukhu okufutshane, kwaye amdlwengula. Akakayiginyi ncam into eyenzeka. Uthi “udlwengulo llubuya kuye lidanyaza kwaye aphuke umphefumlo. Ndophuka umphefumlo kakhuli ndandiyongxaki; ndandigabha; ndandingaty; ndandingakwazi ukulala.”<sup>34</sup>

UAshanti, ona-39, uhlala Kwa-Thema, ilokishi ekufutshane neJozi. Iminyaka le usoloko ejongane nokuhlukunyezwa ngamazwi, oloyikiso, ukuhlaselwa enyameni, kunye nodlame endlini kubudlelwane besini esinye; nangona uhlu kumezo olwamchaphazela kakhulu lolu lwenzeka kwiwele elingumntwana wakhe oyintombazana oneminyaka eyi-13 ngokuhlwa kolunye usuku ngo-2001 njengokuba babebuya konobuhle basekuhlaleni.

[Abantwana bam abangamantombazana] zange babuye ekhaya. Ndabakhangela ubusuku bonke. Ngo-3:00, ndaphumla. Ndaxelela umama wam ukuba kukho into engalunganga ...abalunganga. Ngosuku olulandela, ngeCawe, ngo-11:00 ekuseni umntwana wam oyintombazana wafika ekhaya;

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<sup>33</sup> Human Rights Watch ibenengxoxo no Nkosazana (igama elenziwe), Pietermaritzburg, August 4, 2010.

<sup>34</sup> Human Rights Watch ibenengxoxo no Ashanti (igama elenziwe), Kwa-Thema, March 18, 2009.



izikethi zabo ezide zazimnyama. La madoda aye edlwengula abantwana bam abangamantombazana, bathi kubo, “Senza lento ukuze nikhule nisazi ukuba fanele nilale namadoda.” Omnye wabantwana bam abangamantombazana wazibulala emveni kweenyanga ezintandathu. Waye efuna ndimbulale. Waye engakwazi; ukumelana nabantu babesitsho izinto kuye. Ndalahlekelwa ngumntwana wam kanjalo. Ndiziva ndinesazela. Kungenxa yam. Ukuba andizange ndibaveze [kubutabane bam], ngebesaphila.

Oko wathi u-Ashanti wazama ukuzibulala amaxa amahlanu, ayokugqibela yayingo-2007. Omnye umntwana wakhe oyintombi naye waza ukuzibulala.

Iza kuwe, awunokuyala.... Lo othetha kakhulu, owaye edla ngobanebhongo ngomama wakhe, wasweleka. Andifuni kuthetha ngayo. Akukho nto ivelayo.<sup>35</sup>

Nangona izitabane ezingamabhinqa zisoloko zifundwa njengezinomdla kwisini esahlukile bajongene nebungcipheko obufanayo namanye amabhinqa, ukuba isini sabo siye saziwa oku kungenyusa ubungcipheko babo ekuhlukunyezweni ngesondo.

NgoNovemba ka-2007, uPuleng, isitabane esilibhinqa okhe wathandana namadoda kwaye unomntwana kumntu owaye ethandana naye, waye ehlala eMbalenhle, kwicandelo laseMpumalanga. Waye ebuya eklabhini ngobunye ubusuku nomzala wakhe oyintombi, owaye engabuthandi ubutabane bukaPuleng, xa amadoda amane avela amdlwengula kumahlaha akufutshane. Umzala wakhe wahamba. UPuleng watsho:

Bathi kum “Siza kukubonisa ulibhinqa”.... Ndandicinga ukuba ngokuxelela umzala wam; ngokutsho phandle ukuba ndisisitabane esilibhinqa, ndibacaphukisile.... Bakholelwa ukuba amabhinqa makabena madoda...<sup>36</sup>

UAbigail, ona-37, uhlala uhlala kwidolophana encane eMpuma Koloni apho abantu baziyo usisitabane esilibhinqa. NgoMatshi nangoAprili ka-2010 waye eseThekwini, KwaZulu-Natal, eyokuqeqeshwa, apho wadibana nendoda edityaniswa ngumhlobo owayebonakalisa umdla kuye. Umhlobo ka-Abigail waxelela lo ndoda ukuba u-Abigail sisitabane esilibhinqa.

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<sup>35</sup> Human Rights Watch ibenengxoxo no Puleng (igama elenziwe), Ermelo, July 10, 2010.

<sup>36</sup> Human Rights Watch ibenengxoxo no Abigail (igama elenziwe), East London, June 29, 2010.

Sasiphumile.... Wazama ukuthetha nam, waye wandiqhasa. Ndathi hayi, “Hayi.” Wabuza, “Awundifuni mna okanye wafuni nje kwawena?” Ndamxelela, “Ukuba uyindoda elungile, kodwa andithandi madoda.”

Xa waye wayelayishe u-Abigail embuyisa ekuphumeni, le ndoda yenza iqhinga ukuba baye endlini yakhe. Xa belapho wadlwengula u-Abigail emveni koko walala. U-Abigail waphoncuka. “Ndandihamba nje ndingazazi kuba mandibheke ngaphi, kwakukhona izinja ezazikhonkotha,” watshe. “Ndandinxibe umntla wam kuphela, ndijajile ngezantsi, ngaphandle kwesinxibo sangaphantsi. Ndaqhubeka ndihamba. Ndithandaza ukuba ndiza kubona umntu...”<sup>37</sup>

Nangona u-Abigail wabhalisa ityala lokudlwengulwa kwaye wanikwa inombolo yetyala engu (140) emveni koko waxelelwa lipolisa elingumphandi ukuba ityala lakhe labhalisa ngenombolo 139, apho wafumanisa ukuba abazange bathathe izikhalazo zakhe njengezokudlwengulwa. U-Abigail zange akwazi ukudlulisela ityala eMpuma Koloni, apho ahlala khona, nangona wakwazi ukuba ityala lakhe liphinde libhaliswe njengetyala lokudlwengulwa. Ummangalelwa waxoxa ngexesha letyala ukuba ukwabelana ngesondo kwakuvunyelwene, kwaye ngoJulayi ku-2011, inkundla yengingqi ehekweni yafumanisa ummangalelwa engenatyala lokudlwengula ngokuba akukho bugqina obuphelele. U-Abigail waxelela Abajoni Bamalungelo Abantu ukuba uMgwebi wathi ubungqina buka-Abigail noba ebekulwile ukudibana ngezesondo knaye hayi bekungabambeki kuba wakhetha ukubasisitabane esilibhinqa emveni kokuba sele ezale abantwana abathathu.

NgoJanyuware ka-2006 uNontle wadlwengulwa ngumfana owayencumisana naye emveni kokuba emshiyele elinye ibhinqa.

Indoda endandithandana nayo yaqikelela ukuba ndisisitabane. Ndandinxiba ibhulukhwe ezivuzayo, izikipa, neeteki [izinikhazi], ndithwala umqazi webhola yebheyisi, ndinamarasta. Wanditsala kwaye waqalisa ukundibetha.... Ndabona ukuba akusekho sidingo soya emapoliseni. Wabuya kwiveki elandelayo ephekuzelisa isibhamu sakhe esithi angandibulala ukuba uyafuna.<sup>38</sup>

UVicki wayedlwengulwa oko ngumyeni wakhe, owaye esazi ukuba usisitabane. “Waye endibiza sitabane, andibethe, andibonise ukuba fanele ukuba ndiva njani ubumnandi,”

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<sup>37</sup> Human Rights Watch ibenengxoxo no Nontle (igama elenziwe), East London, June 29, 2010.

<sup>38</sup> Human Rights Watch ibenengxoxo no Vicki (igama elenziwe), Pietermaritzburg, August 4, 2010.

watsho. Waye wadlwengulwa ngo-1995, ngelixa waye ena-20 ehlala ePietermaritzburg, KwaZulu-Natal. Umdlwenguli waye engumhlobo wakhe ongumfana owaye wamhlasela epatini kuba embone encamisa enye intombazana.

Wathi “Masithathe uhambo, sitshaye”... Saya kude nendlu watsho wandidlwengula. Ngokuya waye endidlwengula wathi, “Yilento kufuneka uyive. Ndingena ukuba ngoku uza kubanendoda.” Ndandidumbhe inyheke. Wandibetha entloko. Ndandimazi iminyaka emininzi. UVicki wakhulelwa emveni kokudlwengulwa kwaye wanomntwana ongoku uhlala nomama wakhe. Umzali womhlobo wakudla, owadlwengula uVicki, uhlala ebumelwanenni kunabazali bakhe.<sup>39</sup>

UVicki xange emangale njenegtyala emapoliseni ngokudlwengulwa ngumyeni wakhe okanye umhlobo wakhe wakudala. URutendo wakhulela e-Pietermaritzburg. Esazi ukuseusela kwiminyaka eyi-14 ukuba usisitabane, waye esoyika ukuziveza wasuke wangena kwiqela labantu abangabelani ngesondo njengesivikelo sokungabelani ngesondo namadoda. Wadlwengulwa ngumhlobo wosapho lwakhe kwaye, njengoMosa, uTendain kunye noSaden, umdlwenguli wamsulela nge-HIV. Indoda eyadlwengulayo yayingumhlobo wosapho owaye ehlala kufutshane nedlu yabazali bakhe.

Ndaye ndamitha kwaye umama wayazi. Wazama ukunditshatisela kulo mfana. Ndala. Umama wam waye evuya xa emithi. Umfana waxolisa; waye efuna ukunditshata. Ndiyala.

Ndaye ndacinga ngokukhupha isisu. Ndazama ukuthatha ezinye iipilisi ukuzibulala mna nomntwana kodwa kwaphela ndisesibhedlele. mNdandicaphukela kwanto. Andifuni kumncancisa umntwana. Usoloko endikhumbuza oko kwenzeka. Ufana naye. Umama waye efuna ondle, kodwa wathi ufuna umntwana.

Ndandifuna ukuphisa ngaye kumaqabane aye ezizitabane ezibhinqile. Kodwa waqala ukugula eneveki ezimbini, ngoko ndatsalwa igazi [ndafumanisa ukuba waye e-HIV]... ndandisebenzisa ii-ARVs ngoku. Umntwana wam uyintombi u-[HIV]. Unengxaki yokoyisakala kwezintso nentliziyo.<sup>40</sup>

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<sup>39</sup> Human Rights Watch ibenengxoxo no Rutendo (igama elenziwe), Pietermaritzburg, August 4, 2010.

<sup>40</sup> Human Rights Watch ibenengxoxo no Lefu (igama elenziwe), Johannesburg, March 17, 2009.

Ngo-2002 uLefu wasebenza kwibhari eRhawutini. Umjongi webhari obizwa ukuba nguPatrick wamxela ukuba usisitabane kwaye baqalisa bangabahlobo. Ngobunye ubusuku ngo-2002, uLefu kunye nomnye umhlobo wakhe baphuma noPatrick kunye nomhlobo wakhe oyindoda. UPatrick wabasa kwisakhiwo seflati ezingasanakwanga kwaye apho wafika wanomsindo waqalisa wabetha uLefu kunye nomhlobo wakhe. ULefu othukile, wanyanzelisa ukuba yena nomngani wakhe bavunyelwe bahambe. UPatrick wakhupha isabhamu:

Wathi kuthi: “Xa nindiqwalasela kakuhle, nicinga ukuba ndisisitabane? Ndinomfazi. Ndinabantwana. Yintoni enenza nicinge ningamadoda?... ‘Le nto’ [ukubanomdla kwisini esinye] akucacanga.... Esi sisono, uThixo akayithandi le nto.”

UPatrick kunye nomhlobo wakhe baphindaphinda bedlwengula uLefu kunye nomhlobo wakhe usisistamabe esiyindoda bathi mahlambe kwishawa ekuseni phambi kokuba bahambe. Xa bebuyela ekhaya, umhlobo kaLefu wamxelela, “Ukuba uxelela noba mnye, ungandifaki.” ULefu uthetha ngochaphazelo olubi uhlu kumezo olwalwenza kuye enyameni kunye nasekusebenzeni kwengqondo:

Ezinye iimeko azisuke zihambe nje.... Zimane zibuya. Yabulala izifundo zam; babeza kucima ukufundiswa kwam [imali yokufunda]. Ndaphelelwa kukuzithemba. [Ndva ingathi] abantu bangenza nantoni abayithandayo ngam; adnikwenza kwanto [ukubayekisa]. Yachaphazela ubudlelwane bama nabantu. [Ukuba ] umntu waye enokuthetha nam, ndandiza kuthi “hayi.” Ndandonakele ngeyona ndlela. Ndaziva ndimdaka. Ndeva ingathi abantu babendijongela phantsi, ingathi bayayazi into eqhubekile kum. <sup>41</sup>

Abanye ababebuzwa imibuzo bachaza ukuba amantombi ayencuma nabo aye edlwengulwa ngokubazizitabane ezingamabhinqa. Intombi eyaye incuma no-Terry yahlaselwa eGugulethu kwilokishi elingaphandle kwaseKapa ngo-2004 kwindlela eya ekhayeni lakhe esuka emsebenzini. NokukaTerry:

Wahlaselwa ngabafana abahlanu.... Ababemazi. Bathi bafuna ukumfundisa ngamadoda kwaye babefuna ashiye mamantombazana odwa. Waye edlala isoka. Wonke umntu wayesazi [ecingela] ukuba usisitabane esiyintombazane.... Waye engafuni ukuthetha [ngodlwengulo]. Waya eklinikhi

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<sup>41</sup> Human Rights Watch ibenengxoxo no Terry (igama elenziwe), Khayelitsha, June 22, 2010.

kodwa zange avule tyala kuba waye engekho phandle ngokupheleleyo  
[ngesini sakhe] kwaye sasingavela...Usapho lwakhe alazi nangoku.<sup>42</sup>

Intombazana kaTumeleng awahulana nayo yadlwengulwa ngoMatshi 2008 ngamadoda ayesazi uTumeleng ngegama bamxelala ukuba ukuba “intombi yakhe ingabaphuma namanye amantombazana.”

Akazange axelele mntu. Udinga uncedo lokuthetha. Uyabonyanya ubomi bakhe. Usola wonke umntu. Waqala ukusela kakhulu. Wazama ukuzibulala kabini, okokugqibela ngoJanyiwari ngo-2010.... Ndaya kumntu endiza kuthatha naye... [owaye] enomdla kwisini sam kuphela; kwakungancedi. Wayehlala ebuza ukuba kutheni ndibonana namabhinqa, sabelana kanjani ngesondo, njalo njalo<sup>43</sup>

Intombi eyayithandana noMasego yaphuncuka kukudlwengulwa ngongciphu kumanye amadoda amvalela njengokuba waye ehamba kuloMasego emveni kokuba emndwendwele. UMasego watsho:

Basibona kunye kwaye bathi. “Ubonakala uyintombi ethe ngqo.” Bazama ukumhlaba kodwa umfana owaye kufutshane wamsindisa. Wahlukana nam ukuze akhuseleke. Wathi uza kubuyela ekubonaneni nabafana.<sup>44</sup>

## **Uloyiko, Ukuthamba, kunye nokuhlala ukhuselekile**

Izitabane ezingamabhinqa nezingamadoda zihlala zisoyika ukuhlukunyezwa ngamazwi kunye nasenyameni kwaye nodlame lwezesondo. Uloyiko lukhulu kuba nabo bayiva okokuqala bayithatha kancinco kwaye abadli ngokuthetha ngayo bubunzima obuthile ngaphandle kokuba babuzwe ngqo. Umzekelo, uNkosazana, ona-25, owadlwengulwa ngo-2009 ngoku waphuma wazichaza njengesitabane esilibhinqa ekuhlaleni, uchaza ukuhlukunyezwa owakunyamezelayo njengokuba “buqhelekile.”<sup>45</sup> Kulindelwe izinto izinto ezimbalwa, bonke abantu esathi sanengxoxo nabo bachaza ukuhlukunyezwa ngesondo lelona loyiko lwabo. Iiqela lezitabane ezingamabhinqa, nezingamadoda kunye nabo bangasichazi isini sabo esixoxe nabo bathi kwakhe kwacaca ukuba ekugqibeleni baza

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<sup>42</sup> Human Rights Watch ibenengxoxo no Tumeleng (igama elenziwe), East London, June 29, 2010.

<sup>43</sup> Human Rights Watch ibenengxoxo no Masego (igama elenziwe), Nelspruit, July 11, 2010

<sup>44</sup> Human Rights Watch ibenengxoxo no Nkosazana (igama elenziwe), Pietermaritzburg, August 4,

<sup>45</sup> Human Rights Watch ibenengxoxo no Nombeko (igama elenziwe), Khayelitsha, June 21, 2010.

kudlwengulwa. UNombeko, onemiyaka eyi-18 kwaye uthandana nesitabane esilibhinqa esinxiba njengendoda, uthe:

Ndiza kukudlwengulwa kuba ndisisitabane esilibhinqa. Intombi yam ihlala yodwa. Wonke umntu uyayazi lo nto. Ngokuqinisekileyo, baqulunqa into. Kungokuba usuku alukafi ngoku. Andifuni ukuba abafana ekuhlaleni bazi [xa ndisekhayeni lenrombi yam]. Baza kuza xa ndiphaya. Baza kusidlwengula. <sup>46</sup>

Sibonakaliso ona-25, naye, ingathi sele eyamkele into yokuba angadlwengulwa ngenxa yesini sakhe nangona ezamile ukwehlisa umoya ngokufihla ubudlelwane bakhe nentombi yakhe.

Ngenye inimi [ukudlwengulwa] kungenzeka kum. Ndiyayazi lento. Ndinentombi kodwa ndixelela abantu ukuba ungumhlobo nje. Ndiva amabali ezitabane ezingamabhinqa behlasela, bedlwengulwa, bebulawa.... Nhelinye ilanga ingenzeka kum <sup>47</sup>

Sibiniso, ona-41, uziva ekhuselekile xa ehleli nezinye izitabane ezingamabhinqa.

Andihlali ngokuhlwa [kwindawo zikawonke wonke]. Andiwathembi amadoda ngqo, kunye namabhinqa ngqo—banabantu abathandana nabo abangamadoda okanye abahlobo abangamadoda. Bangandidlwengula, baza kundidlwengula. <sup>48</sup>

Bajongeno noloyikiso qho kunye nangesizathu esincinci ukuba bakholelwe ukuba amapolisa okanye omnye umntu uza kungenelela knaye bakhusele, izitabane ezingamabhinqa nezingamadoda bayazokhela bona amacebo kunye namacebo ngokudibana ukuzama ukuba bahlale bekhuselekile. Enye yeendlela ezixhaphakile—enye echaphazela ukukhululeka kwabo—kuquka ukuba ungaze ubewedwa kwindawo kawonke-wonke, ngakumbi xa kumnyama; ungenzi ngendlela eza kutsala umdla wamadoda; ungaze uyendawo ngaphandle kwesithuthi esithembekile; bakhethe kakuhle iindawo apho bancokola khona; bangathandani nabantu basekuhlaleni ukuze behlise amathuba okuba baziwe kakhulu ukuba bazizitabane ezingamabhinqa.<sup>49</sup>

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<sup>46</sup> Human Rights Watch ibenengxoxo no Sibonakaliso (igama elenziwe), Thohoyandou, June 14, 2010.

<sup>47</sup> Human Rights Watch ibenengxoxo no Sibiniso (igama elenziwe), Kwa-Thema, March 18, 2009.

<sup>48</sup> Human Rights Watch ibenengxoxo no Tendai (igama elenziwe), East London, June 29, 2010.

<sup>49</sup> Human Rights Watch ibenengxoxo no Kefilwe (igama elenziwe), Kotlehong, July 13, 2010.

UKefilwe, owabanabahlobo abadlwengulwayo, akaphumi ebusuku okanye abahambeli kude nekhaya.

Amadoda [adlwengula umhlobobo wam]... ayakwazi ukubaleka amapolisa. Akukho mntu owaziyo ukuba ahlala phi kanye kanye. Emveni koko yonke lento yenzeka, ndagqiba ekubeni ukuba ndiyaphuma, ndiza kuya kufutshane kwaye ndibuye ekhaya ngo 10 [ebusuku].... Bendingafuni nokuphuma ndiye evenkileni. Ukuba ndibone la madoda ...ndiyazi ukuba ndiza kuba ngolandelayo.

Nangona abanye abantu beziva bengathi bakhuselekile ngokubamba indawo abaya kuzo, abanye babona ukuba olona xazululo kukuhlala ekhaya (oko kungangabililo olona khuseleko, njengokuba ubungqina obudlulile bubonisile). UMosa utshilo:

Ndisoloko ndisekhaya, ndisenza izinto ekhaya okanye kubamelwane. Andikhendiphume ngobumnyama, njengokuba iyingozi apha ngaphandle.<sup>50</sup>

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<sup>50</sup> Human Rights Watch ibenengxoxo no Mosa (igama elenziwe), Katlehong, July 13, 2010.

## Ukuthethelelwa

Urhulumente waseMzantsi Afrika kufuneka athatha amanyatheo akhawulezayo ukujongana nodlame olujoliswe kweisini, ukuquka ngamazi, enyameni, kunye nodlame ngokwesondo ngenxa yesini somntu kunye nokuzibonakalisa isini, ngabantu abazimele kunye nabamele urhulumente.

### NoMongameli waseMzantsi Afrika

- Kugxekwe kuwonke wonke udlame lwenziwa ngenxa yesini somntu, ukuquka udlame lokungathandi izitabane kunye nabo batshintsha isini, kwaye kucaciswe imithetho yesakhiwo-mthetho kokulingana nokuba kungacalucalulwa kubahlali bonke baseMzantsi Afrika.

### Abasemagunyeni abaTshitshisa Ilizwe Lonke

- Kuqinisekwe ukuba onke amatyala esondo kunye nodlame lwasenyameni kumabhinqa kunye nabantu abazizitabane kuyaxoxwa ngexesha kwaye umtshutshisi uwabekela phambili amatyala aquka ububi ngokwezini.
- Kwenziwe uqeqesho lasekuhlaleni kubantu abakwiminyango karhulumente ngobube bodlame ngokwesini ngenxa yokuzibonakalisa isini kunye nesini somntu.
- Kufakwe ubalo oluqinisekisa ukuba ubungqina kwabaphilayo emveni kwezehlo ngeenjongo zodlame kunye neengcinga zabo ngobungozi ziyanakwa xa bekwimeko zetyala kunye neenkqubo, ukuquka ukufaka imali yokhutshwa ejele kummangalelwa, kwenziwe iinkqubo yeekahamera, kukhuselwe abasaphila emveni kwesehlo kunye nabaxhazi babo kunye nabahlobo kummangalelwa kunye neentsapho zabo kunye nabahlobo.
- Kufakwe ubalo ukuqinisekisa abaphila emveni kohlukunyezwa ngesondo, abahlobo babo kunye namalungu osapho, kunye namanye amangqina akahlaliswa kakubi okanye boyikiswe ngabo abangabe benze lo nto okanye abahlobo babo kunye namalungu osapho lwabo ngaphambili, ngemva kunye nasemveni kwetyala.
- Kuqinisekwe ngokuthatha inxaxheba kwabahlali ekuhlaleni bonke abatshutshisi bayafundiswa ngemeko ezinxulumene nesini somntu kunye nokuzibonakalisa isini, kunye nohlobo longafuni izitabane okanye izitabane ezingamabhinqa ngokodlame, kunye nodlame lwezesondo jikelele.



## **Kurhulumente waseMzantsi Afrika**

- Kuwonke wonke kwaye kuphinda phindwe ukugxeka udlame ekungathandini izitabane nabo batshintshe isini kunye nodlame olungenxa yesini jikelele.
- Kuwonke wonke kwenziwe iindibano zeengingqi kunye naselizweni jikelele ukuphakamisa imithetho yesakhiwo-mthetho saseMzantsi Afrika sokungacalucaluli kunye nolingano.
- Kuthathwe inxaxheba ukwandisa ulwazi ngeSimo sokulingana kunye nemithetho yesakhiwo-mthetho sokungacalucaluli kuwo onke amabanga asekuhlaleni ngokuzama ukufundisa uwonke wonke, kuquka nemdiya yomntu wonke, kwaye kufakwe okwanyele kugcino mali lweminyaka le ukwenzela ezo nkqubo.
- Kwenziwe iinkqubo zokujonga kunye nokubalwa Kweyona minyango, Ukuqukaka uMnyango Wezemfundo, Wezempilo, Amapolisa, eyabantwana namabhinqa, kunye Nabatshitshisi beengingqi, kuqinisekise ukusetyenziswa kwemithetho esele ikhona yokungacalucaluli kunye nemigangatho.

## **Kumnyango wezomthetho kunye nophuhliso lwezoMthetho**

- Kuqinisekise ukuba onke amatyala esondo kunye nodlame enyameni kwiinkudla, kuquka ezenzeke ngenxa yesini iknaye kuba ubonakalise isini, ziyaxazululwa ngexesha elililo.
- Kwenziwe kudityenwe nabahlali abajikelele kwinjongo ezidityanelwe zeminyango zamaqela asebenzayo ukulungisa udlame olubakhona ngenxa yokuzibonakalisa isini kunye nesini somntu abo baxela qho Kumalungelo Abantu aseMzantsi Afrika. Kuqinisekwe ukuba iqela elisebenzayo lunezinto ezanele ukwenza msebenzi wabo phantsi nakumanqanaba eengingqi.

## **Kwikholeji yomthetho**

- Kuqinisekwe ngokuthatha inxaxheba kwabahlali ekuhlaleni onke amalungu omthetho ayafundiswa ngemeko ezinxulumene nesini somntu kunye nokuzibonakalisa isini, kunye nohlobo longafuni izitabana okanye izitabane ezingamabhinqa ngokodlame, kunye nodlame lwezesondo jikelele.

## **Kubakhokheli bezeSini, Umnyango wezoMthetho kunye Nabakhi Mthetho**

- Kudityanwe namaqela asekuhlaleni, kwenziwe izinto ezizakusetyenziswa kujongwe iminyango ethile karhulumente, Kuquka Umnyango Wezomthetho,

imfundo, amapolisa, impilo, abantwana namabhinqa, kunye Nabatshitshisi Beengingqi. Ezi zinto kufuneka zijonge kuhlobo lohlukelelo ngamazwi, enyameni, kunye nodlame kwezondo ngexa yesini kunye nokubonakalisa isini kunye neendlela zokujongana nelo dlame.

- Kwakhiwe kudityanwe nabahlali jikelele icebo lokufaka isiseko-mthetho samalungelo asele ekhona kukhuselo lwabantu, impilo eziphathekayo, imfundo, ezabucala, kunye nelungelo lokuzibonakalisa kunye nenzame zamabhimnqa kunye nezomntu otshintshe isini ekuhlaleni, kumaphondo kunye nakumanqanaba eengingqi, ngenxalenye yokufaka icebo Lwajikelele ukuphelisa udlame lwesini.

## **Kumapolisa aseMzantsi Afrika**

- Kufakwe uhlobo olujongayo kunye noluqeqeshayo ukuqinisekisa ukuba amanyathelo ngexesha athathiwe kubamapolisa angabantu abahlukumeza ngamazwi, bahlalise kakubi, okanye bahlukumeze izikhalazo, kujongwe kumabhinqa kunye namalungu esekuhlaleni e-LGBT.
- Kuqokelelwe idata kudlame lwenyama kunye nolwesondo ngeenjongo kunye nesondo kunye nohlobo nesimo sabo baphila emveni koko kunye nabangamakhoba ukugcina inani lwezehlo zodlame kuba ucaphukela izitabane kunye nabo batshintshe isini.
- Kufakwe amaqela asekuhlaleni kuqeqesho oluqhubekayo lwabantu abangamapolisa kwimeko ezidibene nesini kunye nesondo, ukuquka isini kunye nokuzibonakalisa isini.
- Kuqinisekwe ukuba zonke izitishi zinomntu womthetho oqeqeshiwe kwaye walungiselelwa ukuba aqonde, enze amaxwebhu kakuhle, kwaye aphaathe kakuhle amatyala odlame kwisini—ukuquka kwindaba zobuni kunye nokuzibonakalisa ubuni ngokwendlela neyiyo eyokugweba.
- Kwenziwe inkqubo eziza kujonga izitishi zamapolisa ngazinye ngokomgangatho wabo ekuphatheni udlame ngokwesini ngokungagwebi kunye nendlela efanela.
- Kwakhiwe iinkqubo ejongayo ukujonga kumaxa aqhubekayo umsebenzi wophando lwamapolisa aphantayo kumatyala alquka udlame ngokwesini.

## **Abaphathi bezikhalazo abazimeleyo**

- Kuphandwe imeko zokunganaki, ukuphathwa gadalala, ukwenyeliswa, ukhulukunyezwa, kunye nokungaziswa kwesevisi ngamapolisa akumatyala odlame

lokucalucalula, kunye nesondo kunye nawasemzimbeni, kuquka kumabala esini kunye nokuzibonakalisa isini.

- Kuqiniskwe ngeenkqubo ezisebenzayo lwenkqubo zabantu ukuba babhlise izikhalazo fihlakeleyo zokuhlukunyezwa, ukuhlukunyezwa ngamazwi, ucalucalulo, kunye nokukhutshwa kwamapolisa ngokukhawulezile kwaye kubelula kusiwe Kumalungu eZikhalazo Ezizimeleyo kwaye kupapashwe le nkqubo.

## **KuMynango wazeMpilo**

- Kuqinisekwe ukuba izibhedlela kunye neeklini banomntu osemsebenzini onke amaxesha nokuba ngumntu omnye oxhobiselwe ukuqonda kwaye apatha imeko zodlame ngokwesondo, ukuquka ezenzeke ngokuzibonisa isini kunye nesini somntu, ngokwendlela engagwebi.
- Qiniseka ukuba abasindile bafumana ubucala kuzo zonke izibhedlela kunye neeklinikhi.

## **Kunyango wabafazi, Abantwana kunye nabantu abakhubazekile**

- Lugxekwe phandle udlame kwizitabane ezingamabhinqa, amadoda atshintshe isini, kunye nabantu abanesini esingenokuchazwa.
- Kufakwe kakhulu izitabane ezingamabhinqa kunye nabo batshintsha isini abangamadoda abakwinkqubo yokuphelisa udlame ngenxa yesini.
- Kudityanwe namalungu asekuhlaleni asebenza kwiimeko zesini kunye nokuzibonakalisa isini ukwenza uqeqesho kunye nezinto zokufundisa ukusebenzisela iinkqubo zofundo luka wonke wonke ekulinganeni ngesini kunye namalungelo amabhinqa kunye nabo abazitshintsha isini, kwaye kufakwe okwanele kwinkqubo eziqhubekayo ezifundisayo.
- Kudityanwe nabahlali, kwenziwe umthetho ngesini kunye neenkqubo ezifundisa ngesini esikolweni, ukuquka izinto ngokuzibonakalisa ngesini kunye nesini.

## **Kumnyango wezemfundo**

- Kwakhiwe indibano namaqela asekuhlaleni ezinto ezifundisayo ngokuzibonakalisa ngesini kunye nesini ukuze zisetyenziswe “kwiklasi ezizezemeko zokuphila” kwizikolo zonke.
- Makuqukwe izinto ngesini kunye nokuzibonakalisa ngesini kunye nobuni kuzixhobo zoqeqesha ootitshala.

- Kuqinisekwe ukuba bonke abacebisi bezikolo bafumana uqeqesho kwimeko zodlame ezenziwa sisini, kuquka iinkcukacha ngesini somntu kunye nokuzibonakalisa ngesini.
- Kwakhiwe iinkqubo ejongayo ukuqinisekisa ukuba indlela eyiyo yemithetho yokungacalucaluli, efana nefowni zasimahla ukuchaza ukuhlukunyezwa ngamazwi, enyameni, kunye nangesondo lwabafundi ngootitshala kunye nezninnye iziphatha mandla zesikolo.

## **Kumalungelo Abantu baseMzantsi Afrika**

- Kwakhiwe iqela labantu abasebenzayo ekuhlaleni, kuquka amalungu amaqela asekuhlaleni kumaphondo onke, kujongwe kwaye kulungiswe uhlukunyezo enyameni, ngamazwi kunye nangesondo kunye noloyikiso ngenxa yokuzibonakalisa isini kunye nohlobo lwesini.
- Kudibano kumaqela kwindibano zamaqela asebenzayo, baphuhlise benze indibaniso yelizwe jikelele ngenxa yesini kunye nokuzibonakalisa isini nobuni.
- Benze ingxelo zeminyaka le kusebenzo kunye nenkqubo leqela elisebenzayo kwaye bameme amalungu karhulumente kunye nabahlali kwindibano zeminyaka le ukuxoxa iingxelo.
- Kudityanwe namaqela asekuhlaleni ukuveza udlame ngenxa yokungathandi izitabane kunye nabo batshintsha isini kunye nefuthe kubangenisi ekuthatheni amanyathelo angawo.

## **Kwabakulingana ngokweSini**

- Kudityanwe namaqela asekuhlaleni ukuveza udlame ngenxa yokungathandi izitabane kunye nabo batshintsha isini kunye nefuthe kubangenisi ekuthatheni amanyathelo angawo.
- Kujongwe onke amatyala ngaphambi kwenkundla yodlame kunye nocalucalulo ngokwesini somntu kunye okanye ukuzibonakalisa isini okanye ibuni bakhe.
- Kudityanwe neenkqubo zasekuhlaleni basebenze ngabajongi kumatyala odlame kwezesondo kumabhinqa kunye nakubantu abatshintshanise usini kwiinkundla.

## **I-LGBT Yengingqi kunye nakumaPhondo kunye namaQela Asekuhlaleni**

- Fakani izinto ngesini sabantu kunye nokuzibonisa ngesini emsebenzini ukwenzela bonke ababukeli, kwindawo zonke.
- Kweziwe abasebenzi nabanye abantu ababenokunaka kakhulu iimeko ezingesini kunye nokuzibonakalisa kwisini ngoqeqesho oluqhubekayo eyenziwe ngokudibana namaqela asekuhlaleni jikelele asebenza kw-LGBT kunye nemeko zamalungelo amabhinqa.

## **Kwi-LGBT Zelizwe Jikelele kunye Nabaxhasi Bamalungelo eSini kunye nee-NGOs**

- Kuxhaswe umsebenzi waqaumrhu asekhaya i-LGBT ngokunikeza izixobo, ukuquka uxhaso nezezimali, ngezobuxhakaxhaka, xa kufuneka.
- Kuthethwe ngombandela wodlame kunye nocalucalulo owenzeka ngenxa yesini somntu oknaye ukuzibonisa isini sakhe kwiinkqubo zajikelele kudityaniswa namaqela amele ezemizi.

## **KuMaqela Ezizwe Ezidibeneyo kunye Namaqela aseAfrika**

- Kuxhaswe umzamo karhulumente waseMzantsi Afrika ukudibanisa udlame uluqalelwe kwisi, kuquka udla kunye nocalucalulo ngokwesini kunye nokuzibonakalisa isini, ngokunikeza zombini uxhaso ngokobuxhaka xhaka kunye noxhaso ngokwezinto xa kufuneka.
- abambe uMzantsi Afrika enoxanduva ekuzibopheleleni kwilizwe jikelele ngokungacalucalulwa kunye nolingano lwabantu

## Imibulelo

Le ngxelo ibhalwe ngu-Dipika Nath, abaphandi kwezobutabane, mbono-mbini, kunye nobabatshintshayo isini sabo, Inkqubo yamaLungelo Abantu kwi-Human Rights Watch. Ingxelo isukela kuphando olwenziwe nguSiphokazi Mthathi, owaye engumphathi wee-ofisi zaseMzantsi Afrika kwi-Human Rights Watch, kunye no-Dipika Nath. ajongwa kwaye yahlelwa ngu-by Graeme Reid, umphathi weNkqubo yamaLungelo Abantu; Siphokazi Mthathi; Juliane Kippenberg, senior researcher in the Children's Rights Division; Diederik Lohman, umphandi omkhulu kwezeMpilo nakwiCandelo Lamalungelo Abantu; Liesl Gertholtz, umphathi weCandelo Lelungelo Labafazi; kunye noRona Peligal, umxhasi womphathi kwiCandlo le-Afrikan. Danielle Haas, umhleli ophezulu kwi-Ofisi yeNkqubo, uhlele ingxelo. Aisling Reidy, umphathi ocebisa ngezomthetho, unikezo ujongo kwezomthetho. José Luis Hernández unikeze ulungiso, ukuphuhlisa, kunye noncedo kwezokujongisisa; Grace Choi, Kathy Mills kunye no-Fitzroy Hepkins banikeze uncedo kwezokuphuhlisa. Scott Long, ngumqali kunye nomphathi kwiNkqubo yaMalungelo kwezobutabane, mbono-mbini, kunye nobabatshintshayo isini kude kubephakathi ku-2010, ebejonge inkqubo ekuqaliseni iprojekthi.

Ababukeli Bamalungelo Abantu bathumela umbulelo ongazenzisiyo kubo bonke abantu abathe babelana ngamabali abo nati. Sithi silithathela kuthi naliphi ityala kule ngxelo, into ezikhutshiwe kwaye nokuxoka kuphela Kubabukeli Bamalungelo Abantu, kungeziphumo zokukhokelwa kunye nokuncedwa ngamaqela amanzinzi alwa namalungelo abantu, abaphandi, kunye naMagqwetha eMzantsi Afrika. Ngokunceda babumbe umxholo wale projekthi, ukukhokhela iingxoxo unye nokukhupha izinto ebezigciniwe, igalelo lomntu ngamnye elifunyanwa kuyo yonke indawo kuphando. Amagama abo ayalandelelana ngokuma kwamagama abo:

Dawn Cavanagh, Emily Craven, Susan Holland-Mutter, Wendy Isaack, Nomfundiso Joseph, Melanie Judge, Busi Kheswa, Thobeka Khoza, Nancy Castro Leal, Steve Letsike, Thuli Madi, Tebogo Makhalemele, Pretty Makhanya, Phindi Malaza, Thandi Maluka, Kwezilomso Mbandazayo, Phumi Mtetwa, Zamanguni Mzimela, Akona Ntsaluba, Nomacotsho Pakade, Antje Schumann, Carrie Shelver, Funeka Soldaat, Kodwa Tyiso, and Fikile Vilakazi.

Amaqela namaqumrhu esithe saxhomana nawo bancedisa benza uphando lwayimpumelelo ngu : Behind the Mask (BTM), Coalition of African Lesbians (CAL), Eastern Cape LGBT Group (EC LGBT), Forum for the Empowerment of Women (FEW), Free Isini, Gay and Lesbian Memory in Action (GALA), Gay and Lesbian Network, of Pietermaritzburg (GLN),

Isini Dynamix, Joint Working Group (JWG), Katlehong LGBT Group, Lesbian and Gay Equality Project (LGEP), Lexit, Lowveld LGBT Group, One in Nine Campaign, OUT LGBT Well-Being, Abantu Opposing Women Abuse (POWA), and Treatment Action Campaign (TAC) offices in Lusikisiki (Eastern Cape) and Ermelo (Mpumalanga).

## “Siza kukubonisa ulibhinqa”

Udlame nocalu-calulo kizitabane ezimnyama ezingamabhinqa kunye nezingamadoda eMzantsi Afrika

Udlame nocalu-calulo kizitabane ezimnyama ezingamabhinqa kunye nezingamadoda eMzantsi Afrika Ukucalucalulwa ekuhlaleni kwizitabane ezingamabhinqa, ezingamadoda nabantu abatshintshe isini sabo ibuyisela umva uMzantsi Afrika nokuba ilizwe linemithetho eqhubekayo elwa nocalu-calulo ngenxa yesini salo mntu. Izitabane ezingamabhinqa, amabhinqa athatha izini zombini, amadoda atshintshe isini kunye nezinye izini nabantu abangangeni ndawo emzantsi Afrika basengxakini yocalu-calulo olwandile, ukuhlukunyezwa ngamazwi, kunye nodlame. Basoloko begxothwa kumakhaya abo; kuhlekiswe ngabo kwaye bahlukunyezwe esikolweni; bahlukunyezwe ngamazwi kwaye bathukwe esitalatweni, ecaweni, kunye nasemsebenzini; bagrogriswe ngabamelwane kunye nabantu abangabazi. Uhlukumezo lungangelamazwi, enyameni, okanye kwisondo- kungaqhubelela ekubulaweni.

“Siza kukubonisa ulibhinqa” bashicilela udlame kunye nohlukumezo olujongane nabantu abasebenzayo eMzantsi Afrika izitabane ezingamabhinqa ezimnyama ezingama-Afrika, amadoda atsintshe isini, kunye nabantu ongenochaza isini sabo, bechaza inqanaba labo loloyiko lwemihla ngemihla kunye nokungakhathali apho kufuneka bazame ukulungiselela ukhuseleko lwabo. Iqaphela izinto ezandisa ukubasemngciphekweni kwabo kwaye ibeke udlame ngakubo kumxholo othe xazalala, kuquka inqanaba lelizwe elothuayo lodlame ngokwesini. UMzantsi Afrika sele enemithetho emininzi kunye nemigaqo ukujongana nodlame ngokwesondo kunye nocalu-calulo; okudingekayo kukufakwa koko sele kukhona. Ingxelo igqibela ngokucebisa amacandelo athile kunye neminyango nkarhulumente yaseMzantsi Afrika ejongane nokhuseleko olungcono amalungelo nokhuseleko lwezitabane ezingamabhinqa kunye namadoda atshintshe isini.

*Amabhinqa mabini angabadlali ngaphandle kweNkundla ePhakamile yaseJozi ngo-2009 badlala indawo “Kutheni” (“Kutheni” ngesiXhosa) ilawulwa nguMamela Nyamza. Umdlalo ebeyingxenywe yokugwayimbela ukuphinda phindwa kokucotha kumatyala odlwengulo equlunqwe ngaBagayi be-One in Nine, iqumrhu elingenzi mali laseMzantsi Afrika elidibana kuphando olujongene nezo, ukubonakala kwimidiya, kuye nokutshutshisa ukulwa nodlame kwezesondo.*

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