

# SOUTH AFRICAN CHARTER OF RELIGIOUS RIGHTS AND FREEDOMS

(As amended 6<sup>th</sup> August and 1<sup>st</sup> October 2009)

## PREAMBLE

1. WHEREAS human beings have inherent dignity, and a capacity and need to believe and organise their beliefs in accordance with their foundational documents, tenets of faith or traditions; and
2. WHEREAS this capacity and need determine their lives and are worthy of protection; and
3. WHEREAS religious belief embraces all of life, including the state, and the constitutional recognition and protection of the right to freedom of religion is an important mechanism for the equitable regulation of the relationship between the state and religious institutions; and
4. WHEREAS religious institutions are entitled to enjoy recognition, protection and co-operation in a constitutional state as institutions that function with jurisdictional independence; and
5. WHEREAS it is recognised that rights impose the corresponding duty on everyone in society to respect the rights of others; and
6. WHEREAS the state through its governing institutions has the responsibility to govern justly, constructively and impartially in the interest of everybody in society; and
7. WHEREAS religious belief may

deepen our understanding of justice, love, compassion, cultural diversity, democracy, human dignity, equality, freedom, rights and obligations, as well as our understanding of the importance of community and relationships in our lives and in society, and may therefore contribute to the common good; and

8. WHEREAS the recognition and effective protection of the rights of religious communities and institutions will contribute to a spirit of mutual respect and tolerance among the people of South Africa,

## **NOW THEREFORE the following South African Charter of Religious Rights and Freedoms is hereby enacted:**

1. Every person has the right to believe according to their own religious or philosophical beliefs or convictions (hereinafter convictions), and to choose which faith, worldview, religion, or religious institution to subscribe to, affiliate with or belong to.
  - 2.1. Every person has the right to change their faith, religion, convictions or religious institution, or
2. No person may be forced to believe, what to believe or what not to believe, or to act against their convictions.

to form a new religious community or religious institution.

- 2.2. Every person has the right to have their convictions reasonably accommodated.

- 2.3. Every person has the right on the ground of their convictions to refuse

- (a) to perform certain duties, or to participate or indirectly to assist in, certain activities, such as of a military or educational nature, or
- (b) to deliver, or to refer for, certain services, including medical or related (including pharmaceutical) services or procedures.

- 2.4. Every person has the right to have their convictions taken into account in receiving or withholding medical treatment.

- 2.5. No person may be subjected to any form of force or indoctrination that may destroy, change or compromise their religion, beliefs or worldview.

3. Every person has the right to the impartiality and protection of the state in respect of religion.

- 3.1. The state must create a positive and safe environment for the exercise of religious freedom, but may not promote, favour or prejudice a particular faith, religion or conviction, and may not indoctrinate anyone in respect of religion. In approving a plan for the development of land, the state must consider religious needs.

- 3.2. No person may be unfairly

discriminated against on the ground of their faith, religion, or religious affiliation.

4. Subject to the duty of reasonable accommodation and the need to provide essential services, every person has the right to the private or public, and individual or joint, observance or exercise of their convictions, which may include but are not limited to reading and discussion of sacred texts, confession, proclamation, worship, prayer, witness, arrangements, attire, appearance, diet, customs, rituals and pilgrimages, and the observance of religious and other sacred days of rest, festivals and ceremonies.

- 4.1. Every person has the right to private access to sacred places and burial sites relevant to their convictions. Such access, and the preservation of such places and sites, must be regulated within the law and with due regard for property rights.

- 4.2. Every person has the right to associate with others, and to form, join and maintain religious and other associations, institutions and denominations, organise religious meetings and other collective activities, and establish and maintain places of religious practice, the sanctity of which shall be respected.

- 4.3. Every person has the right to communicate within the country and internationally with individuals and institutions, and to travel, visit, meet and enter into relationships or association with them.

4.4. Every person has the right to conduct single-faith religious observances, expression and activities in state or state-aided institutions, as long as such observances, expression and activities follow rules made by the appropriate public authorities, are conducted on an equitable basis, and attendance at them is free and voluntary.

5. Every person has the right to maintain traditions and systems of religious personal, matrimonial and family law that are consistent with the Constitution. Legislation that is consistent with the Constitution may be made to recognise marriages concluded under any tradition, or a system of religious, personal or family law, or to recognise systems of personal and family law under any tradition, or adhered to by persons professing a particular religion.

6. Every person has the right to freedom of expression in respect of religion.

6.1. Every person has the right

- (a) to make public statements and participate in public debate on religious grounds,
- (b) to produce, publish and disseminate religious publications and other religious material, and
- (c) to conduct scholarly research and related activities in accordance with their convictions.

6.2. Every person has the right to share their convictions with another consenting person.

6.3. Every religious institution has the right to have access to public media which access must be regulated fairly.

6.4. Every person has the right to religious dignity, which includes not to be victimised, ridiculed or slandered on the ground of their faith, religion, convictions or religious activities. No person may advocate hatred that is based on religion, and that constitutes incitement to violence or to cause physical harm.

7. Every person has the right to be educated or to educate their children, or have them educated, in accordance with their religious or philosophical convictions.

7.1. The state, including any public school, has the duty to respect this right and to inform and consult with parents on these matters. Parents may withdraw their children from school activities or programs inconsistent with their religious or philosophical convictions.

7.2. Every educational institution may adopt a particular religious or other ethos, as long as it is observed in an equitable, free, voluntary and non-discriminatory way, and with due regard to the rights of minorities.

7.3. Every private educational institution established on the basis of a particular religion, philosophy or faith may impart its religious or other

convictions to all children enrolled in that institution, and may refuse to promote, teach or practice any religious or other conviction other than its own. Children enrolled in that institution (or their parents) who do not subscribe to the religious or other convictions practised in that institution waive their right to insist not to participate in the religious activities of the institution.

8. Every person has the right to receive and provide religious education, training and instruction. The state may subsidise such education, training and instruction.

9. Every religious institution has the right to institutional freedom of religion.

9.1. Every religious institution has the right

- (a) to determine its own confessions, doctrines and ordinances,
- (b) to decide for itself in all matters regarding its doctrines and ordinances, and
- (c) in accordance with the principles of tolerance, fairness, openness and accountability to regulate its own internal affairs, including organisational structures and procedures, the ordination, conditions of service, discipline and dismissal of office-bearers and members, the appointment, conditions of employment and dismissal of employees and volunteers, and membership requirements.

9.2. Every religious institution is recognised and protected as an

institution that has authority over its own affairs, and towards which the state, through its governing institutions, is responsible for just, constructive and impartial government in the interest of everybody.

9.3. The state, including the judiciary, must respect the authority of every religious institution over its own affairs, and may not regulate or prescribe matters of doctrine and ordinances.

9.4. The confidentiality of the internal affairs and communications of a religious institution must be respected. The privileged nature of any religious communication that has been made with an expectation of confidentiality must be respected insofar as the interest of justice permits.

9.5. Every religious institution is subject to the law of the land. A religious institution must be able to justify any non-observance of a law resulting from the exercise of the rights in this Charter.

10. The state may allow tax, charitable and other benefits to any religious institution that qualifies as a juristic person.

11. Every person has the right, for religious purposes and in furthering their objectives, to solicit, receive, manage, allocate and spend voluntary financial and other forms of support and contributions. The confidentiality of such support and contributions must be

respected.

12. Every person has the right on religious or other grounds, and in accordance with their ethos, and irrespective of whether they receive state-aid, and of whether they serve persons with different convictions, to conduct relief, upliftment, social justice, developmental, charity and welfare work in the community, establish, maintain and contribute to charity and welfare associations, and solicit, manage, distribute and spend funds for this purpose.

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## SUID-AFRIKAANSE HANDVES VAN GODSDIENSREGTE EN -VRYHEDE

(Soos gewysig 1 Oktober 2009; Afrikaanse vertaling Februarie 2010)

### AANHEF

1. AANGESIEN mense die inherente waardigheid, vermoë en behoefte het om te glo en hulle oortuigings in ooreenstemming met hulle basiese geloofstekste, -leerstellings of -tradisies te organiseer; en

2. AANGESIEN hierdie vermoë en behoefte mense se lewens bepaal en waardig is om beskerm te word; en

3. AANGESIEN geloofsoortuigings die hele lewe, insluitende die staat, omvat, en die grondwetlike erkenning en beskerming van die reg op vryheid van godsdiens en gewete 'n belangrike meganisme is waardeur die verhouding tussen die staat en godsdiens billik gereguleer word, en

4. AANGESIEN godsdiensinstellings daarop geregtig is om binne 'n regstaat erkenning, beskerming en samewerking te geniet as instellings wat gesag oor hulle eie sake het; en

5. AANGESIEN erken word dat regte die ooreenstemmende plig op almal in die samelewing lê om die regte van ander te eerbiedig; en

6. AANGESIEN die staat deur sy regeringsinstellings die verantwoordelikheid het om regverdig, konstruktief en onpartydig te regeer in belang van almal in die samelewing; en

7. AANGESIEN geloofsoortuigings ons begrip van geregtigheid, liefde, meegevoel, kulturele diversiteit, demokrasie, menswaardigheid, gelykheid, vryheid, regte en verpligtinge kan verdiep, asook ons begrip van die belangrikheid van gemeenskap en verhoudings in ons lewens en in die samelewing, en daarom in almal se belang kan wees; en

8. AANGESIEN die erkenning en effektiewe beskerming van die regte van godsdiensgemeenskappe en -instellings sal bydra tot 'n gees van wedersydse respek en verdraagsaamheid tussen die mense van Suid-Afrika; en

### **DAAROM WORD die volgende Suid-Afrikaanse Handves van Godsdiensregte en -Vryhede hiermee aangeneem:**

1. Elke persoon het die reg om volgens hulle eie godsdienstige of filosofiese oortuigings (hierna oortuigings) te glo en te kies watter geloof, wêreldbeskouing, godsdiens, of godsdiensinstelling om te onderskryf, daarby te affilieer of daaraan te behoort.

2. Niemand mag gedwing word om te glo, wat om te glo of wat om nie te glo, of teen hulle oortuigings te handel nie.

2.1. Elke persoon het die reg om van geloof, godsdiens, oortuiging of godsdiensinstelling te verander, of

'n nuwe godsdiensgemeenskap of godsdiensinstelling te vorm.

2.2. Elke persoon het die reg dat hulle oortuigings redelik geakkommodeer word.

2.3. Elke persoon het die reg om op grond van hulle oortuigings te weier om

- (a) bepaalde pligte uit te voer, of deel te neem aan sekere handeling of dit indirek te assisteer, byvoorbeeld van militêre of opvoedkundige aard, of
- (b) bepaalde dienste te lewer of daarvoor te verwys, insluitende mediese of verwante (insluitende farmaseutiese) dienste of prosedures.

2.4. Elke persoon het die reg dat hulle godsdiens- of ander oortuigings in ag geneem word by die ontvangs of weerhouding van mediese dienste.

2.5. Geen persoon mag aan enige vorm van dwang of indoktrinering onderwerp word wat hulle godsdiens, geloof of wêreldbeskouing kan vernietig, verander of in gevaar stel nie.

3. Elke persoon het die reg op die staat se onpartydigheid en beskerming met betrekking tot godsdiens.

3.1. Die staat moet 'n positiewe en veilige omgewing vir die uitlewing van godsdiensvryheid skep, maar mag nie 'n spesifieke geloof, godsdiens of oortuiging bevorder of onregmatig bevoor- of benadeel nie en mag niemand indoktrineer met

betrekking tot godsdiens nie. In die goedkeuring van enige plan vir die ontwikkeling van grond moet die staat godsdiens- of ander oortuigings behoeftes in ag neem.

3.2. Daar mag teen niemand op grond van hulle geloof, godsdiens, oortuigings of godsdiens- of ander oortuigings onbillik gediskrimineer word nie.

4. Onderworpe aan die plig van redelike akkommodasie en die behoefte aan die lewering van noodsaaklike dienste, het elke persoon die reg op die private of openbare, en individuele of gesamentlike beoefening of uitlewing van hulle oortuigings, wat die lees en bespreking van gewyde tekste, belydenis, verkondiging, aanbidding, gebed, getuienislewering, orde, kleredrag, voorkoms, dieet, gebruike, rituele en pelgrimstogte, en die onderhouding van gewyde dae, rusdae, feeste en seremonies kan insluit maar nie daartoe beperk is nie.

4.1. Elke persoon het die reg op private toegang tot heilige plekke en begraafterreine relevant vir hulle godsdiens- of ander oortuigings. Sodanige toegang, en die bewaring van sodanige plekke, moet ooreenkomstig die reg gereguleer word en met behoorlike inagneming van eiendomsregte.

4.2. Elke persoon het die reg om met ander te assosieer, en godsdiens- of ander verenigings, -instellings en -genootskappe te stig, in stand te hou en daarby aan te sluit, godsdiens- of ander oortuigings samekomste en ander gesamentlike aktiwiteite te reël en plekke van aanbidding, waarvan die

heiligheid eerbiedig moet word, daar te stel en te onderhou.

4.3. Elke persoon het die reg om binne die land en internasionaal met individue en instellings oor godsdiens- of ander sake te kommunikeer; en te reis, hulle te besoek, met hulle te vergader en in verhoudings of assosiasies met hulle te tree.

4.4. Elke persoon het die reg op enkelgeloof godsdiensbeoefening en godsdiens- of ander oortuigings uitdrukking en handeling in staats- en staatsondersteunde instellings, solank sulke beoefening, uitdrukking en handeling reëls nakom wat deur die toepaslike openbare gesag gemaak is, en solank dit op 'n billike grondslag geskied en die bywoning daarvan vry en vrywillig is.

5. Elke persoon het die reg om tradisies en stelsels van godsdiens- of ander oortuigings persone-, huweliks- en familiereg wat met die Grondwet strook, te onderhou. Wetgewing wat met die Grondwet strook, mag aangeneem word om huwelike wat kragtens enige tradisie, of 'n stelsel van godsdiens-, persone- of familiereg, aangegaan is, te erken, of om stelsels van persone- of familiereg kragtens enige tradisie, of wat nagevolg word deur persone wat 'n besondere godsdiens aanhang, te erken.

6. Elke persoon het die reg op vryheid van uitdrukking met betrekking tot godsdiens.

6.1. Elke persoon het die reg om (a) op godsdiens- of ander oortuigings gronde

standpunte na buite in te neem en aan openbare debat deel te neem,

(b) godsdiens- of ander oortuigings publikasies en ander materiaal te produseer en te versprei, en

(c) akademiese navorsing en verwante handeling te onderneem in ooreenstemming met hulle oortuigings.

6.2. Elke persoon het die reg om hulle oortuigings met 'n ander gewillige persoon te deel.

6.3. Elke godsdiensinstelling het die reg op toegang tot openbare media, welke toegang billik gereguleer moet word.

6.4. Elke persoon het die reg op godsdiens- of ander oortuigings waardigheid, wat insluit om nie op grond van hulle geloof, godsdiens, oortuigings of godsdiens- of ander oortuigings handeling geviktimiseer, bespot of belaster te word nie. Geen persoon mag haat wat op godsdiens gebaseer is en wat aanhangers tot dreigende geweld of om fisiese skade te berokken, uitmaak, verkondig nie.

7. Elke persoon het die reg om ooreenkomstig hulle godsdiens- of ander oortuigings filosofiese oortuigings opgevoed te word, of hulle kinders daarvolgens op te voed of te laat opvoed.

7.1. Die staat, wat enige openbare skool insluit, het die plig om hierdie reg te respekteer en ouers hieroor in te lig en te raadpleeg. Ouers mag hulle kinders van skoolaktiwiteite of -programme onttrek wat strydig met hulle godsdiens- of filosofiese

oortuigings is.

7.2. Elke openbare opvoedkundige instelling mag 'n bepaalde godsdienstige of ander etos aanneem, so lank dit op 'n billike, vry en vrywillige en nie-diskriminerende basis beoefen word, en met behoorlike inagneming van die regte van minderhede.

7.3. Elke private opvoedkundige instelling wat op die basis van 'n bepaalde godsdienst, filosofie of geloof daargestel is, mag sy godsdienstige of ander oortuigings met alle kinders deel wat by daardie instelling geregistreer is, en mag weier om enige ander godsdienst of oortuiging te bevorder, te onderrig of te beoefen. Kinders wat by die instelling geregistreer is (of hulle ouers) en wat nie die godsdienstige of ander oortuigings onderskryf wat in daardie instelling beoefen word nie, doen afstand van hulle reg om nie aan die godsdienstige handeling van die instelling deel te neem nie.

8. Elke persoon het die reg om op 'n vrywillige grondslag godsdienstige onderwys, opleiding en onderrig te ontvang en te verskaf. Die staat mag sodanige onderwys, opleiding en onderrig subsidieer.

9. Elke godsdienstinstelling het die institusionele reg op godsdienstvryheid.

9.1. Elke godsdienstinstelling het die reg om

(a) hulle eie belydenisse, leerstellinge en kerklike ordes vas te stel,

(b) oor alle leerstellige en kerkordelike sake self te besluit en,

(c) in ooreenstemming met die beginsels van verdraagsaamheid, billikheid en verantwoordingspligtigheid, hulle eie interne sake te reël, insluitende organisatoriese strukture en prosedures, die bevestiging, diensvoorwaardes, dissiplinerings en ontslag van ampsdraers en lede, die aanstelling, diensvoorwaardes en ontslag van werknemers en vrywillige werkers, en lidmaatskapvereistes.

9.2. Elke godsdienstinstelling word erken en beskerm as 'n instelling wat gesag het oor sy eie sake en teenoor wie die staat, deur sy regeringsinstellings, die verantwoordelikheid het om regverdig, konstruktief en onpartydig te regeer in belang van almal in die samelewing.

9.3. Die staat, insluitende die regbank, moet die gesag van elke godsdienstinstelling oor sy eie sake eerbiedig en mag nie leerstellige en kerkordelike sake reguleer of voorskryf nie.

9.4. Die vertroulikheid van die interne sake en kommunikasie van godsdienstinstellings moet eerbiedig word. Die gepriviligieerde aard van enige godsdienstige kommunikasie wat met die verwagting van vertroulikheid gemaak is, moet in regsprosesse eerbiedig word sover die belang van geregtigheid dit toelaat.

9.5. Elke godsdienstinstelling is onderworpe aan die reg van die land. 'n Godsdienstinstelling moet enige nie-nakoming van 'n wet wat uit die uitoefening van die regte in hierdie Handves spruit, kan regverdig.

10. Die staat mag aan godsdienstinstellings wat as regs persone kwalifiseer belasting-, liefdadigheids- en ander voordele toestaan.

11. Elke persoon het die reg om vir godsdienstige doeleindes en in die bevordering van hulle doelstellings, vrywillige finansiële en ander vorme van ondersteuning en bydraes te werf, te ontvang, te bestuur, toe te wys en te spandeer. Die vertroulikheid van sulke ondersteuning en bydraes moet eerbiedig word.

12. Elke persoon het die reg om op godsdienstige of ander gronde en in ooreenstemming met hulle etos, en ongeag of hulle staatsondersteuning ontvang, en of hulle persone met ander oortuigings bedien, noodlenigings-, opheffings-, sosiale geregtigheds-, ontwikkelings-, welsyns- en liefdadighedswerk in die gemeenskap te doen, liefdadigheds- en welsynsorganisasies te stig, te onderhou en daartoe by te dra, en fondse vir hierdie doel te werf, te ontvang, te bestuur, te versprei en te spandeer.

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# IPHEPHA LASEMZANTSI AFRIKA LAMALUNGELO ENKOLELO NAWENKULULEKO

(Njengokuba iye yatshintshwa ngomhla ka 6 August kunye noka 1 October 2009; isiXhosa)

## INGABULA - ZIGCAWU

1. NANGONA abantu benophawu kubo lesidima, kwaye namandla okwenza kwaye benentswelo yokukholelwa kwaye balungise kakuhle iinkolelo zabo ngokuhambelana neencwadi zabo ezizisiseko, izibonakaliso zokholo okanye amasiko; kwaye

2. NANGONA la mandla okwenza kunye nentswelo zigqiba ubomi babo kwaye balufanele ukhuselo; kwaye

3. NANGONA iinkolelo zenkonzo zisamkela bonke ubomi kunye nesizwe, kwaye noqwalaselo loMgaqo siseko woMzantsi Afrika nokukhusela kwayo ilungelo lenkululeko yokuzikhethela inkolelo luyindlela yokulungisa ingqiqo yala mthetho wodlelwano phakathi kwesizwe kunye nezikolo zenkolelo; kwaye

4. NANGONA iizikolo zenkolelo zikufanele ukonwabela ukwaziwa, nokhuselo kwaye nentsebenziswano kwisizwe esinomgaqo siseko njengeezikolo ezi sebenza ngokuzimela ngokuvumelekileyo ngokolawulo negunya lomthetho; kwaye

5. NANGONA kusaziwa ukuba amalungelo ahamba nomsebenzi ongumsebenzi womntu wonke kubahlali ukuba bahloniphe amalungelo abanye abantu; kwaye

6. NANGONA isizwe zisebenza ngeendawoo neofisi zazo ezilawulwa ngurhulumente zinomsebenzi wokuba zilawule kakuhle ngokufanelekileyo, ngendlela eyakhayo kwaye ekhululekileyo nenyanyisekileyo exhomekeke kwiimfuno zomntu wonke kwiindawo zabahlali esizweni; kwaye

7. NANGONA inkolo yecawa ingenza nzulu ukuqonda kwethu umthetho, uthando, imfesane, amasiko ethu nokwahlukana kwezithethe zethu, idemokhrasi, isidima somntu, ukulingana, ukukhululeka, amalungelo kunye nomsebenzi obophelelayo, kunye nokuqonda kwethu ukubaluleka kwabahlali besizwe kunye nodlelwano ebomini bethu kwaye nakwiindawo esihlala kuzo, kwaye ke ngoko banganika ukuze wonke umntu alungelwe; kwaye

8. NANGONA ukwaziwa kunye nokusebenza kokhuselo lwamalungelo abahlali abanee nkolo kunye neeCawa ziyakuthatha inxaxheba kumoya wembeko kunye nokunyamezelana phakathi kwabantu base Mzantsi Afrika.

## NGOKU KENGOKO ELIPHEPHA LILANDELAYO laseMzantsi Afrika laMalungelo enkolo kunye neNkululeko liyamiswa:

1. Wonke umntu unelungelo lokukholelwa kwinkolo yakhe okanye imigaqo neemfundiso zobomi akholelwa kuzo, okanye izinto abaqiniseke ngokholo kuzo (emva koko apha inkolelo aqiniseke ngazo), kwaye akhethe inkolo, imbono yelizwe, icawa, okanye izikolo nezinye indawo zenkolo amakazilandele, asebenzisane nazo okanye abe lilungu lakhona.

2. Akukho mntu onganyanzelwa ukuba akholelwe, ukuba akholelwe ntoni okanye ukuba ahlukane nenkolo ethile, okanye abe lilungu lokholo aqiniseke ngalo nanalo.

2.1. Wonke umntu unelungelo lokutshintsha ukholo, inkolo, nenkolelo aqiniseke ngayo okanye icawa nendawo yenkolo, okanye akhe icawa entsha yabahlali okanye indawo eyicawa okanye isikolo senkolo.

2.2. Wonke umntu unelungelo lokuba inkolelelo yakhe yaziwe iphiwe imbeko ngokufanelekileyo.

2.3. Wonke umntu unelungelo ngenxa yenkolelo yakhe ukuba angavumi

(a) ukwenza eminye imisebenzi, okanye athathe inxaxheba okanye engazimisela ngqo ukuncedisa kwii, nkqubo ezithile, ezinje ngabantu bemfazwe uqeqesho lwamajoni okanye isimo esinemfundiso,

(b) okanye azise, okanye abhekiswe, eminye imisebenzi kunye neyoogirha, okanye enxulumelene nayo (kunye neyamayeza) imisebenzi okanye iinkqubo.

2.4. Wonke umntu unelungelo lokuba inkolelo zakhe zicingwe zihlonitshwe xa efumana okanye engawanikwa amayazeza okanye unyango nguGqirha.

2.5. Akukho mntu onokwenziwa ukuba amelane nonyanzelo okanye nemfundiso yokuba ayeke ukholo lwakhe enokutshabalalisa, itshintshe okanye, ihlise umgangatho wenkolo yabo, ukholelwa okanye imbono yelizwe.

3. Wonke umntu unelungelo lenyaniso nokhuselo lwesizwe ngokunxulumene nenkolelo.

3.1. Isizwe kufanele ukuba senze intlalo ibe ntle kwaye ikhuseleke ukuze iinkonzo zenkolelo zikhululeke, kodwa singanyusi ukhethe okanye intshutshiso yokholo oluthile, okanye lwe nkolo kwaye singalwi imfundiso yomnye umntu ngenxa yenkolo yakhe. Ekuvumeleni icebo lokukhulisa umhlaba, isizwe kufanele ukuba sicingele iimfuno zeenkolo.

3.2. Akukho mntu onokutshutshiswa ngenxa yokholo, yecawa okanye ngenxa yokuba eyinxenye yecawa.

4. Ngenxa yokuba wonke umntu ubophelekile ukuba ahloniphe kwaye anikele umsebenzi ongu ndoqo, wonke umntu unelungelo lokugcina imithetho yenkolelo yakhe nenkolo yakhe okanye athathe inxaxheba enkolweni yakhe

eyedwa jwi okanye nowonke wonke, eyedwa nje, okanye edibene nabanye, lonto ingaquka kodwa ayiphelelanga ekufundeni kwaye nasezingxoxweni zezibhalo ezingcwalisekileyo, ukuchaza izono, izibhengezo, uknqulo, umthandazo, ukungqina, amalungiselelo, isinxibo, inkangeleko, ukutya, izithethe, imimiselo, iinkqubo ezingcwele.

4.1. Wonke umntu unelungelo lokukwazi yena eyedwa ukungena ezindaweni ezingcwele kwaye neendawo zamangcwaba ezifanelekileyo ngokwe nkolo yakhe. Okokukwazi ukungena, kwaye nokulondolozwa kweendawo ezinjalo kufuneka ukuba kulawuleke ngaphakathi komthetho kwaye nangokunika imbeko amalungelo epropati.

4.2. Wonke umntu unelungelo lokuzidibanisa nabanye, kwaye aseke, kwaye agcine indawo zeenkqubo zokholo, okokungcwaliseka kuyakunikwa imbeko.

4.3. Wonke umntu unelungelo lokunxumelana ngaphakathi ezweni lethu kunye nangaphesheya kwelizw lethu kunye nabantu okanye nezinye iicawa, kwaye athathe uhambo, atyelele, adibane kwaye abe nodlelwano nabo okanye asebenze nabo.

4.4. Wonke umntu unelungelo lokugcina nokuqhuba amasiko kunye neendlela zenkolo, imbonakaliso kunye neenkqubo eziselizweni okanye ezincediswa ngurhulumente

iindawo zenkolo, xa ezonkqubo, nembonakaliso zilandele imithetho eyenziwe ngabantu abafanelekileyo bakarhulumente bomthetho, kwaye ziqhutye ngoko mthetho, kwaye ukuya kuzo kungokuthanda komntu nenkululeko yakhe.

5. Wonke umntu unelungelo lokugcina amasiko kunye neendlela zenkolo yakhe, imithetho, kwaye nomthetho wosapho ezi hambelana noMgaqo weLizwe. Umthetho ohambelana noMgaqo Siseko welizwe ungenziwa ukupha imbeko nokwamkela imithetho egqitywe ngaphantsi kwalo neliphi na isiko, okanye iindlela zenkolo yomntu, okanye okuthotyelwayo ngabantu abashumayela inkolo ethile.

6. Wonke unelungelo lokukhululeka ekubonakaliseni nasekucaciseni inkolo.

6.1. Wonke umntu unelungelo

(a) lokuthetha nokupapasha kuwonke wonke nakwingxoxo zika wonke wonke inkolelo yakhe.

(b) Ukuveza kunye nokubhengeza kwaye nokusasaza iinkolo zecawa ezishicilelweyo nezinye icinto zenkolelo ezisetyenziswayo

(c) Ukuqhuba uphando lwesikolo kwaye nezinye iinkqubo ezidibeneyo ezihambelana neenkolelo zabo.

6.2. Wonke umntu unelungelo lokwabelana ngenkolelo yakhe nomnye umntu omnikayo imvume yokuba enze njalo.

6.3. Yonke indawo yenkolo inelungelo lokuba ikwazi ukunxumelana neendawo zokupapasha noshicilelo zikawonke wonke olonxumelwano kufuneka

lulawulwe kakuhle.

6.4. Wonke umntu unelungelo lokuba inkolo yakhe ibe nesidima, esidibanisa ukuba angacikicwa aphathwe kakubi, enziwe intlekisa okanye athukwe ngenxa yokholo lwakhe nenkolo yakhe okanye iinkqubo zenkolo. Akukho mntu onokuthethelela inkohlakalo ngenxa yenkolo, kwaye edibanisa uqhwayo lobundlobongela okanye anzakalise umzimba womnye umntu.

7. Wonke umntu unelungelo lokufundiswa okanye afundise abantwana bakhe, okanye avume bafundiswe, ngokuhambelalana nenkolo yabo okanye inkolo yabo yobomi abaqiniseke ngayo.

7.1. Isizwe kunye nezikolo zika wonke wonke, zinomsebenzi wokuba bathobele eli lungelo kwaye baxelele kwaye badibane nabazali ngezi zinto. Abazali bangabarhoxisa abantwana babo kwimidlalo okanye kwiinkqubo ezihambelaniyo kunye nenkolo okanye nenkolelo yabo yobomi.

7.2. Yonke indawo yokufundisa ingathathela inkolo neemfundiso ezithile, xa izakwenza njalo ngendlela efanelekileyo ehambisana nomthetho, ekhululekileyo, ngokwentando yomntu kwaye nengagxeki ibekele phantsi abantu, kwaye icingele namalungelo abanye abantu abambalwa.

7.3. Yonke indawo yokufundisa engaphethwanga ngurhulumente yokufundiswa esekwe ngenxa yenkolo ethile, inkolo ngobomi okanye ukholo olu thile ingabelana

ifundise iinkolelo zayo okanye ezinye inkolelo eqiniseke ngazo kubo bonke abantwana abhalisiweyo kwesosikolo nendawo yokufundisa (okanye abazali babo) abangahambisaniyo naloo nkolo okanye ezinye iinkolelo ezilandelwayo nezifundiswayo kulo ndawo yokufundisa balahlekelwa lilungelo labo lokuba bachase balwelwe ukuba abantwana babo bakhutshwe ekuthatheni inxaxheba kwiinkolelo zeso sikolo.

8. Wonke umntu unelungelo lokufumana kwaye nokunika imfundiso yenkolo, ingqeqesho, kunye nemiyalelo. Ilizwe lingayincedisa imfundiso enjalo, uqeqesho kunye noyalelo.

9. Yonke indawo yenkolo icawa inelungelo lokuqhuba ngokukhululeka inkolo yabo.

9.1. Yonke indawo esisikolo senkolo inelungelo loku

(a) limise indlela yazo yokuchaza izono, imfundiso kunye nemimiselo (b) ukuziqqibela ngokwayo zonke izinto ezinxulumene neemfundiso zayo kunye nemimiselo, kwaye (c) ngoku.

9.2. Yonke indawo yenkolo iyaziwa kwaye ikhuselekile njesikolo enamalungelo omthetho okulawula imicimbi yayo, kwaye apho isizwe, kunye ngendawo zaso zolawulo, zinomsebenzi nje wokulungisa noququzelo olunentlonipho lijonge amalungelo oluntu lonke.

9.3. Isizwe kunye, nabantu bomthetho neenkundla zomthetho, kufuneka zihloniphe zingalawuli

umthetho wazo zonke iindawo zee nkolo, kwaye bangalawuli ngendelelo banike iindawo zeenkolo imithetho neemfundiso zabo.

9.4. Imfihlakalo nembeko yemicimbi yangaphakathi kwiindawo zeenkolo kunye nonxulumano nodlelwano lwabo. Ilungelo labo abaliphiweyo elinesimo sokunxulumana kufuneka lihlonitshwe ukuba olonxulumano luhlonipha umthetho wesizwe nomthe wesizwe awophulwa kengoko.

9.5. Yonke indawo yenkolo ingaphantsi komthetho womhlaba. Indawo yenkolo kufanele ikwazi ukuzithethelela xa ingalandeli umthetho ngenxa yokuba ilandela amalungelo eli Phepha.

10. Isizwe singamvumela ukutsalwa kwemali yesizwe, eyoncedo kunye nazo neziphi na iimfanelo neenzuzo eziya nakweyiphi na indawo yenkolo efana nendawo elawulwa ngumthetho.

11. Wonke umntu unelungelo, ngenxa yemisebenzi yeenkolo ukuba aqhubekekise phambili anike, avumele, amkele, apha the kwaye abeke kwaye achithe imali ngokuthanda kunye nazoo zonke inxaso neminikelo ayifumanayo. Kwaye ukufihlwa kwaloo micimbi injalo kufanele ukuba kuhlanelwe.

12. Wonke umntu unelungelo ngenxa yenkolo yakhe okanye nokuba phezu kwesiphi na isizathu kwaye nangokwenkolelo yabo, kwaye nokuba bayancedwa na ngurhulumente ukuba bakhe, bakhulise, bancede, baseke,

balawule uncedo noba balinika indawo yenkolo eyahlukileyo kubo bayichithe imali ngenxa yezizizathu.

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## UMTHETHO SISEKELO WASE NINGIZIMU AFRIKA WELUNGELO NGENKOLO KANYE NENKULULEKO

(Njengoba yashintshwa ngomhlaka 6 Agasti kanye nomhlaka 1 kuOktoba; isiZulu)

### ISINGENISO

1. NJENGOBA abantu banesithunzi sendabuko nomthamo nesidingo sokukholwa nokuhlela izinkolo zabo maqondana namaphephabhuku ayisisekelo, inkolelo yokholo noma amasiko; futhi

2. NJENGOBA lomthamo kanye nesidingo esikhombisa izimpilo zabo futhi zifanelekile ukuvikeleka; noku

3. NJENGOBA ukukholwa kobukholwa kwembathisa konke okuyimpilo, kanye nohulumeni, kanye nokubonelwa komthetho sisekelo kanye nokuvikeleka kwelungelo lwenkululeko yenkolo liyisakhiwo esilingene sokuqondiswa ngokomthetho kobudlelwane phakathi kukahulumeni kanye nezinhlangano; futhi

4. NJENGOBA izinhlangano zamakholwa zivumelekile ukuba zijabulele ukwaziwa, UKUVIKELEKA kanye nokusizana kuhulumeni womthetho sisekelo njengezinhlangano ezisebenza kanye nomthetho sisikelo ozimeleyo.

5. NJENGOBA kuvumelekile ukuthi amalungelo abekwe umsebenzi oxhumene kuwo wonke umuntu kwinhlangano ukuhlonipha amalungelo wabanye; futhi

6. NJENGOBA uhulumeni kwinhlangano

yakhe eyengameleyo inomsebenzi wokuphatha kahle, ngokwakhekileyo kanye nangokufanayo ekubeni nomdlandla kuwo wonke umuntu emphakathini; futhi

7. NJENGOBA inkolelo yobukrestu ingagxila ngokuqonda ngokomthetho, uthando, ukuthanda, amasiko ahlukeneyo, intando yeningi, isizotha, ukulingana, inkululeko, amalungelo kanye nezivumelwano eziyisibopho, kanye nokuqonda komphakathi obalulekile kanye nobudlelwano ezimpilweni zethu kanye nasemphakathini, futhi kungahle kunikezele ezintweni ezinhle ezejwayelekile; futhi

8. NJENGOBA ukwaziwa kanye nokuvikeleka okwenzekayo kwamalungelo omphakathi kanye nombutho wenkolelo uzonikezela kumoya wokuhlonipha ngokuzwana kanye nokubekezelelana phakathi kwabantu base Ningizimu Afrika.



**MANJE NGAKHOKE LOMTHETHO OLANDELAYO waseNingizimu Africa Wamalungelo Enkolo kanye Nezinkululeko zenza:**

1. Wonke umuntu unelungelo lokukholelwa ngendlela yobukholwa bakhe noma ngokukholwa ngendlela yakhe noma yokuzenzela ukusukela manje ukuzenzela kanye nokukhetha inkolelo yiphi, umbono womhlaba inkolelo noma umbutho wenkolo okumele uwulandele, uzimbandakanye nawo, noma ube kulona..

2. Akekho umuntu omelwe ukuba ophoqwe ukuba akholwe, ukuthi akholwe ini noma angakholelwa, noma aphambane nokwenza kwabo.

2.1. Wonke umuntu unelungelo lokuguqula ukholo lwakhe, inkolo, izezo noma umbutho wenkolo noma ukubumba umphakathi omusha wenkolo noma umbutho wokholo.

2.2. Wonke umuntu unelungelo ukuba abe nokuzithola ngokwenza ngokucabangisisa amukeleke.

2.3. Wonke umuntu unelungelo ngokuphathelene ngokwenza kwakhe ukuba ale

(a) ukwenza imisebenzi ethile, noma ukuba yingxenyane noma ngakolunye uhlangangothi asize, imisebenzi ethile njengaleyo yombutho wobusotsha noma imfundo ngendalo, noma (b) ukunikeza, uye kwabanye, ngemisebenzi ethile, kanye nomtholampilo noma nokuphathelene nakho (nalokho okuphathelene nemithi yokwelapha)

imisebenzi noma inqubo.

2.4. Wonke umuntu unelungelo ukuba abe nokwenza kokuzisola okuphathelene nokuthola noma ahoxise ukunika umtholampilo.

2.5. Akekho umuntu ongaphathwa ngendlela yokuphoqelwa noma ekufundiseni okungabhidliza ukuguqula, noma ngokuvumelana ngokholo lwakhe, izinkolelo, noma umbono womhlaba.

3. Wonke umuntu unelungelo lokuphatha zonke izinhlangothi ekuphikisaneni ngokulinganayo kanye nokuvikela umbuso maqondana nokholo.

3.1. Uhulumeni kumele akhe indawo ephephile futhi enesiqiniseko ukwenzela ukuthi kube nenkululeko yokholo kepha angaqhubekisi, ukuzwela noma ukuzenza ngcono ekukholweni okunye, inkolo noma ngokwenza, futhi angeke akwazi ukuzenzisa noma ngubani ngenxa yenkolo. Ekuvumeleni kweplani ngokukhulisa umhlaba, uhulumeni kumele acabange izidingo zokholo.

3.2. Akekho umuntu okumele acwase ngokungafanelekile ngenxa yenkolo yakhe, ukholo, noma nokuxhumene nenkolo.

4. Ngesihloko somsebenzi ozwakalayo sokwamukela kanye nesidingo sokunikezela ngezidingo ezibalulekile, wonke umuntu unelungelo kwizinto zangasese noma ezaziwayo emphakathini, futhi ngamunye umuntu noma kuhlangele, ngokubheka, noma ukusebenzisa ukwenza

kwakhe, okungahle kufake kepha okungenamkhawulo ekufundeni kanye nasekuxoxeni kweziqeshana zencwadi engcwele, ukuvuma, ukumemezela, ukudumisa, umthandazo, ufakazi, amalungiselelo, ukugqoka ukubukeka, idayethi, imithetho yesintu, amasiko kanye nohambo olude kanye nokubheka kwezinsuku zokholo kanye nezinye ezingcwele, amafestivali kanye nemicimbi.

4.1. Wonke umuntu unelungelo lokuthola izindawo ezingcwele zangasese kanye nezindawo zokuncwaba ezivumelana nokwenza kwabo. Indlela yokufinyelela enjalo, kanye nokugcinwa kwezindawo ezinjalo kanye namasayidi kumele zigunyazwe ngaphakathi komthetho futhi ngokuphathelene namalungelo alokho okungokwakho.

4.2. Wonke umuntu unelungelo lokuzixhumanisa nabanye, futhi abumbe, ajoyine futhi agcine inkolo kanye nezinye izinhlangano, izakhiwo kanye namaBandla, kuqanjwe imihlangano yezenkolo kanye neminye imisebenzi ehlangene, futhi yakhe iphathe izindawo zokholo zilungiselwe njalo njalo, ubungcweliso bayo okumele buhlonishwe.

4.3. Wonke umuntu unelungelo lokuxoxa ngaphakathi kwezwe nakwezinye izizwe zangaphandle kanye nabantu ngabodwana kanye nezinhlangano, futhi zihambe, zivakashe zihlangane futhi zingenele ubudlelwano noma ukuxhumana nabo.

4.4. Wonke umuntu unelungelo lokuqhuba nokubona inkolelo eyodwa yokholo ukubonisa ngokusobala kanye nemisebenzi kuhulumeni noma izinhlangano ezisizwa nguhulumeni noma lowo mbono, ukubona okusobala kanye nemisebenzi kulandela imithetho eyenziwe yilabo abanelungelo ngokufanele abaziwayo, baqhubeka esisekelweni esilinganayo, futhi nokuba khona kwabo kukhululekile futhi ngokuvolontiya.

5. Wonke umuntu unelungelo lokugcina imithetho yamasiko kanye nezindlela zokholo ngamunye ilungelo nomthetho womndeni omileyo kanye nomthetho sisekelo. Indlela yokwenza umthetho oqondile kanye nomthetho sisekelo ungenziwa ukutholakala kwemishado ephethiwe ngaphansi kwanoma yiluphi usiko, noma indlela yobukholwa, ngamunye noma umthetho womndeni, noma ukubona izindlela zoyedwa kanye nomthetho womndeni ngaphansi kwanoma yiluphi usiko noma kulandelwe ngabantu abaprofetha ukholo oluthize.

6. Wonke umuntu unelungelo lokukhuluma lokho afuna ukukusho maqondana nokholo.

6.1. Wonke umuntu unelungelo

(a) lokukhuluma emphakathini futhi abeke induku ebandla kwinkulumbo mpikiswano esobala mayelana nesisekelo sokholo; (b) ukukhipha ukubhala futhi ufafaze izincwadi zokholo kanye nezinye izincwadi zokholo futhi (c) wenze uphenyo olunzulu kanye nemisebenzi eqondene

nokumayelana nokutheswa icala labo.

6.2. Wonke umuntu unelungelo lokwabelana nokuthweswa icala labo kanye nomunye umuntu ngokukhombisa ukuzinikela.

6.3. Yonke inhlango yekhohlo inelungelo yokuba nendlela yokuxhumana okuvumelekile kuwo wonke umuntu okumele ukuthi kugunyazwe ngendlela efanelekile.

6.4. Wonke umuntu unelungelo lokholo olunesizotha, oluphethe ukuthi ungahlukunyezwa ukwenziwa inhlekisa noma ukukhuluma amanga ngomunye umuntu ngenxa yokholo lwabo, inkolo, ukwenza, noma imisebenzi yokholo. Akekho noyedwa umuntu ongahle amele inzondo ebhekiswe okholweni, futhi lokho kwenza kubhehtheke udlame noma kwenze ukuhlukumezeka komzimba.

7. Wonke umuntu unelungelo lokuba afunde noma afundise abantwana babo, noma babenze ukuba bafunde maqondana nenkolo yabo noma ngendlela yokucabanga ngokwenza.

7.1. Uhulumeni, noma yisiphi isikole somphakathi sinomsebenzi sokuba sihloniphe lelungelo nokuthi sitshela futhi sibonisane nabazali maqondana nalezindaba. Abazali bangakhipha izingane zabo kwimisebenzi yesikole noma ezinhlelweni okungaqondile kahle nenkolo yabo noma ngokucabanga ngokwenza.

7.2. Yonke inhlango yezemfundo ingazithathela noma iyiphi inkolo

noma isibonakaliso, inqubo nje uma izobhekwa ngendlela efanayo, ekhululekile, nokungaphoqiwe nengakhethi ibala lomuntu, futhi nokuthi kumalungelo walabo abayingcosana.

7.3. Yonke inhlango yezemfundo esuselwe kwisisekelo senkolo ethize, ukucabanga kanye nenkulumo mpikiswano noma ukholo bangahle baphe ubukholwa noma ezinye izindlela kubo bonke abantwana ababhalisiwe kuleyo nhlangano (futhi bangahle benqabe ukubasa phambili ukufundisa, noma ukulungiselela noma ezinye izindlela ngaphandle kwalezo zakhe. Abantwana ababhalisiwe kuleyo nhlangano (noma abazali babo) abangakhokheli kwinkolelo noma kwezinye izenzo ezenziwayo kuleyinhlangano bahoxisa ilungelo labo lokuphoqela ukuba bangabi yingxenyemisebenzi yenkolo yenhlangano.

8. Wonke umuntu unelungelo lokuthola nokupha imfundiso, ukulungiselela kanye nokunikeza umthetho. Uhulumeni angahle asize imfundo enjalo, ukufunda nokunikezwa umthetho.

9. Wonke umbutho wenkolo unelungelo lokuzibusa ngenkululeko yokholo.

9.1. Yonke inhlango yenkolo inelungelo

- (a) lokuthola izono zabo, imithetho yezenkolo kanye nemithetho
- (b) ukukhethela bona ngokwabo maqondana nezimfundiso kanye nezimiso, futhi
- (c) mayelana nemithetho yokubekezela, ukuba neqiniso,

ukuvuleka kanye nokuba uchaze ngalokho okwenzile ngokulandela umthetho yabo yangaphakathi kanye nezakhiwo ezihlelekile nezinendlela eyiyona, ukumiswa, imithetho ngomsebenzi, ukugcina umthetho komsebenzi nokuyekiswa umsebenzi walabo abaphathi benkonzo kanye namalungu, ukuqashwa inqubo mgomo kanye namavolontiya, kanye nezidingo zokuba yilungu.

9.2. Yonke inhlango iyaziwa futhi ivikelekile njengenhlangano enegunya ngaphezu kwezindaba zaso, nakuhulumeni ngendlela yenhlangano yesigungu sabaholi abaphethe inhlango, yibona abanelungelo lokwenza, futhi nokuphikisana kuhulumeni ngokuthanda kwawo wonke umuntu..

9.3. Uhulumeni, kanye nomthetho sisekelo kumele ahloniphe abanelungelo lokukwanoma iyiphi inhlango mayelana nezindaba zazo, futhi akumele zilawule ngokomthetho noma zibekwe umthetho ngezindaba zemfundiso kanye nezimiso.

9.4. Izindaba eziyimfihlo kanye nezingxoxo zenhlango yenkolo kumele zihlonishwe. Imvume yendalo yanoma iyiphi ingxoxo yenkolo leyo eyenziwe ngokubheka ukuthi kuyimfihlo kumele kuhlonishwe njengoba sivuma ngokwazi komthetho sisekelo.

9.5. Yonke inhlango yezenkolo iyindikima kumthetho womhlaba. Inhlango yezenkolo kumele ukuba

ikwazi ukubonisa ukulunga kwanoma yini engabheki umthetho ngenxa yokusebenzisa amalungelo abhaliwe kulomthetho sisekelo.

10. Uhulumeni angavumela intela, ukupha labo abahluphekile kanye nolunye usizo kwinhlangano yezenkolo leyo enelungelo lokuvumela umuntu kwezomthetho.

11. Wonke umuntu unelungelo, ngezinjongo zenkolo futhi nokufeza izinhloso zabo, ngokuphindiweyo, ukuba, ukuphatha ukubeka ngendlela nokuchitha imali ngokuthanda kanye nezinye izindlela zokusiza nokunikela. Imfihlo enjena yokusiza kanye nokunikela kumele ihlonishwe.

12. Wonke umuntu unelungelo kwinkolelo noma okunye kwenye indawo kanye nokuphathelene nezimpawu zabo, futhi noma ngabe bayathola ukuxhaswa nguhulumeni, noma ngabe basebenzela abantu abanezinkolelo eziqinile ezahlukeneyo, ukuba behliswe izinhlungu, ukuphakanyiswa, isigungu somthetho, ukukhula uthando, nomsebenzi wezenhlala kahle emphakathini, ukuqala, ukuphatha kahle nokunikela ngesihle kulabo abahluphekile, nakumbutho wezenhlala kahle, kanye nokucela ngokuphindekile, ukuphatha, ukupha nokusebenzisa izimali ngayo lenjongo.

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# TŠHATARA YA TOKOLOGO YA BODUMEDI AFRIKA BORWA

(Ka ge e tlaleleditšwe ka di 6 Diphilane le 1st Oktoboro 2009 – Sepedi)

## MATSENO

1. LE GE batho hlagong ya bona ba na le bokgoni bja go hlophiša ditumelo go ya ka metheo le mekgwa goba ditumelo tša bona; gape

2. LE GE bokgoni bjo bo laola maphelo a bona,bo swanetšwe ke tšhireletšo; gape

3. LE GE bodumedi le tumelo di akaretša bophelo ka moka,go hlakantšha le mmušo le go amogelega molaotheong le tšhireletšong ya tokologo ya sedumedi seo e le go sedirišwa se bohlokwa go laola tekatekano le kgwerano magareng a mmušo le mafapa a bodumedi; gape

4. LE GE mafapa a bodumedi a swanetšwe ke go amogelega, tšhiretšo le tšhomišano mmogo molaotheong wa mošomanoši; gape

5. LE GE go lemogwa tokelo ya go rwešhwa mošomo go batho bohle setšhabeng go hlompha ditokelo tša bohle; gape

6. LE GE mafapa a bodumedi a na le maikarabelo a go buša ka toka le go ya ka dikgahlego tša setšhaba kamoka; gape

7. LE GE ditumelo di ka tsenelela kwišišong ya rena ya toka, lerato, kwelobohloko, ditšo tša mehuta,

tekatekanong le kgweranong maphelong a rena mo setšhabeng,di ka tliša diabe tša go loka; gape

8. KA GO NA, kamogelo le tšhireletšo ya ditokelo tša bodumedi setšhabeng e ka tliša moya wa hlomphe le kgotlelelano setšhabeng sa Afrika Borwa.

## TŠHATARA YA BODUMEDI le tokologo mo Afrika Borwa e šupa tše di latelago:

1. Batho bohle bana le tokelo ya go kgetha tumelo yeo bat la go dumela go yona.

2. Ga gona motho yo a ka gapeletšwego go dumela, goba go se dumele se le go kgahlanong le tumelo ya gagwe.

2.1. Batho bohle ba dumeletšwe go fetola di tumelo, go kgolwa goba mokgahlo, goba go thoma tumelo e mpsa.

2.2. Batho ba dumeletšwe go kgolwa se ba se ratago

2.3. Motho yo mongwe le yo mongwe ona le tokelo ya go gana

2.4. Go dira mediro e mengwe goba go tšea karolo go ditiro tše dingwe go swana le tša bošole goba tša thuto.

2.5. Ditirelo tša goswana le tša go elana le dihlare.

2.6. Motho yo mongwe le yo mongwe ona le tokelo ya go amogela goba go se amogele kalafo ka dihlare.

2.7. Ga gona motho yo a swanetšego go gapeletšwa goba go kgodišwa ka kgodišo yeo e senyago goba gobeya tumelo ya gagwe kotsing.

3. Ke tokelo ya batho go ba le tšhireletšo ya mmuso ge go etla di tumelong tša bona.

3.1. Mmušo o swanetše go tšhireletša mafelo a bodumedi ntle le kgethollo ya di tumelo,le go se hlohleletše motho mabapi le tumelo. Mmušo o swanetše go elelwa di nyakwa tša tumelo ge o abela mobu le seggoba sa meago ya mafelo a thapelo.

3.2. Ga gona motho yo a swanetšwego ke kgethollo go ya ka bodumedi bja gagwe.

4. Go ya ka go amogela di nyakwa le go abela ditirelo, motho yo mongwe le yo mongwe o na le tokelo ya go dumela ka go hlakanela, goba ka bootee go latela maikutlo ntle le go kalelwa go bala le go ahlaahla dingwalwa tše di kgethwa,boipobolo, dikwalakwatšo, di tumišo,dithapelo, dihlatselo, ditokišo, meaparo, mekgwa ya go ja, mekgwa ya maphelo, ditlwaedi le go obamela matšatši a makgethwa le meletlo.

4.1. Motho yo mongwe le yo mongwe o na le tokelo ya go fihlelela mafelo a makgethwa le mafelo a polokelo ya bahu, tumelelo yeo le go lotega

ga mafelo ao, e swanetše gore e be molaong le tumelelong ya di tokelo tša dithoto.

4.2. Motho yo mongwe le yo mongwe o na le tokelo ya go ikamaganya le go hloma mokgahlo wa bodumedi, di phuthego le go hlophiša mokgotla a bodumedi ao a swanetšwego ke hlomphe.

4.3. Motho yo mongwe le yo mongwe ona le tokelo ya go ba le di kgokagano ka mo nageng le ka mošo ola le batho le mekgahlo, le go etela dinageng tše dingwe a tsene kgweranong le bogwereng le tšona.

4.4. Motho yo mongwe le yo mongwe ona le tokelo ya bodumedi- nošhi le go ihlaloša mo mekgahlong ya mmušo goba yeo e thušwago ke mmušo feela ge e obamela melao ya baetapele bagolo yeo e laolwago ka tekatekano le ka boithaopo.

5. Motho yo mongwe le yo mongwe o na le tokelo ya go hlomphe ditšo le bodumedi le melao ya selapa, go ya ka se molao le manyalo a setšo se sengwe le se sengwe.

6. Motho yo mongwe le yo mongwe o na le tokelo ya go ntšha sa mafahleng a gagwe mabapi le tša bodumedi.

6.1. Motho yo mongwe le yo mongwe o na le tokelo ya go ntšha sa mafahleng a gagwe le go tšea karolo go dingangišano tša sedumedi phatlalatša:

(a) Go tšweletša le go gatiša dingwalwa tša sedumedi

(b) Go dira dinyakišišo go ya ka di tumelo tša gagwe

6.2. Motho yo mongwe le yo mongwe o na le tokelo ya go bolela mabapi le maikutlo a gagwe a bodumedi le batho ba bangwe. / Motho yo mongwe le yo mongwe o na le tokelo ya go abelana maikutlo a gagwe a sedumedi le mang kapa mangy o a nago le kgahlego.

6.3. Mafapa a bodumedi ka moka a na le tokelo ya go fihlelela kwalakwatšo yeo e swanetšego go laolwa go ya ka toka.

6.4. Bodumedi bja batho bohle bo lokelwa ke go fiwa hlomphe le go se hlorišwe, go nyenyefatšwa, ga go a swanela gore go be le lehloyo leo le lebišitšwego go dikgaruru tšeo di ka hlolago di kotsi.

7. Batho bohle bana le tokelo ya go ruta bana ba bona go ya ka di tumelo le maikutlo a bona.

7.1. Mmušo le dikolo tša bohle dina le maikabelo a go hlomphe ditokelo tšeo, le go rerišana le batswadi mabapi le ditaba tše di bjale. Batswadi ba ka kgona go ntšha bana ba bona dikolong, goba mananeong ao a sa amogelegego go ya ka ditumelo tša bona.

7.2. Mafapa ohle a thuto a na le tokelo ya go kgetha bodumedi goba mekgwa ye mengwe ya borapedi, se segolo kege seo se dirwa go ya ka teketekano, le boithaopo, le go hloka kgethologanyo ya batho bao ba sego babantšhi.

7.3. Dikolo tšohle tša go ikgetha dina le tokelo ya go gana go ruta dithuto goba mekgwa ya bodumedi ya mehuta e mengwe ntle le ya tumelo ya mohuta wa tšona.

7.4. Batho bohle bana le tokelo ya go hlagiša thuto ya bodumedi le katišo le taelo. Mmušo o ka kgona go ba le thekgo go thuto le katišo le taelo e bjalo.

8. Mafapa ohle a bodumedi a na le tokelo ya tokologo ya bodumedi.

8.1. Lefapa le lengwe le le lengwe la sedumedi le na le tokelo ya :  
(a) go kgetha mekgwa wa lona wa boipobolo le hlomamišo  
(b) boikgethelo bja mekgwa ya borapedi le hlomamišo go ya ka toka le maikarabelo a go laola mešomo, ditirelo le maitshwaro, le go thwala le go koba bašomi le ba ithaopi.

8.2. Mmušo o swanetše go hlomphe maatla a mafapa ohle a bodumedi godimo ga bodumedi bja merero ya ona, ga o a swanela go laola goba go kgetha tšhomelo le hlomamišo.

8.3. Merero ya bohlokwa le di poledišano tša mafapa a bodumedi di swanetše go obamela molao wa naga, gape a swanetše go hlaloša mabaka a go se obamele molao go tšwa go Tšhatara ye.

9. Mmušo o ka dumelela motšhelo, dikabelo le tše dingwe go mokgahlo wa bodumedi go ya ka se molao.

10. & 11. Batho bohle bana le tokelo

ya go tšweletša merero ya bona ya sedumedi, go hlohloetša, go amogela, go laola le go abela le go neela ka boithaopo di tšhelete le dithekgo tša makgetho. Mohuta woo wa go ikgetha, o swanetšwe ke hlomphe.

12. Motho yo mongwe le yo mongwe o na le ditokelo tša bodumedi, le tše dingwe, go ya ka ditumelo tša gagwe ntle le gore o hwetša thego mmušong, goba o hlankela ditumelo tša go fapana, go ikimolla, le go phagamiša, tokelo ya setho setšhabeng le tšhomišo le go kabo ya ditšhelete go morero wo.

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# TUMALANO YA AFRIKA BORWA YA DITSHWANELO TSA BODUMEDI LE KGOLOLO

(E RE KA e fetotswe ka 6th Phatwe le 1st Phalane 2009; Tswana)

## KETAPELE

1. E RE KA batho ba tsetswe ka seriti, le nonofo le letlhoko la go dumela le go rulaganya ditumelo tsa bone ka tumelano ya motheo wa bone wa mekwalo, pono ya tumelo kgotsa ngwao; gape
2. E RE KA nonofo le letlhoko le le laola matshelong a bone gape le tshwanela go sireletsa; gape
3. E RE KA bodumedi jwa tumelo bo kamatlela botshelo jotlhe, go balelwa le lefatshe, le molao motheo o itse gape o sireletsa tshwanelo ya kgololo ya bodumedi ke mokgwa wa botlhokwa mo go siameng go kaela mo boitsalanyong gareng ga lefatshe le ditsamaiso tsa ditirelo tsa bodumedi; gape
4. E RE KA ditsamaiso tsa ditirelo tsa bodumedi dina le tshosologo ya go ipelela go tlotlwa, go sirelediwa le go dirisanya sentle mo molao motheong wa lefatshe ele ditsamaiso tsa ditirelo tse di berekang ka boipuso jwa tsone; gape
5. E RE KA go itsege gore ditshwanelo di pateletsa tiro ya tekano mo mongweng le mongweng mo bathong go tlotla ditshwanelo tsa ba bangwe; gape
6. E RE KA lefatshe ka go busa ditsamaiso tsa ditirelo tsa lone lena le maikarabelo a go etelela sentle, ka

kagelelo leka tshiamo mo dikeletsong tsa mongwe le mongwe mo bathong; gape

7. E RE KA tumelo ya bodumedi e kanna boteng mogo tlhologanyeng tshiamiso, lorato, bopelotlhomogi, methalethale ya ngwao, puso ya batho ka batho, seriti sa motho, tekatekanyo,kgololo, ditshwanelo le maikarabelo, le fela go tlhologanya bomosola jwa batho le boitsalanyi mo matshelong a rona le mo mekgatlhong, gape eka neelana tshiamo e tshwanang; gape

8. E RE KA go itsege le tshireletso e e katlego ya ditshwanelo tsa baagelani ba bodumedi le ditsamaiso tsa tirelo di tlaa nayang moya wa tlotlo bobeding le thebolesego gareng ga batho ba Aferika Borwa.

## JAANONG HE SESELATELANG Tumalano ya Aferika Borwa YA Tetla ya Ditshwanelo tsa Bodumedi le Kgololo e tlhomilwe jaana:

1. Mongwe le mongwe o na le tshwanelo ya go dumela goya ka bodumedi jwa bone kgotsa botlhale bogolo jwa ditumelo kgotsa dikakanyo (go tsweng fa e le dikakanyo) le go tlhopha tumelo epe, ka pono ya selefatshe, bodumedi, kgotsa go duelela tsamaiso ya tirelo ya bodumedi, go inyalana kgotsa gonna leloko go yone.

2. Ga go ope yo a ka patelediwang go dumela, se se dumelwang kgotsa se a sa se dumeleng, kgotsa go dira kgatlhanong le dikakanyo tsa bone.

2.1. Mongwe le mongwe o na le tshwanelo ya go fetola tumelo, bodumedi, dikakanyo kgotsa ditsamaiso tsa ditirelo, kgotsa go tlhama boagelani jwa bodumedi kgotsa tsamaiso ya tirelo.

2.2. Mongwe le mongwe o na le tshwanelo ya go nna le dikakanyo tsa gagwe di akareditswe sentle.

2.3. Mongwe le mongwe o na le tshwanelo ka fa tlase ga dikakanyo tsa gagwe go gana

(a) go diragatsa ditiro dingwe, kgotsa go tsaya karolo kgotsa ka fa eseng ka tlhamalalo go thusa mo, ditirong dingwe, jaaka tse di tshwanang le tsa sesole kgotsa tsa tlholego ya diuthuto kgotsa (b) go ntsha, kgotsa go raya, ditirelo dingwe go balelelwa bongaka kgotsa mogo tsalanengi (go balelelwa tirelo tsa melemo) kgotsa tsamaiso.

2.4. Mongwe le mongwe o na le tshwanelo ya gore dikakanyo tsa gagwe di akarediwe mo go fiweng kgotsa go ganeng go tsaya tlhatlhobo.

2.5. Ga go ope motho yo atlaa gatelelwang mo pateletsong epe kgotsa go pateletswa tumelo e e ka senyang, ya fetola kgotsa ya nnyenyehatsa bodumedi jwa bone, tumelo kgotsa ka pono ya bone ya selefatshe.

3. Mongwe le mongwe o na le tshwanelo ya tshiamo le tshireletso mo lefatsheng ka ntlha ya bodumedi.

3.1. Lefatshe le tshwanetse go dira tikologo e e siameng ye e senang kotsi go diragatsa kgololo ya bodumedi, mme lesa rotloetse, lesa rate kgotsa go patika tumelo, bodumedi, kgotsa kakanyo e e rileng, gape lesa pateletse tumelo go ope mo ntlheng ya bodumedi. Mo go amogeleng polane ya ditlhabololo tsa lefatshe, lefatshe letshwanetse la akanyetsa ditlhoko tsa bodumedi.

3.2. Ga go ope yo a tlaa kgethololwang gole kgatlhanong nae mo go sa siamang ka ntlha ya tumelo, bodumedi, kgotsa go ikamana le bodumedi bongwe. Ka fa tlase ga tiro, ya go fa ka kgopolesego ya kakaretso le botlhokwa jwa go tliša ditirelo tsa botlhokwa, motho mongwe le mongwe o na le tshwanelo ya sephiri kgotsa pepenene, gape ka bo ga gagwe kgotsa pataganelo, tebelelo kgotsa go dira kakanyetso tsa bone, tse di ka akaretsang mme di sa ema fa go baleng le go buisanya ka mekwalo e e boitshepo, ipobolo, go bega, go obamela, go rapela, go fa bosupi, go baakanya, seaparo, ponalo, dijo, ngwao, dipheko le segologolo, gape kelotlhoko e ya bodumedi le gape a mangwe malatsi a boikhutso, meletlo le mekete.

4.1. Mongwe le mongwe o na le tshwanelo ya go tsena mo sephiring kwa mafelong a bone a kobamelo le a diphitlho a a itebaganyeng le dikakanyo tsa tumelo tsa bone. Di tsenelelo tseo le tlhokomelo ya one mafelo a

le ditulo tseo, a tshwanetse gore a bo a letleletswe mo teng ga molao le kgathalo ya ditshwanelo tetla tsa bonno.

4.2. Mongwe le mongwe o na le tshwanelo ya go inyalana le ba bangwe, le go tlhama, go ikopanya le go tshegetsa bodumedi le bokopanelo jo bongwe, ditsamaiso le makoko, go baakanyetsa diphuthago tsa bodumedi le gape ditirelo tse di kopanetsweng, mme ba beye ba bo ba tshegetse mafelo a ba direlang bodumedi gone, bo phepa jo bo tla tlotliwang.

4.3. Mongwe le mongwe o na le tshwanelo ya go buisanya mo teng ga lefatshe le ka kwantle le batho le ditsamaiso, le go tsaya mesepele , go eta, go kopana le go inyalantsha ka botsalano kgotsa go ikopanya nabo.

4.4. Mongwe le mongwe o na le tshwanelo ya go diragatsa tumelo ya bodumedi ka bo gagagwe, a ela tlhoko, dikelotlhoko tseo, dipuisanyo le ditirelo di sala kgotsa ditsamaiso tse di rotloediwang ke lefatshe, fela fa ele gore dikelotlhoko morago melawana e e dirilweng ke tetla tse di siameng tsa batho, di diragadiwa ka tsetlana tse di lolameng, mme ketelo tsa tsona di gololesegile gape di sa patelediwe.

5. Mongwe le mongwe o na le tetla ya go tshegetsa ngwao le ditsamaiso tsa gagwe tsa bodumedi ka bo gagagwe, Lenyalo le molao wa lelwapa tseo di tsamaisanyang le Molao motheo. Tiragatso se molao e e tsamaelanang le Molao motheo e ka dirwa go tsaya tsie nyalo eo e diragaditsweng kafa tlase ga

ngwao, kgotsa tsamaiso ya bodumedi, boga gago, kgotsa molao wa lelwapa, kgotsa tsamaiso tse di tsewang tsie tsa setho le molao wa lelwapa yo o kafa tlase ga ngwao epe, kgotsa o salwa morago ke batho ba ba inyalantseng le bodumedi bongwe.

6. Mongwe le mongwe o na le tshwanelo ya kgololesego ya go bua mo bodumeding.

6.1. Mongwe le mongwe o na le tshwanelo

- (a) go fa mafokopuisanyo a phatlalatsa le go tsaya karolo ga phatlalatsa mo go buisanyeng kakgelo mo legatong la bodumedi,
- (b) go dira, ga kakgelo mo legatong la bodumedi go anamisa le go abela o utlwatsa le ka didiriso tsa bodumedi ka mekwalo ya tse dingwe, gape
- (c) go diragatsa patlisiso ya sekolo le tiro e e itsalanyeng e dumalana le dikakanyo tsa bone.

6.2. Mongwe le mongwe o na le tshwanelo ya go abelana dikakanyo tsa bone le motho yo mongwe yo o letlelelang.

6.3. Nngwe le nngwe tsamaiso bodumedi e na le tshwanelo ya go nna le tselana ya go bona bobega dikgang jwa phatlalatsa jo tselana ya jone e tshwanetseng gore e bo e filwe ka go lekalekana.

6.4. Mongwe le mongwe o na le tshwanelo ya seriti sa bodumedi, se se akaretsang go sa gobadiwa, go sotliwa kgotsa go pateletswa ka ntlha ya tumelo ya bone, bodumedi,

dikakanyo, kgotsa tiro ya bodumedi. Ga go ope yo a tlaa begang kilo e e itsheegileng mo bodumeding, gape e na le tlhotlheletso bosula ya ntwala kgotsa e dira kgobalo ya senama.

7. Mongwe le mongwe o na le tshwanelo ya go ithuta kgotsa go ruta bana ba bone, kgotsa go ba dira gore ba rutiwe, ka fa tseleng e e dumelanang le bodumedi jwa bone kgotsa botlhale bogolo jwa dikakanyo tsa bone.

7.1. Lefatshe, go akarediwa le sekolo sengwe le sengwe sa phatlalatsa, se na le mmereko wa go tlotla tshwanelo e gape le go itsise le go rerisanya le batsadi ka kgang e. Batsadi ba kanna ba ntsha bana ba bone mo metshamekong ya sekolo ya bana ba bone kgotsa mo dithulaganyong tse di farologanyeng le bodumedi jwa bone kgotsa botlhale bogolo jwa dikakanyo tsa bone.

7.2. Nngwe le nngwe ya tsamaiso ya thuto e ka kopa ngwe ya bodumedi kgotsa melawana mengwe, fela fa e diragadiwa mo go siameng, mo kgololesegong, ka tsela e e sa pateleditseng ope gape e sena tlhaolele, gape go tsaya tsie ditshwanelo tsa bao ba ba palo potlana.

7.3. Nngwe le nngwe ya tsamaiso ya sephiri ya dithuto e e simoloditsweng mo ikeegong ya ngwe ya bodumedi, botlhale bogolo, kgotsa tumelo e ka fa bodumedi jwa yone kgotsa dikakanyo dingwe go bana botlhe bao ba ba kwadisitsweng mo go sone, mme se kanna sa gana go rotloetsa, go ruta

kgotsa go diragatsa nngwe fela ya bodumedi kgotsa dikakanyo dingwe tse e seng tsa yone. Bana bao ba ba kwadisitsweng mo tsamaisong eo (kgotsa batsadi ba bone) bao ba sa tsamaisanyeng le bodumedi joo kgotsa dikakanyo tse dingwe tse di diragadiwang mo bo tsamaising joo, ba latlha tshwanenelo ya bone go tsewelela ka go sa tseyeng karolo mo tirelong ya bodumedi tsamaiso joo.

8. Mongwe le mongwe o na le tshwanelo ya go fiwa le go fa thuto ya bodumedi, thutuntsho le kgakololo. Lefatshe le kanna la dirisa thuto eo, thutuntsho kgotsa kgakololo eo.

9. Nngwe le nngwe ya tsamaiso bodumedi e na le tshwanelo ya botsamaisi jo bo gololesegileng.

9.1. Nngwe le nngwe ya botsamaisi bodumedi bo na le tshwanelo ya

- (a) go tlisa pobolo ya jone, dithuto, le dikgolagano,
- (b) go itseela tswetso ka bobone mo dikganyeng tsotlhe mogo tsa dithuto le dikgolagano tsa jone , le

(c) Ka tumelano ya melawana ya kamogelo, bonnete, phuthulogo le maikarabelo go diragatsa maitlamo a yone go balelwa le thulaganyo tsa makalana le tsamaiso, dikgolagano, seemo go direla, go katisa le go koba ga batshwari ba ofisi le maloko, go hira, go baya seemo sa pereko le go koba ga babereki le baithaopi, le go baya tetla tsa boloko.

9.2. Nngwe le nngwe ya bodumedi tsamaiso e tsewa tsie gape e

sirelediwe ele tsamaiso e e nang le tetla mo go tse eleng tsa yone, le gape se lefatsheng, go ya ka bo eteledipele ja ditsamaiso tsa lone, le maikarabelo a lone a go siamisa, go aga le go akaretsa keletso ya mongwe le mongwe ka tshiamo.

9.3. Lefatshe, go balelelwa le boatlhodi, le tshwanetse go tlotla boeteledipele jwa bodumedi tsamaiso bongwe le bongwe mo go tse eleng tsa tsone, mme gape bo seka jwa itshunyatshuna nko mo mererong ya yone kgotsa gape le sa laole kgotsa le gakolola mo dikganyeng tsa dithuto le dikgolaganyo tsa tsone.

9.4. Sephiri sa tsamaiso ya mo teng le puisanyo ya bodumedi tsamaiso e tshwanetse go tlotliwa. Tiholego ya tshono ya bodumedi bonngwe le bongwe jwa puisanyo e e dirilweng ka tsholofelo ya sephiri e tshwanetse gore e tlotliwe fela jaaka tshiamiso e letlelela.

9.5. Nngwe le nngwe ya bodumedi tsamaiso bo kafa tlase ga molao wa lefatshe. Bodumedi tsamaiso bo tshwanetse go tihalosa gore keeng bo sa lebelele molao mongwe mo maduong a tiragatso ya ditshwanelo tsa tumalano e.

10. Lefatshe le kanna la letlelela lekgetho, dineo le thira matshediso mangwe go ngwe le ngwe ya tsamaiso tsa bodumedi eo e amolesegang ele motho yo o e emeletse.

11. Mongwe le mongwe o na le tshwanelo ya, lebaka la bodumedi, le

go tsewedisa maitlamo a bone, go batla, go amogela, go etelela, go fa le go dirisa madi ka tshosologo le mekgwa e mengwe ya dithotoetso le dithuso. Sephiri sa dithuso tseo le thotloetso eo e tshwanetse sa tlotliwa.

12. Mongwe le mongwe o na le tshwanelo mo bodumeding kgotsa mo

*“Ideally in South Africa, all religious organisations and persons concerned with the study of religion would get together and draft a charter of religious rights and responsibilities ... it would be up to the participants themselves to define what they consider to be their fundamental rights.”*

- Albie Sachs, 1990

*Protecting Human Rights in a New South Africa. Contemporary South African Debates.*

Oxford University Press, Cape Town. pp 46 + 47.

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