



UKwazi nokuThathela kuwe iLungelo lakho lokuFumana ukuTya

Uhlelo Iwesibini





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Ngemvume yokwenza iikopi kule ncwadana, nceda uqhagamshelane no:
Trudi Fortuin (tfortuin@uwc.ac.za) okanye
i-Socio-Economic Rights Project (serp@uwc.ac.za)



Community Law Centre
University of the Western Cape
Private Bag X17
Bellville 7535
Inombolo yomNxeba: 021 959 2950
Ifeksi: 021 959 2411

UMBHALI: Sibonile Khoza
UNCEDISO EKUHLELENI: Lilian Chenwi, Siyambonga Heleba
UGUQULO: Bohle Conference and Language Services

UKUVELISWA
UYILO NOKUMISELWA EPHEPHENI: Page Arts cc
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Le ncwadana yensiwe ukuba ibe khona ngenkxaso yezimali evela kwi-Norwegian Embassy nge-Norwegian Centre for Human Rights kunye nenkxaso eyongeziweyo evela kwi-Ford Foundation. Imibono evezwe kule ncwadana ayimelanga izimvo ezisemthethweni ze-Norwegian Embassy zamaLungelo oluNtu okanye i-Ford Foundation.





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1. Intshayelelo



Ukutya yimfuno esisiseko yoluntu. Wonke umntu uyakufuna ukuze aphile. Indlala inokukhokelela ekuswelekeni. Abantu bakwafuna nokutya ukuze baphile ubomi obunempilo nobunokukhuthala. Wonke umntu ufunu ukutya ukuze abe nako ukukhula, ukufunda, ukwenza imisebenzi yomzimba, ukusebenza, kune nokuthabatha inxaxheba kwimisebenzi yentlalo neyopolitiko.

Eabantwaneni ukutya kuyimfuneko ekukhuleni kwabo nasekuvezeni ukuba nako kwabo okupheleleyo. Ukungondleki kuko okubanga ukusweleka kwabantwana abaninzi kuba kuchaphazela ubomi bomntwana, impilo, ukuphila ngokwasemzimbeni

nasengqondweni, kune nokukhula kwakhe. Abantwana abaye bangondleki besebancinane basoloko bengenako ukuzikisa ingqalelo yabo esikolweni kwaye banokungaqhube kakuhle. Baye babenobunzima bokufumana umsebenzi. Xa kukonke, asikufuneli ukuphila kuphela ukutya, kodwa sikufunela ubomi obunempilo nobuvelisayo.

Koko, abantu abaninzi eMzantsi Afrika bayiswele le mfuno isisiseko yoluntu. Ngaphezulu kwe-14 lezigidi zabantu kweli lizwe abakhuselekanga ekufumaneni ukutya – okuthetha ukuba abanako ukutya okulungileyo kokuzondla ngokwabo. Mhlawumbi amanani onyukile ukusukela ekunukeni kwakutsha nje kumaxabiso okutya. Imizi emininzi iye yanyenzeleka ukuba yamkele imikhwa yokutya engekho mpilweni kuba ingakwazi ukufikelela ekufumaneni ukutya okulungileyo. Isimo sibi kakhulu kwimizi ehluphekayo ebisele ihlupheka kakade ukuzondla naphambi kokunyuka kwamaxabiso.

Amanqanaba aphezulu okuhlupheka kune nentswelangqesho zezona zizathu zokungabikho kokhuselo lokufumana ukutya eMzantsi Afrika. Abantu abaninzi abanalo ufikelelo kwiindlela zokuveliswa kokutya, njengomhlaba kune namanzi awoneleyo. Abantu abaninzi abanayo ingeniso engena rhoqo yokuthengela iintsapho zabo ukutya. Abanye babo bahlupheka kakhulu kangangokuba kufuneka bacele kwaye baxhomekeke kwabanye ngokutya, besehlisa isidima sabo.

UMzantsi Afrika uyakuqonda ukabaluleka kokutya. UnoMgaqo-siseko oqinisekisa ngokukhetekileyo ilungelo lokutya okwaneleyo. Koko, eli lungelo lifumene ingqwalasela encinane xa kuthelekswa namanye amalungelo entlalo-qoqoshlo (umzekelo impilo, izindlu namanzi). Bambalwa abantu abaziyo ukuba eli lungelo likhuselwe kuMgaqo-siseko. Abazi kwakhona ukuba lithetha ntoni eli lungelo,





kwaye ungalithathela kuwe kanjani. Nangona ilelinye lamalungelo agxojwayo kakhulu, khange kuke kubekho naliphi na ityala lenkundla ngalo okwango.

Urhulumente akakaphumezi umthetho ngokukhetekileyo kweli lungelo. Koko, uye wamkela imigaqo-nkqubo kunye neenkqubo ezininzi ukuliphumeza. Kubalulekile ukuba abaxhamli beli lungelo, ingakumbi abahluphekayo abaswele ukhuselo lokutya, bazi ngezi nkqubo.

Le nguqulelo ihlaziyiweyo yale ncwadana

- icacisa ukuba lithetha ntoni 'ilungelo lokufumana ukutya'
- icacisa ukuba likhuselwe njani na kuMgaqo-siseko kunye nakumthetho wamazwe ngamazwe
- ichaza izibophelelo ezbeka kurhulumente
- inika ulwazi olumalunga nemigaqo-nkqubo kunye neenkqubo zikarhulumente kunye nokuba ufikelela njani kuzo
- icebisa iindlela nezimo zokunyusa ilungelo lokufumana ukutya.

2. Ngawaphi amalungelo akho okutya kuMgaqo-siseko?

Kukho amacandelo amathathu oMgaqo-siseko akhusela ngokukhetekileyo ilungelo lokufumana ukutya kumaqela awohlukaneyo.

- (a) ICandelo lama-27(1)(b) lixela ukuba wonke umntu unelungelo lokufikelela ekufumaneni ukutya okwaneleyo.
- (b) ICandelo lama-28(1)(c) linika umntwana ngamnye ilungelo lesondlo esisisiseko.
- (c) ICandelo lama-35(2)(e) likhuela ilungelo lomntu ngamnye obanjiweyo kunye nebanjwa isondlo esaneleyo.

Abantwana kunye nabantu abasejele banikwa ukhuselo olukhethetekileyo kuba abanayo iindlela yokuzifumanelo ukutya ngokwabo. Abantwana baxhomekeke kubazali babo (okanye kurhulumente, apho kungekho khathalelo lomzali khona) ngokutya. Ngokunjalo, amabanjwa athembele kurhulumente ngokutya.

Wonke omnye umntu ulindeleke ukuba azifumanele ukutya ngeendlela zakhe. Urhulumente ulindeleke kuphela ukuqinisekisa ukuba okusingqongileyo kufanelekile ukuba abantu babe nofikelelo



3. Lidibana njani ilungelo lakho lokufumana ukutya kunye namanye amalungelo?

Ilungelo lokufumana ukutya lidibana ngokusondeleyo kwamanye amalungelo. Ukuba nokutya etafileni, kufuneka kuqala ubenofikelelo kwezinye izibonelelo kunye neenkonzo ezingundoqo. Ukuze ufumane ukutya, kufuneka ukuvelise ngokwakho ngokulima, ukuloba okanye ukukulungisa, okanye ukuthenga emarikeni.

- Ukuze uvelise ukutya, ufunu, phakathi kwezinye izinto, umhlaba, amanzi kunye nokhuselo ekugxothweni. Ngamanye amagama, kufuneka uwonwabele amalungelo akho kwezi nkono.
- Ukuze uthenge ukutya, kufuneka ubenofikelelo kwiindlela zokurhola imali (umzekelo, ngokusebenza okanye ukuzisebenzela wena okanye iinkxaso zentlalo). Kufuneka ke ngoko uwonwabele amalungelo akho orhwebo, ukusebenza nenkxaso ngokwasentlalweni aqinisekisa ukuba unemali yokuthenga ukutya.
- Ukuze ulobe, kufuneka ubenofikelelo elwandle, kumadama, imilambo nasemachibini.
- Ukuze ube nokutya okulungileyo, kufuneka ubeufundile malunga nexabiso lesondlo sokutya kunye nokuba ukulungisa kwaye ukugcine njani – ilungelo kwimfundoo.
- Ukuba ngaba awutyi, uyakugula, kancinane uphele uze usweleke. Ukutya ke ngoko kudibana ngokusondeleyo kwilungelo lempilo.



Ukongeza, ilungelo lakho kwisidima liyagxojwa ukuba ngaba uba ngumngqibi okanye utye ukutya okusemigqomeni. Ilungelo lakho lokulingana kwaye ungacalulwa liya kugxojwa ukuba ngaba iindlela zakho zokuvelisa ukutya ziyatshatyalaliswa, okanye ukuba uyathintelwa ekuthengeni ukutya kwivenkile ethile phantsi kwemihlabo efana neyohlanga, isini, iminyaka nesini.

Ngoko ke ilungelo lakho lokutya lidityanisa nokonwabela lonke uluhlu lwamalungelo olufana namalungelo kumhlaba, kukhuselo lwezentlalo, urhwebo nokusebenza, amanzi, imfundo, ukhuselo ekugxothweni, ukulingana, isidima nobomi.



4. Likhuselwe njani ilungelo lakho lokuya kumthetho wamazwe ngamazwe?

Ilungelo lakho lokufumana ukuya likhuselwe kumthetho wamazwe ngamazwe. Lifumaneka kwinani lwamaxwebhu amazwe ngamazwe afana nezibhengezo, iingqungquthela, iiprotokoli, uyilo lwezenzo kunye nezikhokelo. Oyena ubaluleke kakhulu sisiVumelwano saMazwe ngamazwe kumaLungelo oQoqosho, aweNtlalo kunye naweNkcubeko sonyaka- 1966 (International Covenant on Economic, Social and Cultural Rights) (ICESCR). UMzantsi Afrika uyisayinile i- ICESCR kodwa wangayamkeli. IGatya le-11 Iwale mvumelwano lifuna urhulumente ukuba aqonde ilungelo labantu elikhoyo lokufumana ukuya okwaneleyo kunye nenkululeko kwindlala, kunye nokuthatha amanyathelo okuyiphumeza.

Intsingiselo yegatya le-11 icacisiwe kwiNqakwana Jikelele (General Comment) le- 12 (1999) le- Komiti yeZiwe eziManyeneyo kumaLungelo oQoqosho, aweNtlalo kunye naweNkcubeko (United Nations Committee on Economic, Social and Cultural Rights) – iqumrhu elihlolupa phunyezo Iwe-ICESCR. INqakwana Jikelele le-12 linika ulwazi oluluncedo

- imisebenzi noxanduva ilungelo lokufumana ukuya elizanayo
- iindlela apho ilungelo lokufumana ukuya linokugxojwa ngazo
- izicwangciso zokuphumeza nokuhlolola ilungelo.



Le miba icacisiwe kamva kule ncwadana.

Ilungelo labantwana kwisondlo likhuselwe kumagatya elama-24 nelama-27 le- Ngqungquthela kumaLungelo abaNtwana yonyaka- 1989 (Convention on the Rights of the Child) (CRC). UMzantsi Afrika uyamkele i-CRC. Amanye amaxwebhu akhusela ilungelo lokufumana ukuya ngexa leembambano zomlo kunye neentlekele zendalo kunye naxa kusetyenzwa ngeembacu.

Ilungelo lokufumana ukuya licacisiwe ngokungaphaya kwiziKhokelo zokuziThandela ekuPhunyezweni okuQhubekayo kweLungelo IokuFumana ukuTya oKwaneleyo ngokweMo yeSizwe (Voluntary Guidelines on the Progressive Realisation of the Right to Adequate Food in the National Context) (Voluntary Guidelines). Ezi zikhokelo zamkelwa ngo-2004 ngamazwe angamalungu e-Food and Agriculture Organisation ukuze anike ingcaciso yokuba eli lungelo lingaphunyezwa njani na ngokusebenzayo. Amazwe anokuzisebenzisa ezi zikhokelo ukuphuhlisa imigaqo-nkqubo kunye neenkqubo ezifanelekileyo zokuphumeza ilungelo kwimimandla yawo. Kwingxelo eyamkelwa





yiKomiti ngowe-16 Meyi 2008, iKomiti yabongoza amazwe ukuba alungise oonobangela bombhodamo wokutya kwihiabathi kutsha nje ngokusebenzisa nokunyanza iziKhokelo zokuziThandela.

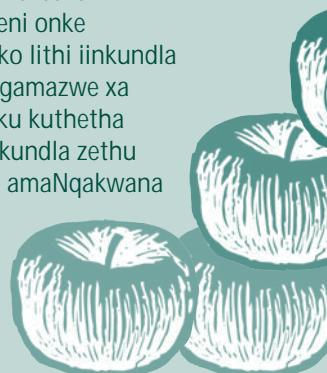
Ilungelo lokufumana ukutya alikhankanywa ngokucacileyo kwiTshata ye-Afrika kumaLungelo abaNtu kanye noluNtu- 1981 (yiTshatha ye-Afrika) (African Charter on Peoples' and Human Rights). UMzantsi Afrika ulwamkele olu vumelwano. Koko, iKomishoni ye-Afrika kumaLungelo aBantu kanye noluNtu (African Commission on Peoples' and Human Rights) – iqumrhu elihlolola ukuphunyezwa kweTshatha ye-Afrika – yathi ukuba ilungelo lokufumana ukutya likhuselwe ngokungathandabuzekiyo yiTshatha ye-Afrika ngokufundwa okudityanisiwego kwamalungelo kubomi, impilo nophuhliso. Esi sigqibo sathathwa kwityala-*Social and Economic Rights Action Centre and the Centre for Economic and Social Rights v the Government of Nigeria* (Communication No 155/96, 2001 AHRLR 60). IKomishoni ye-Afrika yafumanisa ukuba i-Nigeria igxobhe ilungelo lokufumana ukutya ngokusilela ukuthintela ungciliseko lokusingqongileyo kwiinkampani ze-oli kanye nokuvumela abasebenzi bayo basemkhosini ukuba batshabalalise izilimo kanye nezilwanyana zasefama zoluntu Iwama-Ogoni.

Esi sigqibo sithetha ukuba ngoku ungabanga ilungelo lokufumana ukutya phantsi kweTshatha ye-Afrika.

5. Kutheni ubalulekile kuwe umthetho wamazwe ngamazwe?

Zithathu izizathu zokuba kutheni ubalulekile kuwe umthetho wamazwe ngamazwe ngokunxulumene nelungelo lokufumana ukutya. Okokuqala, umthetho wamazwe ngamazwe udlale indima engundoqo ekuyileni uMgaqo-siseki woMzantsi Afrika. Kukho inani lamalungelo kuMqulu wamaLungelo afanayo nalawo afunyanwa kwiimvumelwano zamazwe ngamazwe. Ilungelo lokufumana ukutya lelinye nje lawo.

Okwesibini, uMgaqo-siseko wethu nawo unika umthetho wamazwe ngamazwe indima ekhethekileyo ekutolikeni onke amalungelo akuwo. ICandelo lama-39 loMgaqo-siseko lithi iinkundla zethu mazithathele ingqalelo umthetho wamazwe ngamazwe xa zitolika onke amalungelo kuMqulu wamaLungelo. Oku kuthetha ukuba xa kutolikwa ilungelo lokufumana ukutya, iinkundla zethu zinyanzelekile ukuba zithathele ingqalelo, umzekelo, amaNqakwana





Jikelele e-12. Kukwathetha nokuba urhulumente kufuneka athathele ingqalelo iziKhokelo zokuziTThandela kunye namanye amaxwebhu xa kusenziwa imigaqo-nkqubo ephathelene nelungelo lokufumana ukutya.

Okwesithathu, nangona uMzantsi Afrika ungekayamkeli i-ICESCR, into yokuba ulusayinile uxwebhu ithetha ukuba uzibophelele ekuphumezeni amalungelo akulo. Ukongeza, njengoko kuxeliwe ngasentla, uMzantsi Afrika uwaqinisekisile amanye amaxwebhu akhusela ilungelo lakho lokufumana ukutya. Oku kuthetha ukuba uMzantsi Afrika unomsebenzi wamazwe namazwe wokuqinsekisa ukuba amalungelo abantwana kwisondlo ayaphunyezwa.

Inqaku elibalulekileyo

Ukuba ngaba awazi ukuba ilungelo lakho lokufumana ukutya lithetha ntoni kwaye yintoni ekufuneka urhulumente woMzantsi Afrika ayenze ukuliphumeza, ungfunda amaNqakwana Jikelele e-12 kunye neziKhokelo zokuziTThandela.

6. Lithetha ntoni ilungelo lokufumana ukutya okwaneleyo?

Ukuze uqonde ukuba lithetha ntoni ilungelo lokufumana ukutya eMzantsi Afrika, sisebenzisa kakhulu (kodwa hayi kuphela) amaNqakwana Jikelele e-12, kunye neziKhokelo zokuziTThandela kunye nezigqibo zeenkundla zethu kwamanye amalungelo angundoqo entlalo-qoqoshlo.

Ukuze uliqonde eli lungelo , kufuneka kuqala uqonde umahluko phakathi kwe-'sisa' kunye ne 'lungelo': Isisa sibandakanya ububele. Umniki wesisa akanaso isibophelelo sokunika kwaye umamkeli akanalungelo koko akunikwayo. Ngoko ke indlela yesisa yokufumana ukutya ithetha ukuba abantu abalambileyo ngabamkeli beepasile zokutya okanye ikhesi yokutya kurhulumente, amaqela asekuhlaleni nakubantu ngokweziqo zabo. Ngamanye amagama, abaniki bokutya abanyanzelekanga ukuba bakunike. Oku kwehlisa isidima sabamkeli bokutya.





Ngokwahlukileyo, ilungelo yinto onelungelo layo ngokulula nje ngenxa yokuba ungumntu. Inokunyanzelwa ngokusemthethweni. Xa kusithiwa wonke umntu unelungelo lokufumana ukutya, kuthetha ukuba urhulumente unesibophelelo sokunkika abalambileyo ukutya kunye nabo bangenalo ukhuselo ngokokutya. Ukuqonda ukutya njengelungelo kunesiphumo sokubuyisela intlonipho kunye nesidima sabahluphekayo, abo banokuba bafumana iipasile zokutya. Oku kunjalo kuba banelungelo lokufumana ukutya okunjalo njengelungelo. Ukuqonda eli lungelo kukwanceda ukuphelisa umbono wokuba ukungabikho kokhuselo lokutya kubangwa ngabantu ngokwabo (ngaphandle kweentlekele zendalo). Ngoko ke kuqala kwisindululo esisiseko sokuba akukho sikweni ukuba urhulumente angenzi nto xa abantu bakhe besifa yindlala nakukungondleki.

Yiloo nto ilungelo lokufumana ukutya limisela izibophelelo kurhulumente ukuqinisekisa ukuba unalo ufikelelo ekufumaneni ukutya maxa onke ngeendlela ezizezakho okanye, ukuba ngaba awunako ukuzifumanela ngokwakho ukutya, ngoncedo oluvela kurhulumente.

Ilungelo lokufumana ukutya liphunyezwxa indoda, owasetyhini kunye nomntwana ngamnye, eyedwa okanye bekunye, enofikelelo ngokwasemzimbeni kunye nangoqoqosho maxa onke ekufumaneni ukutya okwaneleyo okanye indlela yokufumana ukutya. Eli lungelo linokuchazwa kwakhona ngokokhuselo lokutya. Ukhuselo lokutya lubakhona xa bonke abantu, maxa onke, banokufumana ukutya okwaneleyo kohlobo oluchanekileyo nobulunga ukuze baphile ubomi obunenkuthalo nobunempilo.

Ilungelo lokufumana ukutya linemiba engundoqo emininzi: ukutya kufuneka *kwanele*, *kufikeleleke*, *kufumanekayaye kusoloko kukhona*.

UKwanela

Uyakuqaphela ukuba uMgaqo-siseko wethu usebenzisa amagama awohlukaneyo xa uchaza ilungelo lokutya. Uyatsho ukuba wonke umntu unelungelo lokufikelela 'ekufumaneni ukutya okwaneleyo', umntwana ngamnye unelungelo kwi 'sondlo esisisiseko' kwaye umntu ngamnye obanjiweyo kunye nebanjwa banelungelo 'kwisondlo esoneleyo'. Akukho mahluko ubalulekileyo phakathi kwamagama 'ukwanela', 'isiseko', kunye noku'lingeneyo. Onke ngokulula athetha ukuba kufuneka ukuba kubekho ukutya okwaneleyo.

'UKwanela' kuthetha ukuba kufuneka ubenofikelelo ekufumaneni ukutya





- okwaneleyo okuya kunqanda ukuba ulambe
- okugcwele izindlo ngobulunga – okunomxube ofanelekileyo weekhalori, iprotheni, amafutha, iiminerali neevithamini ukunyusa isondlo esiza kukwenza ube sempilweni kwaye siqinisekise ukuba unobomi obukhutheleyo, obunempilo nobunesidima
- okukhuselekileyo okungenazinto ziyingozi. Umzekelo, ukutya okuvela emggomeni wenkunkuma, okanye ukutya okuphelelweyo okanye obekungagcinwanga efrijini (ebekufanele ukuba kugcinwe khona) ngeke kube kusakhuselekile. Kunokuba yingozi kakhulu kwimpilo yakho kwaye kude kwenzakalise ubomi bakho.
- Okwamkelekileyo kumaqela enkolo nenkcubeko. Umzekelo, ukutya okungeyo-halaal akwamkelekanga kuluntu lwaMasilamsi.

Ukufikeleleka

'Ukufikeleleka' kuthetha ukuba kufuneka cube lula ukukufumana ukutya.

- Kufuneka kufikeleleke ngokwasemzimbeni. Oku kuthetha ukuba kufuneka cube lapho kufikelela khona abantu maxa onke. Umzekelo, ukugxotha abantu kumhlaba ebebeqhele ukovelisa kuwo ukutya kwaye ubenze bahlale kwindawo ekude kubathintela ufilelelo ekufumaneni ukutya ngokwasemzimbeni. Urhulumente kufuneka kwakhona aqinisekise ukuba amaqela angakhuselekanga afana namaxhoba eempixano okanye eentlekele zendalo okanye ezinyi iintlekele, iimbacu, abantu ababanjiweyo kanye namabanjwa banalo ufilelelo ngokwasemzimbeni ekufumaneni ukutya.
- Ukutya kufuneka kufikeleleke (okanye kufikeleleke ngokwezoqoqosho). Oku kuthetha ukuba makwenziwe umzamo ngamnye wokugcina amaxabiso okutya efileleka kumtu wonke, ingakumbi kwabo bahluphekayo. Ngenxa yokonyuka kwamaxabiso okutya kwakutsha nje, abantu abaninzi abasakwazi ukufikelela nasekufumaneni ukutya okusisiseko kwaye basemngciphekweni wokwamkela imikhwa embi yokutya eya kuchaphazela kakubi impilo yabo kwaye ifake engozini ubomi babo.

Okufumanekayo nokusoloko kukhona

'Okufumanekayo' kuthetha ukuba kufuneka kubekho ukutya okwaneleyo kokondla bonke abemi. Kumazwe amaninzi, kuqukwanoMzantsi Afrika, kuye kwakho ukunqongophala kokutya ngenxa yokuwa kwakutsha nje kwemali-mboleko.



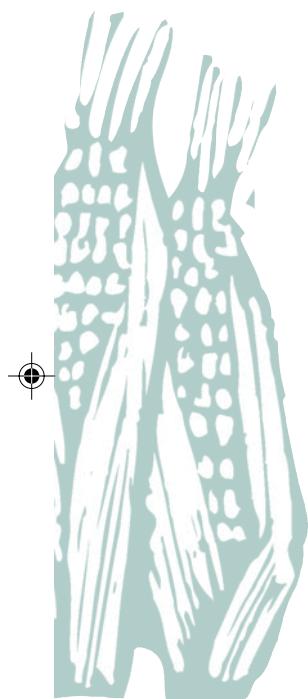


7. Zeziphi izibophelelo nemisebenzi ebekwa leli lungelo?

Uxanduva Iwakho (yintoni ekufuneka uyenze?)

Okokuqala, unoxanduva lokondla wena kanye nosapho Iwakho ngeendlela zakho. Akukho umntu ovumelekileyo ukuba aphazamisane neendlela zakho zokuzibonelela ngokutya. Abazali banoxanduva lokunika abantwana babo ukuya.

Urhulumente unesibophelelo sokuqinisekisa ukuba kuyenzeka ukuba uzondle wena ngeendlela ezizezakho. Umzekelo, unokuwisa imithetho ekhusela wena kanye nabanina ophazamisana neendlela zakho zokuvelia ukuya. Kuphela kuxa ungenako ukuzibonelela ngokutya (okanye kubantwana bakho, ukuba ungumzali) apha urhulumente anyanzelekileyo ukuba anike uncedo.



Izibophelelo zikarhulumente (yintoni ekufuneka ayenze urhulumente?)

UMgaqo-siseko wethu umisela intlu ezimbini zezibophelelo kurhulumente. Okokuqala, icandelo le-7(2) lixela ukuba urhulumente kufuneka ahloniphe, anyuse, akhusese kwaye azalisekise onke amalungelo akuMqulu wamaLungelo, kuqukwu nelungelo ekufumaneni ukuya. Okwesibini, icandelo lama-27(2) limisela isibophelelo kurhulumente ukuba athathe *amanyathelo omthetho kanye namanye amanyathelo* afanelekileyo, kwizibonelelo ezifumanekayo, ukuze aphumeze ilungelo lokufikelela ekufumanenii ukuya okwaneleyo ngokuqhubeckayo (ngokuhamba kwexesha elithile).

Ezi zibophelelo ziyangenana kwaye zidibene. Isibophelelo sokuthatha *amanyathelo omthetho* sithetha ukuba urhulumente kufuneka awise imithetho yokukhusela abantu kwizenzo zabanye (jinkampani okanye abantu beziziq) abema endleleni yokufikelela ekufumaneni ukuya. Isibophelelo sokuthatha amanye amanyathetho sithetha ukuba urhulumente unomsebenzi wokwamkela imigaqonkubo kanye neenkubo eziya kuxhasa kwaye ziphumeze (zizalisekise) ufikelelo ekufumaneni ukuya. *Ukuthatha amanye amanyathetho* kunokuthetha kwakhona ukuba urhulumente





makaphakamise ukuqonda okumalunga (*ukunyusa*) nelungelo lokufumana ukutya kanye neenkubo azamkeleyo ukuphumeza eli lungelo.

Ngokushwankathela, zonke ezi zibophelelo ngokulula nje zithetha ukuba urhulumente unesibophelelo sokuthatha amanyathelo okuinisekisa ukuba

- ukutya okwaneleyo kuyafumaneka
- ukutya kuyafikeleka
- ukutya kwanele, kuhuselekile kwaye kwamkelekile.

Yintoni ekufuneka yenziwe ngurhulumente ukuqinisekisa ukuba ukutya okwaneleyo kuyafumaneka?

- Kufuneka, kuqala, abonelele ngokusingqongileyo okunceda amafama ukuba avelise ukutya okwaneleyo.
- Kufuneka kwakhona alawule ukungeniswa ngaphakathi elizweni nokuthunyelwa kumazwe angaphandle kokutya, ingakumbi xa kukho umngcipheko wokungabi nako ukutya okwaneleyo.
- Kufuneka aqinisekise ukuba abantu banako ukusebeniza izibonelelo zendalo ezifana nomhlaba kanye namanzi maxa onke ukuelisa ukutya.
- Kufuneka ahlole ukueliswa kanye nonikezo lokutya ukuze singanikezeli ngokutya kwamanye amazwe xa sikumngcipheko wokungabi nako ukutya okwaneleyo elizweni.



Yintoni ekufuneka yenziwe ngurhulumente ukuqinisekisa ukuba ukutya okufumanekayo kuyafikeleka?

- Kufuneka aqinisekise ukuba akukho bani ovinjwa iindlela zokuvelisa ukutya ezifana nomhlaba namanzi. Urhulumente unokuwisa imithetho ekhusela abantu ekubeni bagxothwe kwimihlabo yabo okanye kumakhaya abo abawasebenisela ukuelisa ukutya.
- Kufuneka athathe amanyathelo okwenza ukuba abantu babe nako ukuzivelisela ngokwabo ukutya. Unokuxhasa abalimi abasakhasayo ngokubanika ufikelelo emhlabeni, iinkxaso kanye noqeqesho kwezolimo kwaye unokukhuthaza ukulimela ukuphila ngokuxhasa uluntu ngezitiya zokutya kanye nezitiya zokutya





zemizi. Kufuneka kwakhona athathe amanyathelo akhawulezileyo, ngokwakhe okanye ngoncedo lwamazwe ngamazwe, ukuqinisekisa ukuba akukho namnye olambileyo ngokunika uncedo oluzondelele amalungelo abantu kumntu wonke (ngekheshi okanye ububele) ngokufanelekileyo kwaye ngaphandle kokucalula.

- Kufuneka athathe amanyathelo okuqinisekisa ukuba akukho namnye ozama ukufikelela ekufumaneni ukutya ucalulwayo ngenxa yohlanga, isini, ubuzwe okanye ngokuba kumbutho othile wezopolitiko. Akufunekanga uvijnwe ukutya kuba umnyama, ungowasetyhini okanye ungummi wangaphandle okanye ngenxa yokuba ukwiqela lezopolitiko eliphikisayo. Urhulumente unokuwisa imithetho eyenza ukuba kungabikho mthethweni (ingakumbi iinkampani zokutya) ukucalula amaqela athile.
- Kufuneka aqinisekise ukuba ukutya akubizi kakhulu kubantu abaqhelekileyo. Unokulawula amaxabiso okutya okusiseko, akhuphe irhafu yentengo yokutya okusiseko okunjalo, axhase ukuveliswa kwako okanye avelise ulawulo lwamaxabiso.
- Apho abantu bangenako ukuthenga okanye ukuvelisa ukutya ngokwabo, urhulumente kufuneka athathe amanyathelo okubanceda ngqo. Aba bantu banokuba bangamaxhoba eentlekele zendalo okanye ezinye iintlekele okanye abantwana okanye abazali abangenako ukuzondla bona okanye abangayifumaniyo imisebenzi okanye abahlupheke kakhulu ukuba babe nokutya. Urhulumente unokunika uncedo ngqo ngokubanika imali (iinkxaso zentlalo), ivawutsha (izitampu zokutya) ukuba bathenge ukutya okanye iipasile zokutya.

Yintoni emayenziwe ngurhulumente ukuqinisekisa ukuba ukutya okukhoyo kwanele, kukhuselekile kwaye kwamkelekile?

- Kufuneka aqinisekise ukuba ukutya okuveliswayo kunongqinelwano oluchanekileyo lweekhalori, iiprotheni, amafutha, iiminerali neevithamini ukuqinisekisa ukuba abantu baphila ubomi obunempilo nobunesidima.
- Kufuneka aveze imigangatho esisiseko yokuvelisa, ukulungisa nokugcina ukutya ukuqinisekisa ukhuseleko lokutya, kwaye kufuneka enze ukuba yaziwe loo migangatho luluntu kunye neen kampani zokutya. Umzekelo, iinkampani zokutya kufuneka ziphawule umhla wokuphelelwya ngokucacileyo kwizinto zokutya kwaye zisuse ukutya okuphelelwego kwiishelufa zeevenkile.





- Kufuneka amisele iindlela zokuhlol a ukukhuseleka nexabiso lesondlo sokutya.

Ukusilela kukarhulumente ukwenza ezi zinto kungakhokelela ekugxojweni kwelungelo lokufumana ukutya

Imisebenzi yecandelo labucala (yintoni emayenziwe okanye ingenziwa licandelo labucala?)

abantu abaninzi namhlanje bahlala kwimimandla yasezidolophini kwaye abaziveliseli ukutya okukokwabo. Bakuthenga kwiinkampani. Ngoko ke umsebenzi wokuqinisekisa ukuba ukhuselo lokutya ngeke uyekelwe ngokupheleleyo kurhulumente. Amafama, abenzi nabathengisi banendima enku lu ekufuneka bayidlale.

Urhulumente ngokulula nje ulawula uveliso nokuhanjisa kokutya ukuqinisekisa ukuba kukho ukutya okwaneleyo kumntu wonke maxa onke ngokwenza imithetho kune nemigaqo-nkqubo emalunga nokutya. Kufuneka kwakhona alawule ukuziphatha kweenkampani zokutya. Abenzi kune nabathengisi kufuneka bayilandele kwaye bayisebenzise le mithetho kune nemigaqo-nkqubo. Umzekelo, kufuneka bangahlangani basebenze kune okanye basebenzise izenzo zoshishino ezenza ukuba amaxabiso okutya onyuke. Mabanike ukutya okungenzakalisi impilo yabantu.

Ezinye iinkampani (ezifana neenkampani ze-oli) kufuneka zingangcolisi ukutya okanye imithombo yokuvvelisa ukutya.

8. Lingagxojwa njani ilungelo lakho lokufumana ukutya?

Jikelele, ilungelo lakho lokufumana ukutya ligxojwa ukuba ngaba urhulumente akaphumeleli ukuqinisekisa ukuba ukutya kuyafumaneka, kuyafikeleka, kwanele kwaye kwamkelekile. Ukuba ngaba awukwazi ukufikelela ekufumaneni ukutya ngenxa yokuba urhulumente engaphumelelanga ukuzalisekisa imisebenzi yakhe, ungaphikisana naye ekubeni urhulumente ugxbhe ilungelo lakho lokufumana ukutya.





Ukugxojwa njengokusilela ekubeni kubekho into eyenziwayo



Ukuphendula kumbhodamo wamaxabiso okutya elizwe, iKomiti ye-UN. kumaLungelo oQoqosh, ezeNtlalo kanye naweNkcubeko (UN Committee on Economic, Social and Cultural Rights) yakhupha ingxelo ngoMeyi ka-2008. Yathi umbhodamo okhoyo ngoku wokufumana ukutya umele ukusilela ekuhlangabezaneni nesibophelelo sokuginisekisa ulwabiwo olulinganayo lonikezo lokutya ngokunxulumene nemfuno. Ubunzima bokufumana ukutya bukwabonakalisa ukungaphumeleli kwemigaqo-nkqubo yesizwe neyamazwe ngamazwe yokuqinisekisa ufikelelo ngokwasemzimbeni kanye nangoqoqosho lokufumana ukutya kwabo bonke.

Koko, ayiyiyo yonke intsilelo yokuqinisekisa ukuhuselo lokutya esisiphosiso sikarhulumente. Umzekelo, ukungakhusela kokutya kunokubangwa ziintlekele zendalo ezifana nendlala okanye imbalela, okanye yimarike yokutya yehlabathi (njengamaxabiso anyukayo okutya angoku). Kwiimeko ezzinjalo, urhulumente kulindeleke ukuba ancede abantu abachatshazelwe kakhulu zezi zehlo. Urhulumente ugxboba amalungelo aba bantu okufumana ukutya ukuba ngaba akaluniki uncedo olunjalo.

Imizekelo yokugxojwa kwelungelo lokufumana ukutya
Urhulumente ugxboba ilungelo lakho ukuba

- *akalihlonipi ilungelo lakho:* Urhulumente uphazamisana nokufikelela kwakho ekufumaneni ukutya ukuba ngaba uyakugxotha kumhlaba owusebenzisela ukuvelisa ukutya, kuba wenza njalo urhulumente kubantu abamnyama ngexa localulo. Omnye umzekelo kuxa urhulumente eyeka ukuhlawula inkxaso yakho yezentlalo ngaphandle kokunika isizathu esifanelekileyo.
- *Akalikhusheli ilungelo lakho:* Urhulumente ugxboba ilungelo lakhe lokukhusela wena ukuba ngaba akathathi amanyathelo okuthintela abanye ekuphazamisaneni nokufikelela kwakho ekufumaneni ukutya. Oku kunokwenzeka ukuba, ngokomzekelo, akakukhuseli kwiinkampani ezinkulu ezilahla izinto ezinobungozi kummandla wakho kwaye zingcolise amanzi owasebenzisela ukuvelisa ukutya.





- *Akalinyusi ilungelo lakho*: Urhulumente ugxobha lo msebenzi ukuba ngaba akaniki ulwazi olumalunga neenqubo esele zikhona zokutya kwaye onokufaneleka ukuba uxhamle kuzo.
 - *Akaquzeleli ufilelelo lokufumana ukutya*: Urhulumente uyawugxobha lo msebenzi ukuba ngaba uyasilela ukunika imo engqongileyo evumayo yokuba abantu babe nofilelelo ekufumaneni ukutya. Umzekelo kuxa kungekho nto ayenzayo ukunciphisa iimpembelelo zamaxabiso anyukayo okutya kwabahluphekayo (njengokuba, ukuba ngaba akayikhuphi irhafu yentengo yokutya okuthile)
 - *Akaboneleli ngokutya*: Urhulumente unokuba ugxobha esi sibophelelo ukuba uyasilela ukunceda ngqo abo bangenako ukuzondla ngokwabo okanye jikelele bangakhuselekanga ekufumaneni ukutya. Umzekelo kuxa engancedi aba bachatshazelwe ziintlekele zendalo okanye bangenalo ukhuselo lokutya jikelele.
 - *Inqubo okanye umgaqo-nkqubo wakhe wokutya ucalula okanye ukhuphela ngaphandle amaqela*: Urhulumente ugxobha ilungelo lokufumana ukutya ukuba ngaba iinkqubo zakhe zokutya zicalula iqela labantu ngokwesiseko sobuhlanga, isini, ubuzwe okanye ukuba kumbutho wezopolitiko othile, okanye ukuba ukhuphela ngaphandle abantu ingakumbi abangakhuselekanga.



9. Yeyiphi imithetho eyenza ukuba lisebenze ilungelo lokufumana ukutya?

Ngo-2002, urhulumente waqala ukuyila umthetho omtsha wokulawula nokulungelelanisa ukhuselo lokutyu lwezizwe. Koko, akukho nkaubela ingako yenziveyo ukuza kuthi ga ngoku.

Imiba yelungelo lokufumana ukutya okwangoku ikhuselwe ngamacandelo emithetho eyahlukeneyo.

- Ukugxothwa: ImiThetho emininzi ikhusela abantu ekubeni bagxothwe. Le mitetho ibavumela ukuba bahlale apho bakhoyo kwaye baqhube besebenzisa umhlaba ukuze bavelise ukutya, okanye baqinisekise ukuba akukho mntu ubanqandayo, ngaphandle kwesizathu, ekusebenziseni ulwandle ukuloba. Iquka:
 - UTshintsho loMhlaba (kubaQeshi Mhlaba) umThetho wesi-3 ka-1996 [Land Reform (Labour Tenants) Act 3 of 1996]
 - UmThetho wokoLulwa koKhuselo IweNgqesho wama-62 ka-1997 [Extension of Security of Tenure Act 62 of 1997]





- o UmThetho wokuThintelwa kokuGxothwa okungekho mThethweni kune nokuHlaliwa eMhlabeni ngokungeKho mThethweni we-19 ka-1998 [Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998]
- o UmThetho wemiThombo ePhila eLwandle we-18 ka-1998 [Marine Living Resources Act 18 of 1998] (ukhusela amalungelo okuloba omlobi)
Le mithetho ifuna ukuba inkundla ithathele ingqalelo into yokuba umntu usebenzisa umhlabia ukuvelisa ukutya xa isenza isigqibo sokuba iwunike okanye ingawuniки umyalelo wokugxotha.
- Inkxaso ngokwezentlalo: UmThetho woNcedo ngokwezeNtlalo we-13 ka-2004 ulawula ulungiselelo Iweenxaso zentlalo kumaqela athile abantu (abadala, abantwana kune namaxhoba entlekele zendalo okanye ubunzima bexesha elifutshane). UmThetho ujoliswe ekuqinisekiseni ukuba abantu abahluphekayo okanye abo basongelwa ngumbhodamo wokutya banofikelelo ekufumaneni ukutya.

10. Yeyiphi imigaqo-nkqubo kune neenkqubo ezenza kusebenze ilungelo lakho lokufikelela ekufumaneni ukutya?



Umgao-nkqubo karhulumente ongundoqo ngoweSicwangciso soKhuselo oluHlanganisiweyo lokuTya soMzantsi Afrika (Integrated Food Security Strategy for South Africa), 2002 (IFSS). Lo mgaqo-nkqubo ujolise ekuqinisekiseni ukuba wonke umntu eMzantsi Afrika unofikelelo ekufumaneni ukutya maxa onke. Ukwajolise ekupumezeni enye yeeNjongo zoPhuhliso zeSigaba seXesha leWaka leMinyaka (Millennium Development Goals): ukwehlisa indlala, ukungondleki kune nokungakhuseleki kokutya ngesiqingatha ngo-2015.

Urhulumente umisele inani leenkqubo ukuze aphumeze iinjongo ze-IFSS. Ezi nkqubo zizalisekisa imiba eyahlukeneyo yezibophelelo ezimiselwe lilungelo lokufumana ukutya.



linkqubo eziqquzelela ukufikelela ekufumaneni ukutya

Ezi zinkqubo zikarhulumente ezenza ukubaabantu babe nalo
ufikelelo kwizibonelelo ukuze bavelise okanye bathenge ukutya.

Nkqubo	Yintoni eyenzayo	Ufikelela njani kuyo
UKwabiwa ngokuTsha koMhlaba kusenzelwa uPhuhliso IwezoLimo (Land Redistribution for Agricultural Development) (LRAD)	Inika uncedo Iwemali kubalimi abasakhasayo abavela kumaqela abamNyama, abeBala, kunye namaNdiya ukuba bathenge umhlaba okanye izixhobo ngeenjongo zezolimo.	Kufuneka ufake imali (ubuncinane bama-5 000), ipropati, imfuyo okanye umsebenzi ukuze ufikelele kwinkxaso ye-LRAD.Qhagamshelana neSebe leMicimbi yeMihlaba.
liNkubo zeMisebenzi kaRhulumente eziSekelwe kuluNtu	Idala imisebenzi ngokubandakanya uluntu kwiinkqubo zemisebenzi karhulumente ukuba barhole imali yokuthenga ukutya.	Qhagamshelana neSebe leMisebenzi kaRhulumente.
INkubo yesiQabu kubuHlwempu	Amasebe amaninzi ayayisebenzisa le nkqubo kumacandelo awo akhethekileyo. Umzekelo, iSebe lezeNzululwazi nobuChwepheshe lineprojekithi ye-agro-processing. Ezi nkqubo zesebe zidala imisebenzi, kwaye ziphuhlise izakhono, kuluntu.	Ezi nkqubo zijoliswe kubantu abasebatsha, abasetyhini kunye nabantu abakhubazekileyo.Qhagamshelana neSebe loPhuhliso IweNtlalo kwiNombolo yalo engahlawulelwayo engu, 0800 601011, okanye amanye amasebe ngolwazi oluthe vetshe ngeenkqubo zawo zesiqabu kubuhlwempu kunye nokuba ufikelela njani kuzo.





linkqubo ezinika uncedo ngqo ngofikelelo ekufumaneni ukutya

INkqubo	Yintoni eyenzayo	Ufikelela njani kuyo
Isikim sokoNdla kwiziKolo zamaBanga aPhantsi seNkqubo yezoNdlo yeziKolo	Ixhasa ngokutya kubantwana kwizikolo zamabanga aphantsi ezikhethiweyo kwimandla ethwaxwa yndlala.	Izikolo zifaka izicelo kwiSebe lezeMfundu ukuze zixhaswe kule nkqubo. Izikolo zamabanga aPhakamileyo nazo zinokufaka izicelo
Isikim sokungoNdleki samaNdla eProteni seNkqubo eHlanganisiweyo yeSondlo	Ibonelela izibhedlele kunye neekliniki ngezongezi zesondlo ukuze kulungiswe kwaye kuthintelwe ukungondleki. Umzekelo, iimveku, abantwana kunye noomama beemveku ezsanda kuzalwa bafumana uVithamini kwiikliniki.	Yiya kwikliniki yakho yempilo yengingqi.
linkxaso zasentlalweni zeNkqubo yoNcedo kwezeNtlalo	Inika abantwana imali (inkxaso yemali yabantwana), abadala (umhlaphantsi), abantu abakhubazekileyo (inkxaso yokukhubazeka), abantwana abalondolozwe ngomnye umzali (inkxaso yokhathalelo lomntwana olondolozwe ngomnye umzali) kunye namaggala emfazwe. Kukwakho kwakhona nenkxaso yenkwaleko kubantu abajongene nobunzima bexesha elifutshane. Ezi nkxaso, ezinikwa iinyanga ezintathu, zenza ukuba abantu babe nako ukuthenga ukutya.	Ezi nkxaso (ngaphandle kweyokhathalelo lokulondoloza umntwana kunye neenkxaso zenkwaleko) zivavanyelwe ukuba nako kwakho, okuthetha ukuba kufuneka ukuba ube nengeniso ethile okanye, kwimeko yomhlaphantsi wobudala, ube ngaphezulu kweminyaka ethile (60).Ohagamshelana neSebe loPhuhliso IweNtlalo kwiNombolo yalo engahlawulelwayo engu: 0800 601011





linkqubo ezinyusa ufikelelo ekufumaneni ukutya

Le nkqubo ifundisa kwaye yazisa ngexabiso lesondlo kunye nokhuseleko lokutya.

INkqubo	Into eyenzayo	Ufikelela njani kuyo
INkqubo yeSondlo eSekelwe kuluNtu	Ijolise ekoluleni ukhuselo lokutya ngokuphucula ulwazi olumalunga nesondlo, ukuxhasa ukhathalelo Iwabasetyhini kunye nabantwana kunye nokunyusa okusingqongileyo okunempilo.	Qhagamshelana neSebe lezeMpilo okanye ikliniki yengingqi.

11. Ulibanga kwaye ulikhusele njani ilungelo lakho lokufumana ukutya?

Ungalibanga ilungelo lakho lokufumana ukutya ngokufikelela kwiinkqubo eseze zikhona kunye nokusa urhulumente enkundleni xa ucinga ukuba ilungelo ligxojiwe. Ungaquinisekisa ukuba urhulumente uyalihlonipha kwaye eliphumeza eli lungelo ngokuthabatha inxaxheba ekwenziweni komthetho nakuphuhliso lomgaqo-nkqubo. Ungalinyusa ilungelo lokufumana ukutya ngokufundisa abanye kwaye wonyuse ukuqonda malunga nelungelo.

Ukufikelela kwiinkqubo eseze zikhona

Urhulumente umisele inani leenkqubo zokuqinisekisa ukuba kukho ukhuselo lokutya kumntu wonke maxa onke. Ukuba ngaba ufunu uncedo iukarhulumente lokufikelela ekufumaneni ukutya, luxanduva Iwakho ukuqhagamshelana okanye utyelele amasebe karhulumente (awesizwe, awephondo okanye awengingqi) apha kwenzekayo. Zininzi iinkqubo zikarhulumente ngaphandle kwezi ziukwe kule ncwadana.

Ukuthabatha inxaxheba ekwenziweni komthetho kunye nakuphuhliso lomgaqo-nkqubo

Amaqela, imibutto yasekuhlaleni kunye nabantu bezizi qu banemfanelo yokuthabatha inxaxheba ekwenziweni kwemithetho kukhuselo lokutya.

- Umzekelo, ungaxhasa umthetho wokhuselo lokutya wesizwe ophucula ufikelelo kukhuselo lokutya ngokulungelelanisa kunye





nokuhlanganisa imithetho enxulumene nokutya, imigaqo-nkqubo kunte neenkqubo.

- Ungaphembelela urhulumente ukuba abeke phambili ukhuselo lokutya okanye enze ukuba ibe linqaku lofezekiso lweenkonzo olukhethekileyo kuhlahlo lwabiwo-mali, uyilo nomgaqo-nkqubo.
- Ungaseka umbutho welungelo lokufumana ukutya okanye iphulo ngemiba engokhuselo lokutya.

Ukufundisa nokudala ukuqonda

Imibutho yasekuhlaleni (kuqukwa nengasekelwanga ngaphantsi kukanhulumente, imibutho esekelwe kuluntu) inoxanduva lokwazisa uluntu ngamalungelo alo okufumana ukutya kwaye inokuwathathela kubo njani na amabango abo kwaye iwakhusele. Kufuneka iphakamise ukuqondwa kweenkqubo esezi zikhona abantu abanokufikelela ngazo ekufumaneni ukutya okanye kwiindlela zokukuelisa okanye zokukuthenga.

Ukunyanzela ilungelo lakho ekufumaneni ukutya

- Ungafaka izikhala zo ezmimalunga nokugxojwa kwelungelo lakho lokufumana ukutya kwiKomishoni yamaLungelo oluNtu yoMzantsi Afrika [South African Human Rights Commission (SAHRC)]. I-SAHR inokusiphanda isikhala zo sakho kwaye nokuba, ukuba kukho imfuneko, isise enkundleni egameni lakho.
- Unokuya enkundleni ngqo ukuba ukholelwa ekubeni ilungelo lakho ligxojiwe okanye liye lasongelwa ngurhulumente, icandelo labucala okanye ngumntu. Ukuba ngaba ucinga ngale ndlela onokuyikhetha, kuyakukunceda ukufumana igqwetha. Ukuba ngaba ngeke ubo nako ukulihlawula igqwetha, yiya kumaZiko omThetho okanye kwii-NGOs ezifana ne-Legal Resources Centre, i-Women's Legal Centre kunte neekliniki ezinceda ngezomthetho (legal aid clinics) okanye abancedisi bamaggwetha (paralegals) abanokukunceda ngaphandle kwentlawulo.





linkcukacha zeendawo onokuqhagamshelana nazo

IZiko	liNkukacha zoqhagamshelwano
ISebe lezoLimo (Department of Agriculture)	Private Bag X250, Pretoria, 00011 Inombolo yomNxeba: 012 319 6000 IFeksi: 012 321 8558 www.nda.agric.za
ISebe lezemfundo (Department of Education)	Private Bag X895, Pretoria, 0001 Inombolo yomNxeba: 012 326 5911 IFeksi: 012 321 6770 www.education.gov.za
ISebe lezeMpilo (Department of Health)	Private Bag X399, Pretoria, 0001 Inombolo yomNxeba: 012 328 4773 IFeksi: 012 325 5526 www.doh.gov.za
ISebe leMicimbi yeMihlaba (Department of Land Affairs)	Private Bag X250, Pretoria, 0001 Inombolo yomNxeba: 012 319 6886 IFeksi: 012 321 8558 http://land.pwv.gov.za
ISebe lezoPhuhliso IweNtlalo (Department of Social Development)	Private Bag X885, Pretoria, 0001 Inombolo yomNxeba: 012 312 7637 IFeksi: 012 321 2658 www.dsdev.gov.za
ISebe lezeNzululwazi nobuChwepheShe (Department of Science and Technology)	Private Bag X894, Pretoria, 0001 Inombolo yomNxeba: 012 843-6300 www.dst.gov.za
IKomishoni yamaLungelo oluNtu yoMzantsi Afrika	Private Bag X2700, Houghton, 2041 Inombolo yomNxeba: 011 484 8300 IFeksi: 011 484 7146 www.sahrc.org.za



