

# CLOSING THE GAPS



Ukuvala imisantsa kwiiinkonzo  
ezilwa nobundlobongela nxamnye  
namabhinqa nabantwana

**INGXELO YOPHANDO**



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UNIVERSITY OF CAPE TOWN  
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD



MASIMANYANE  
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**UKUVALA IMISANTS A KWIINKONZO EZILWA NOBUNDLOBONGELA  
NXAMNYE NAMABHINQA NABANTWANA  
INGXELO YOPHANDO**

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## **1 Intshayalelo**

Ubungqina bokuba kukho unxulumano phakathi kobundlobongela nxamnye namabhinka ngamaqabane awo (IPV) nobundlobongela nxamnye nabantwana (VAC) buyanda, kuba zombini ezi ziganeko zibangelwa zizathu ezifanayo kwaye zenzeka kwimizi eminye (Mathews et al, 2021) Amabhinka adinga iinkonzo ezizakuwaxhasa ekuchacheni nasekufumaneni uncedo ukuze akwazi ukuphinda azimele geqe. Amabhinka amaninzi abhenela kwiindawo zekhusi nabantwana bawo (Watson & Lopez, 2017) abaye bachatshazelwa bubundlobongela. Kodwa luncinci ulwazi olukhoyo lokuba amabhinka nabantwana balindele ukuncedwa njani zezi nkono okanye baziva njani ngazo, ingakumbi kwiindawo ezssemaphandleni. Olu phando lwenzelwe ukujonga ukusilela okukhoyo kwezi nkono ekuncedeni amabhinka aye agamaxhoba obundlobongela kune nabantwana bawo ngokusebenzisa inkcubeko yama-Afrika. Injongo zolu phando kukuba:

- a) Kwenziwe uphando olubanzi ukuze kuqondwe ukuba amabhinka aye achaphazeleka kubundlobongela obusuka kumaqabane awo kune nabantwana, adinga ntoni kwiinkonzo ezikwiingqi ezimbini zaseMpuma Koloni. Sifuna nokuqonda nzulu ukuba ezi nkono ziyiphumeza njani indima yazo ukuze ancedakale la mabhinka kune nabantwana.
- b) Ukuchonga nokucacisa umsantsa kwezi nkono; kwaye
- c) Ukuchonga izinto eziphambili ezizokuphandwa ngokubhekele phaya

Injongo yolu phando kukuzama ukuqonda ukuba iinkonzo ziphunyezwa ngayiphi indlela kwezi ngingqi zimbini eMpuma Koloni (iBuffalo City neGcuwa) size sizame ukuncokola ngokuba kufuneka ntoni ukuze iinkonzo ziphunyezwe ngendlela efanelekileyo ngokwenkcubeko kumabhinka nabantwana abakhe bachatshazelwa bubundlobongela.

## **Ubundlobongela eMzantsi Afrika buneengcambu ezendeleyo**

UMzantsi Afrika uzele bubundlobongela kwaye iingingqi zabantu abantsundu ziphuma nezona ngxelo zininzi zobundlobongela kumabhinka nabantwana (South African Police Services (SAPS) 2021/2022). Obu bundlobongela buquka ukubulala, ukuzama ukubulala, ulwaphulo mthetho ngokwesondo (buquka ukudlwengula, ukuzama ukudlwengula, nokuxhatshazwa ngokwesondo) ukuxhatshazwa ngenjongo yolwenzakalisa kabuhluntu (assault GBH), ukuxhatshazwa, ubundlobongela bosapho njengodidi olukhethekileyo (SAPS, 2021). Ukuhlalutywa kwembali kubonisa ukuba ubundlobongela obususela kulawulo lobuKoloniyalu nocalucalulo(i-Apartheid) ziye zabangela iingxaki zentlalo eziquka ukugcwala kwabantu endaweni zokuhlala, iimeko zokuphila eziphantsi, kune nonikezo lweenkonzo ngendlela enganelisiyo. Nangona ucalucalulo Iwaphela, iingingqi zabantu abamnyama, eziquka iilokishi neelali, azizifumani iinkonzo ezentlalo nezogqosho ngendlela eyanelisayo (Maylam, 1995; Strauss, 2019). Kolu phando, xa kuthethwa “ngabantu abantsundu” kuquka zonke intlobo zabantu eziye zacalulwa yi-Apartheid kwaye ziggalwa zingeyonxalanye yabantu abamhlophe. Xa kuncokolwa nabathathi-nxaxheba kolu phando kuye kwafunyaniswa ukuba azikatshintshi iimeko ezilalini nasemaphandleni. *Ke kodwa, kukho imfuneko yeklinikhi. Ikude, behamba ngenyawo kwaye abanye abantu badlwengulwa yonke imihla, hayi [nje] ebusuku. Kukho imfuneko yeendlela. Kaloku ezilalini eMpuma Koloni akukho ndlela. Ukuba unako, bukela iindaba emva koko ujunge laa ndawo yayiibizwa ngokuba yiTranskei mandulo [kwilali] ezininzi azikho iindlela (Umniikezi Weenkoonzo).*

## **Inkqubo yezomthetho yobulungisa eMzantsi Afrika**

UMzantsi Afrika usebenzisa inkqubo yomthetho yobulungisa oquka iintlobo ezininzi: Umthetho oxaphakileyo osekeliwe kumthetho wamaRoma namaDatshi, kune nomthetho wemveli ekuthiwa ngumthetho wesintu waseAfrika (Rautenbach, 2012). Okwangoku iinkundla zemveli azigunyaziswa ngokusemthethweni ukuba zisebenzise igunya lazo (Democratic Governance and Rights Unit, 2020). Sekunjalo, zinalo ilungelo lokubeka umthetho kwiimeko ezimayela nomthetho wesintu, eziquka umtshato nokubethwa. Kodwa azinalo igunya lokulawula kwiimeko eziphathelene ukubulala, ukudlwengulwa, okanye ukuxhatshazwa apha injongo iyeyokwenzakalisa kakhulu.

Umthetho uthi zonke iintlobo zobundlobongela ezinxamnye namabhinka nabantwana lulwaphulo mthetho. Kodwa zonke iinkqubo zenkundla ziqhutywa ngesiNgesi kusetyenziswa itoliki. Kuphinda kubekho umsantsa emthethweni malunga nokungabikho komthetho omalunga nenkxaso neenkonzo zokucebisa ngokwasengqondweni. Nangona ubume bomthetho bubuqonda ubungozi obubakho xa abantwana bachanabeka ekuboneni ubundlobongela ekhayeni, ubume mthetho abunikeli ngqalelo kwingxaki ajamelene nawo amaxhoba okanye ukunikela ingqalelo kwiinkonzo ezixulumeneyo.

Umthetho okhusela abantwana (Children's Act) kune nemigaqo-nkqubo exhasayo zidwelisa iindlela ezininzi zokukhusela abantwana. Kodwa ubundlobongela nxamnye namabhinka obubangelwa ngamaqabane awo angamadoda abukhankanywanga kwesi sahluko. Utshintsho Iwakutsha nje elwenziwe kumthetho okhusela amabhinka nabantwana kubundlobongela basekhaya (Domestic Violence Act) unyanzelisa iingcali ezithile ukuba zichaze iziganeko eziquka abantwana kwiinkonzo zentlalontle okanye kumapolisa. Izikhokhelo zelizwe zikwaphinda ziyalele ukuba iindawo zekhusi zibonelele abantwana namabhinka ngeemfuno ezisiseko (njengendawo yokuhlala, ukuya nempahla) Kwakhona ezi ndawo zekhusi zimele zibonelele ngenkxaso, iingcebiso nokunceda ekupuhhliseni izakhono. Le migaoqo nkqubo inenjongo yokuba iinkonzo ziphelele, zisebenzisane kwaye ziphunyezwe liqela elinezakhono zobungcali obahlukahlukeneyo kwaye eluziqonda kakuhle iimeko zama-Afrika, apha isekelwe khona le migaoqo. Kwakhona iNational Strategic Plan on Gender-Based Violence and Femicide (NSP on GBVF) ithi ineda amabhinka nabantwana kodwa uphando olucokisekileyo lubonisa ukuba abantwana abayifumanu ingqalelo efanelekileyo.

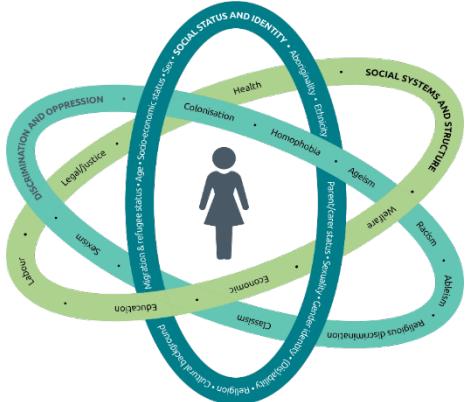
## **Amalungelo Abantu**

Ilizwe linembopheleleko ekunqandeni ubundlobongela nxamnye nabantwana, kwaye limele likhawuleze ekunqandeni umonakalo ongezelelekileyo xa umntwana eye wachatshazelwa bubundlobongela. Icandelo lesi-9 loMgaqo-Siseko liyawalela ucalucalulo nxamnye nabani ngenxa yohlanga, umbala, uhlanga aphuma kulo okanye indawo azalelw kuyo. UMzantsi Afrika uyinxalenye yemithetho yamazwe nezivumelwano ezinyanzela ilizwe lihloniphe kwaye likhusele wonke umtu ohlala ezweni kungakhathaliseki imvelaphi yakhe, inkcubeleko yakhe neelwimi zakhe. Kuqikelelwa ukuba isiNgesi sithethwa ngabantu abalishumi ekhulwini (10%) njengolwimi Iwesibini okanye olwesithathu. Intetho yezandla istyenziswa yi-0.5% yabantu (Statistics South Africa, 2016) IsiXhosa lulwimi Iwenkobe Iwabantu abangaphezu kweekota ezintathu (75%) eMpuma Koloni.

## Ingqiqo Sakhiso: Decolonial African Feminism

Xa bekuhlolisiswa olu phando, kuye kwaqinisekisa ukuba ingombolo ayihalutya ngembono zamazwe aseNtshona, kuba ukujonga iimeko zesini eAfrika ngeengcinga eziphenjelelw bubukoloniyalu buye baveza imbali engachanekanga ngempilo ntle yeentsapho zabantu abantsundu (Asher, 2017; Fanon, 1968; Fanon, 2004). Akunokwenzeka kuthethwe ngeentsapho zabantu abantsundu kungakhange kuthethwe ngamadoda antsundu. (Makama et al., 2019). Ithiyori ekuthiwa yi-Decolonial African Feminism ibonisa ukuba “ubusolusapho abuyongxaki ebangelwe ngamadoda kuphela”, kwaye ibethelela into yokuba “amadoda nawo ayayidinga inkxaso evela kumabhinqa ukusombulula iingxaki zentlalo ezichaphazela amadoda (Jansen & Titi, 2018) njengoko iqonda ukuntsonkotha kobuni nokuhlala kwabantu (Collins, 1986; Nsamenang & Lamb, 1995; Mignolo, 2018; Mkhize, 2018). Ithiyori yokuphelisa ubukoloniyalu kwindla esifunda ngesimo sabafazi inokunxulunyanisa kakhulu, ukuhlangana kweendlela (e.g., Crenshaw, 1989, 1991). Uhlalutyo (Umfanekiso 1) Iwegunya nobume bamacandelo obuyila ukuba abantu bangoobani njengobume bezentlalo noqoqosho, uhlanga, izakhono, iminyaka, isini, ulwimi, inkcubeko, nonqulo.

### **Umzobo 1: Ukudibana-indlela kwezikhundla ezininzi – indlela izikhudla zentlalo yoluntu ezidibana ngayo nobundlobongela obujoliswe kwabasetyhini nabantwana <sup>[1]</sup>**



Oluphando lusebenzise indlela egxininisa kuma-Afrika aphi kuqondwa ukuba inkcubeko ichaphazela ubudlelwane losapho. Ngokomzekelo eMzantsi Afrika inkqubo yosapho iye isophuka. Ubuhlwempu obubangelwa kukungabi namsebenzi kwenza kube nzima kubantu abafuna ukutshata ngenxa yokungakwazi ukukhupha ilobolo nentlawulo, zibe ezo zinto zifuneka ngokwenkcubeko. Isiseko esibalulekileyo somxholo, inkcubeko kunye nemballi xa kuqondwa inkqubo yosapho eyaphukileyo kwiintsapho zabaNtsundu ngoko ke iyafuneka. Ingxelo ethi “State of Fatherhood” (Imeko yobuTata) ingqina iingxaki zoqoqosho ezichaphazela onke amadoda njengesizathu esingundoqo sokungabikho kootata nokuba baleliphi ibala.

Indlela awaboniswa ngayo amabhinqa nabantwana kule ngxelo iyohluka kwindela eqhelekileyo emalunga namabhinqa akuMazantsi womhlaba jikelele ingakumbi amabhinqa antsundu ase-Afrika aphi adla ngokuboniswa njenga-bantu abohlukileyo (Manning, 2021). Ukubaveza njenga-bantu

abohlukileyo kuthetha ukuba amabhinqa angama-Afrika adinga uncedo lokuphinda acinge ngokuba axabiseke kangakanni na. Ukuthandabuza inkubeko nezithethe zamabhinqa ase-Afrika kuchasene nendlela yenqubo eyiyo yokuziphatha kuphando njengoko ingazihloniphi iindawo zabo kwaye ibahlukanisa neemvakalelo zabo zokuzingca (Mavhandu-Mudzus, 2022).

## 2 Indlela oluqhutywe ngayo uphando

### Uyilo lophando

Uphando belusekelwe kwimilinganiselo neenkqubo ezibangela utshintsho kwaye luye Iwaxabisa uluntu lwasekuhlaleni, ulwazi kunye neenkqubo zabo ibe belungaxhalabelanga amalungelo abo oluntu kuhela (Tuck & Yang, 2012). Siye sasebenzisana neMasimanyane Women's Rights International, yona esebezena namabhinqa aye angamaxhoba obundlobongela obubangelwa ngamadoda saza safumana nenkxaso yoluntu.

iMasimanyane inee-ofisi ezili-14 eMpuma Koloni., ibe uninzi lwazo zise-Buffalo City. Ngokukhetekileyo bayafumaneka kwiinkundla ezinkulu zikamantyi ezikule ngingqi, kwizikhululo zamapolisa, kwiklinikhi, kwiThuthuzela Care Centres (TCC) kwaye banendawo yekhusi eyenzelwe amabhinqa asengxakini e-Buffalo City. I-Women's International Network (WIN) yasekwa yiMasimanyane ibe idibanisa iintlangano eziseMpuma Koloni ezisebenza kwiinxalenye ezinanzi ezilwa nxamnye nobundlobongela ngakumabhinqa kunye nentsholongwane kagawulayo kunye nogawulayo (HIV/AIDS) kwaye iqulethe ii-NGO ezohlukenyero zase-Buffalo City kunye nemimandla ekufu tshane neendawo ezisemaphandleni.

### Ukucwangcisa uphando nesampuli yabathathi-nxaxheba

Abathathi-nxaxheba bebevela kumaziko amabini apho iMasimanyane ineenkonzo zendawo yekhusi e-Buffalo City kunye ne-TCC eseGcuwa. Indawo yekhusi ibonelela ngeenkonzo kubantu basedolophini nasezilalini ngoxa i-TCC ibonelela ngeenkonzo kubantu basezilalini. Abasebenzi baseMasimanyane bakhetha amabhinqa afanelekileyo kunye nabantwana bawo besebeenzisa iirejista zabo zokubhalisa.

### ITheyibhuli 1: Ushwankathelo Iwesampuli

Abathathi-nxaxheba	Inani
Amabhinqa	10
Abantwana abaneminyaka esi-9 ukuya kweli-14 (amantombazana ama-6 namakhwenkwe ama-5)	11
Ababoneleli ngenkcazel abangundoqo (ababoneleli beenkonzo neenkokeli zoluntu)	9
<b>ISIMBUKU</b>	<b>30</b>

Uphando luuke amabhinqa aye afumana inkxaso kuMasimanyane ngenxa yokwenzakala ngokwase ngqondweni nasemphefumlweni okubangelwe kukuba lixhoba lobundlobongela kangangeenyanga ezintandathu kodwa ngoku angasajongwa njengawonzakeleyo ngenxa yokuxilongelwa umonzakalo ngokwasengqondweni nasemphefumelweni. Bekufuneka amabhinqa akulungele ukuthatha inxaxheba kanye nomntwana wabo omnye (oneminyaka esi-9 ukuya kweli-14 ubudala) aze athethe isiXhosa, isiNgesi okanye isiBhulu. Emva kokufumana imvume yomzali, abantwana bebemenyelwa ukuba bathathe inxaxheba. Kusetyenziswe i-UCLA PTSD efinyeziweyo (Cohen et al., 2010) ukuze kuxilongwe abantwana umonzakalo obakho emva kokufumana ukwenzakala (PTSD). Ubukhulu becal, abantwana bebeneempawu zokukuphazamiseka koxinzelelo Iwasemva koxinzelelo (PTSD) ezikumlinganiselo -ophakathi ibe ngenxa yoko bebekufaneleka ukuthatha inxaxheba kuphando.

Ubukhulu becal, amabhinqa akwiziko elisezilalini ebenakekela abazukulwana babo endaweni yabantwana babo ababazeleyo. Sikuvumele ukuqukwu kwawo njengoko amabhinqa aselula anabantwana abancinane adla ngokuhlala kude kuneendawo zasezilalini. Eminye imiceli-mngeni yokufumana abantu ibimalunga nabathathi-nxaxheba abalahlekelwa okanye abatshintsha iinombolo zomnxeba kanye nokungathenjwa kophando liqabane lomthathi-nxaxheba, kona kuye kwalawulwa ngabasebenzi bendawo yekhusi ukuze kuncitshiswe iingxaki ekhaya. I-TCC yaseGcuwa inikezela ngeenkonzo kwiilali eziyingqongileyo kodwa umgama omde kanye nendlela embi, uthintele ukuba abantu abanokuba ngabathathi-nxaxheba bafikelele kolphando. Ezi ngxaki kanye nemiphumela ye-COVID-19 zikuchaphazele kakubi ukufumaneka kwabathathi-nxaxheba bophando.

### **Ukuqokelela ingombolo nohlalutyo**

Uphando luqinisekise Iwaza Iwabeka phambili isiXhosa. Ababoneleli beenkonzo kanye nabantwana bakhethe ukusebenzisa isiNgesi ubukhulu becal baza basebenzisa isiXhosa esixutywe nesiNgesi. Uhlalutyo olusekelwe kwimixholo luye Iwasetyenziswa ukuze kufunyanwe imixholo kwaye ingombolo iye yahlalutya ngesiXhosa ngabantu abathathu abalwimi Iwabo Iweenkobe isisiXhosa. Iziphumo ziye zaqinisekiswa nabathathi -nxaxheba bophando kusetyenziswa intlanganiso ebandakanya uluntu eye yaquka abathathi-nxaxheba bophando kanye ne-Women's Ikhwelo Network (IWN).

### **Ukuthathela ingqalelo ukuziphatha**

Imvume yenqubo yemigaqo yokuziphatha (ethics) iye yafunyanwa kumasebe karhulumente afanelekayo nakwiintlangano zabanolmdla. Iprothokholi ifumene imvume yenqobo yokuziphatha kwi-Ethics Committee ekwi-Faculty of Health Sciences kwi-University of Cape Town Ref: HREC 44/2022.

### 3 Ukufikelela kwiinkonzo

#### Ukungaphathwa kakuhle kwabantu abaNtsundu

linkonzo ezininzi zobundlobongela obusekelwe kwisini (GBV) zisaqhubeka zingafikeleleki kwaba bantu. Umgama phakathi kweelali kunye nesikhululo samapolisa ngumqobo obonakalayo ukuze kubonelelwe ngeenkonzo kwaye i-SAPS ayinazo izixhobo zokufikelela kwiimfuno zoluntu lwasekuhlaleni:

*...ezilalini, basasemva, uyaqonda – izikhululo zamapolisa kunye neekliniki uyabona, [...] uya kufumanisa ukuba, masithi iilali ezilishumi (10) zincedwa sisikhululo zamapolisa esinye okanye iilali ezili-15 zinikwe inkonzo yesikhululo zamapolisa esinye. Kwaye ke eso sikhululo zamapolisa, sineeveni ezimbini okanye enye (Umnikezi nkonz)*

*Ngamanye amaxesha bay a kujongana nokuhlaselwa ngokwesondo emva koko amapolisa athi, iveni, iye kuloo lali ukuyo sabela ento ethile, uyaqonda? Ngoko ke, kukho imfuneko yeklinikhi (Umnikezi nkonz)*

Nangona ukufikelela kwiinkonzo kuyingxaki ezilokishini, amabhinqa ahlala kwindawo ezisezilalini anemiceli-mngeni engakumbi ekuzifikeleleni ngenxa yokuba ahlala kude kwiinkonzo, iindlela zimbi kwaye ngokuthe rhoqo axhomekeke kwiibhasi ezinocwangciso olusisigxina:

*Uyazi kuba kukho ibhasi ehamba ngamaxesha athile. Ukuba uphosive yibhasi, kuya kuba nzima ukuba usuka ezilalini okany elokishini usiya edolophini, ibayi yingxaki. I-transport yingxaki ku ngoko ndisitsho uzofumanisa ukuba itaxi, unobangela zingawkazi ukufikelela ezilalini zezizikhala zo banazo malunga nendlela. (Ingxoko yooYamabhingga).*

Indawo yekhusi iqinisekisa ukuba iyafikeleleka ngokuwathatha amabhinqa afuna uncedo olungxamisekileyo okanye ngokudibana nawo kwindawo ephakathi naphakathi. Ukongezelela, nangona ii-NGO namasebe karhulumente eqhuba amaphulo okufundisa uluntu jikelele kunye nokwazisa ngokubanzi, abathathi-nxaxheba bathe amabhinqa ahlala nabantu abawaxhaphazayo ngenxa yokungazi ukubaaza kulufumana phi uncedo:

*Abanye abantu abazazi iinkonzo ezifumanekayo kubo. Abanalwazi malunga nekhusi. Abazi ukuba ezi nkonz zivulelekile kubani (bazinikela kubani) (Ingxoko yooYamabhingga)*

Imigudu engakumbi iyafuneka ukuze kwandiswe ulwazi, ingakumbi kwindawo ezssemaphandleni ezikude:

*Amabhinqa elali abanawo amathuba afanayo nalawo avela ezidolophini. Lonto indenze ndaya kwezi ndawo ukuze ndibone ngenene ukuba kwenzeka ntoni ezilalini kwaye bayayidinga inkxaso, badinga abantu abezayo kubo (Umboneleli weenkonz)*

#### Ukulungelelanisa nokufumaneka kweenkonzo

Uphando oluqhutywe ngaphambili lufumanise ukungabikho kwentsebenziswano phakathi kweenkonzo ezahlukahlukeneyo kunye namasebe karhulumente (Jamieson et al., 2017; Vetten, 2019). Kodwa abanye abathathi-nxaxheba baphawule ukuba iinkonzo ziyasebenzisana, ubuncinane

xa ziqla ukusabela. Nangona izixhobo ezilinganiselweyo zenza ii-NGO zisebenze amaxesha alinganiselweyo, kusoloko kukwazeka ukuqhagamshelana nabasebenzi:

*Masithi umzekelo, kwenzeka isihlo nge weekend, abacebesi aziphangeli ngempela veki ngabase TCC qha abaphangelayo kodwa sifumana abantu abathunyelwayo nangee mpela veki kuba umntu kulondawo ithile ukhe weva ngoMasimanyane mhlawbi kulonginqi aze afowune, senze uvavanyo ngocingo njalo (Umboneleli weenkonzo).*

Kubonakala ukuba amabhinka aqale aye kwiinkonzo ze-NGO okanye ezikarhulumente, afumana unakekelo olufanayo. Kuwo omabini amaziko, iMasimanyane idlale indima ebalulekileyo ekulungelelaniseni iinkonzo. Amabhinka nabantwana aye afikelele kwiinkonzo ezohlukahlukeneyo ezifana nokuxhaswa ngokucetyiswa ngokwezeemvakalelo, ukucetyiswa ngokwenzakala, inkxaso yezomthetho, imfundu yoluntu jikelele kunye nendawo yekhusi efunyenwe kuMasimanyane kunye ne-NGO esebezensana naye:

*Kuba uyawazi umsebenzi wogonyamelo lwasekhaya okanye umsebenzi wokunceda ibhinka nomntwana unzima. Uzakufika eMasimanyane, uMasimanyane uzonika icounselling, abanike indawo yokuhlala xa bedinga iinkonzo zethu, sizombonelela lomntu kodwa kukho indima ka sophuhliso loluntu, kukho indima seSAPS, kukho indima yesebe lobulungisa (Umboneleli weenkonzo)*

Amabhinka nabantwana abaninzi bachonge amapolisa njengenkonzo yokuqala abafikelela kuyo xa bengamaxhoba obundlobongela:

*Bay a kwisikhululo samapolisa, kukudibana kwabo okokuqala. Ndingathi ukuba imeko kaxakeka, ngoko [kuxhomekeke] ukuba iqatha kangakanani na [imeko], bay a kusiwa [kwiziko] lonyango njengesibhedlele okanye ikliniki. Emva koko ukusuka apha okanye ngaphandle kokuya kuggirha (uggirha) baye kuggirha, okanye beza kuthi. Emva koko bathunyelwa kwindawo yokukhusela. (Umboneleli weenkonzo).*

*Into eyasineda kubiza amapolisa, amapolisa asisa kwi social workers (Umntwana Othatha Inxaxheba)*

### **Ukufikelela kwinkxaso yeemvakalelo (ebudenibokuhlala nasemva kokumka kwindawo yekhusi)**

Inkxaso yeemvakalelo ifumaneka ngokucetyiswa komntu e-TCC ngoontlalo-ntle beSebe Lophuhliso Loluntu (DSD) okanye ngabantu bokujala ukusabela abaphuma kwi-NGO. Igosa lokunxibeletanisa le-NGO lilandeleta abantu ukuze liqinisekise ukuba bayabuya ukuze bafumane unyang baze bavavanyelwe intsholongwane kagawulayo kunye nokubadibania neenkonzo eziqhubekekayo zokuxhaswa. Sekunjalo, emva kokuba abantu bephumile kwindawo yekhusi, kubakho umcelimngeni ekufikeleli kwiinkonzo zokucetyiswa ngenxa yeengxaki zezimali:

*Ngoku ke ngokwengcebiso eqhubeka xa esengaphandle, ibanceda kakhulu ngoba ayipheli [...]*

*Ngokweshelter senza ingcebiso kumntu ngamnye kunye negcebiso yamaqela sibhekisa kuvavanyo lwesimo sengqondo ukuze ukuba umxhaswa sele emkile apha ekuhsini simthumele kwindawo engaphandle. Yona ayiyo yethu ngomnye umbutho ongeyena owethu esisebezensana nawo, igama yiMasitheth, ngoko ke sithumela abaxhasi kubo xa umxhaswa*

*sele imkile apha ukuba ndiqaphele ukuba usayidina ingcebiso noko efuna ubuyela ekhaya. (Umboneleli weenkonzo).*

Oku kubangela ingxaki: noxa amabhinqa ekwindawo yekhusi, ayaxhaswa ngeemfuno nezinto eziluxanduva lwawo. Ukuqhubekeka nobomi emva kokumka kungabongamela.

### **Ukungasebenzi kakuhle kwe-SAPS**

Kuye kwavunyelwana ukuba i-SAPS, “*ingenza ngcono*” (*Umntwana Othatha Inxaxheba*), ngokuthe ngqo malunga nokulibazisa kwayo ukusabela kulwaphulo mthetho oluxeliwego:

*Into ekhawuleza ifike ndingathi kukubiza amapolisa, nangona ingekho ninzi lonto, ngoba bathathata iesha labo. Into ebalekileyo kuba afike, xa kwenzeke lonto wonke umntu ufwunela amapolisa, ngoba bayayazi ukuba amapolisa akhona azonika uncedo kwaye bazofunyanwa abantu (Umntwana Othatha Inxaxheba).*

### **Ukuphinda kuxhatshazwe ixhoba ngabakwa-SAPS**

Kumelwe kuphawulwe ukuba zonke iinkonzo ezsabela kubundlobongela ziye zagxekwa kodwa abakwa-SAPS bakhalazelwe kakhulu malunga nokuphinda koxhatshazwa kwamabhinqa:

*Lo ngumceli mnjeni esijone nawo malunga namapolisa. Uhm, ngamanye amaxesha abaxhaswa bayo funa uncedo, kodwa abayi kuncedwa baxeleye ukuba mabayolungisa izinto nabayeni babo kodwa umntu ugxo thiwe okanye iyacaca ukuba ubethiwe ngeloxesha kuthiwe makayovisisana malunga nalongxaki. Ngelo xesha bebenomthatha umxhaswa baye komnye wabacebisi okanye amagosa acebisayo emva koko umcebisi uchaze akhombe indlela yesisombululo. Ngamanye amaxesha sifumana umnjeni womthengi ofuna ukuyolanda izinto zakhe (Umboneleli weenkonzo).*

Ababoneleli beenkonzo bebekwaxhalatyiswa kukunganyanzelisa kwemithetho nemigaqo-nkqubo nto leyo ekhokelela amagosa ase-SAPS ukuba aphinde axhaphaze amabhinqa, ingakumbi ngamagosa angamadoda noxa imele ukuba ngamagosa abhinqileyo amele ajongane nemisebenzi ethile emalunga namatyala okudlwengulwa:

*Ukuba umntu udlwengulwe, kufuneka ancediswe ngabasebenzi ababhinqileyo, kwaye akufuneki achithe ixesha elide kwisikhululo samapolisa kuba loo mntu akakhululekanga. Ngoko ke, lo mntu kufuneka asiwe kwi-TCC ngoko nangoko ukuba ayenzeki loo nto, kwaye loo mntu kufuneka kudliwano-ndlebe naye kwigumbi lakhe labucala ... ngamapolisa asetyhini ukuba yenzekile kwaye ayizange yenzeke, uyazi. Abantu, basoloko besiza bexela ukuxhatshazwa kwesibini (Umboneleli weenkonzo).*

Ababoneleli beenkonzo babalise ukuba abasebenzi beSebe Lezobulungisa (DoJ) nabo baphinda bawaxhaphaze amabhinqa:

*Nalapha kwisebe lezobulungisa bazofika bazobika lonto yhoo! [besithi]lo nobhala, wayethetha kakubi nam yonke loo nto. Ngoko ke, xa ndenza i-advocacy yam njengesiqhelo, ndiye apho nalomntu ndimncedayo, mhlawumbi kumphathi wenkundla ukuze ndibhale incwadi yesikhala (Ababoneli Beenkozo).*

### **Imiyalelo yokukhuselwa ayibunqandi ubundlobongela**

Ngokutsho kwe-SAPS (2014), “umyalelo wokhuseleko unenjongo yokuthintela ukuphinda kubekho ubundlobongela ekhaya okanye ukuxhatshazwa ngokwesondo ngokuchaza isenzo amele angasenzi umrhanewa. Ukuba uyawuthobela umyalelo wokhuseleko, umntu ofake isikhala uza kukhuseleka. Ukuba ummangalelwa wophula nawuphi umyalelo okumyalelo wokhuseleko kusenokwenzeka abanjwe. Xa kukhutshwe umyalelo wokhuseleko, unganyaneliswa naphi na kweli lizwe.” Sekunjalo, abathathi-nxaxheba bophando bachazile ukuba imiyalelo yokhuseleko ayincedi ekuthinteleni ubundlobongela obungakumbi kwaye ibingunobangela ongundoqo wenkxalabo ngokukhuselwa kwamabhinka nabantwana nxamnye ne-GBV. Abathathi-nxaxheba bachaze iingxaki ngokusebenza kakuhle kwemiyalelo yokukhuselwa:

*Ndiswelekelwe ngumzala wam owayeye kufuna umyalelo wokhuseleko (iprotection order) ngenxa yeqabane lakhe (aweyohlukene nalo) kunyaka ophelileyo. Wayeye kucela umyalelo wokukhuselo ka 6 kwafika elaqabane awayeyithatthele umyalelo wokhuseleko yamhlaba yena nomfana wakhe ngoku, bafela apho bobabini, lomcimbi wawusele ubandakanya amapolisa. Amapolisa akanamsebenzi ngoku! (Ingxoxo yooYamabhinka).*

*Ukongeza kule nto ithethwa ngu “D” lento yalo umyalelo wokukhuselo, mna ndingu “B” ndinamanxeba ali 20 aph’emzimbeni kukho i-protection order (Ingxoxo yooYamabhinka).*

### **Ukungaqondi indlela osebenza ngayo umyalelo wokukhuselko**

Iincoko kune namalungu oluntu ziqaqambise ukuba abantu abayiqondi inkqubo yokufaka isicelo somyalelo wokhuseleko okanye ukuba yintoni umsebenzi womyalelo wokhuseleko:

*Abanye babo bayawazi amalungelo abo, kodwa abafuni ukuwusebenzisa [umyalelo wokhuseleko] ngendlela efanelekileyo. Abanye baye bavele bayokuvula ityala okanye bafake isicelo sokhuseleko baze bangayi landeleleli inkqubo yovula ityala ngokugqibeleyo, kungoko abanye besithi babethwa yindoda enomyalelo wokhuseleko. Umyalelo wokhuseleko unamanyathelo ekufuneka alandelwe de agqitywe. Kungelo xesha apho uya kwazi ukuba urikelele kumyalelo wokugqibela. Kuxa ummangali esiya kuxela emapoliseni ukuba umntu uphinda kwa elo tyala kwaye amapolisa kufuneka amlumkise umntu lowo umyalelo wokhuselo akhutshelwa wona ukuba ayeke. Kodwa amapolisa awayenzi lonto (Umboneleli weenkonzo).*

Ukongezelela, abacebisi abangaphantsi kwe-NGO abakwizikhululo zamapolisa nasezinkundleni batshilo ukuba amabhinka asebenzisa imiyalelo yokhuseleko ukuqinisekisa ukhuseleko Iwavo – kodwa amaqabane awo awujonga lo myalelo njengenyathelo elisisohlwayo nto leyo eyenza imeko ibe mbi nangakumbi. Amabhinka aphinda abe semngciphekweni owongezelelekileyo njengoko ingawo anika umrhanewa umyalelo wokhuseleko kwaye amapolisa awabikho ukuze amkhuphe

endlini ngokusemthetheweni umrhanelwa. Kuye kwathiwa ukungakhutshwa kwabantu kubangelwa kukuba amagosa asebupoliseni awawacaciseli amaxhoba ngenqubo engumyalelo wenkundla yokukhupha umtu ukuze ayazi ukuba makalindele ntoni na:

*Thina singu Masmanyane siya emapoliseni sifuna ukwazi ukuba kutheni ummangalelwengabanjwa ngoku lo mntu kuba enyathela ilungelo likamama, wophula umthetho. Ngoba loo myalelo wokugqibela uvela kwisebe lobulungisa, oko kuthetha ukuba ngoku wophula ngoko waphula umgaqo weSebe lezoBulungisa (Umboneleli weenkonzo).*

Amagosa avakalise ukuba imyalelo yokhuseleko isetyenziswa njengezixhobo zokulumkisa ibe ayinyanzeliswa, yiloo nto abathathi-nxaxheba evakalise ukuba ayiloncedo. Kwintlanganiso ebibandakanya uluntu jikelele (kwiNyanga yeSilimela 2022), ukurhoxiswa kwemiyalelo yenkundla kunye nezinye iingxaki ezifana nokugrogriswa kommangali ngamalungu osapho, ukunyotywa kunye norhwaphilizo, zichazwe njengemiba eyenza imiyalelo yokhuseleko ingasebenzi kakuhle. lintlanganiso nabahlali (kwiNyanga yeSilimela 2022) kuwo omabini amaziko zibala iingxaki zokungasebenzi kakuhle kwamapolisa ngenxa yokungabikho kwamapolisa oneleyo (ngokomzekelo, isibakala sokuba abacaciseli kakuhle abahlali ukuba usebenza njani umyalelo wokhuseleko).

### **Kufuneka uqequeso lokuvelana namaxhoba ngokwesini sawo**

Kucingwa ngezikhalazo ngendalela asabela ngayo amapolisa kumatyla amayela ne-GBV kunye nendlela achaphazeleka ngayo amabhinqa awonzakeleyo, kuye kwagqitywa ukuba:

*Ngoba badla ngokuthi bona into abatrainelwe bona ngeyoba babambe abantu, bavule icases umntu ozovula icase yalonto, hayi izinto ezinjenge amatyala embambano, ubundlobongela basekhaya ukwensiwa kwamatyla oqhawulo-mtshato, isondlo, ungazibiza zonke (Umboneleli weenkonzo).*

Okubangela umdla kukuba abantwana bachonge oonontlalo-ntle njengenkonzo ekufuneka iphuculwe. Bagxininise ekubalulekeni kokunikela ingqalelo esexesheni nekhawulezileyo ekuncedweni kwamaxhoba nasekuwancedeni akwazi ukumelana nentlungu yawo. Omnye wabantwana uye wathi:

*Ndicinga abantwana nomama badinga uncedo olwa Mapolisa because Amapolisa ngawona azonceda because oNontlalontle abahoyi kakhulu bona, mhlawumbi ndithi ureytshiwe, aMapolisa azoya ngoku amkhangele lomntu onontlalontle bazobe besithi “ndicela uzuphinde ubuye ngomso” kanti into yenzeke ngoku uzoyichaza ngoku awuphindanga wayombetha okanye warmlasela kanti ebenze kakuhle ngoyo chaza yena angayozilwela (Umntwana Othatha Inxaxheba).*

Kwintlanganiso nabahlali (ngolsilimela 2022) kuchongwe i-SAPS njengabona bantu abadinga uqequeso, ngoxa abantwana bethe ngootishala noonontlalo-ntle ekufuneka baqequeshwe. Ukuze kuqinisekiswe ukufikelewa kangangoko, ababoneleli beenkonzo bacebise ukuba uqequeso lubonelelwe kuwo onke amasebe.

## **Abantu abakhubazekileyo**

Abathathi-nxaxheba baveze iinkxalabo malunga nokufikeleka kweenkonzo kabantu abakhubazekileyo, ingakumbi ezo zase-DoJ:

*Kukwakho umsantsa kwindawo yokunceda abantu abakhubazekileyo obaziyo... Uninzi lweelifti azisebenzi, azilungiswa, ukuba uhamba nneentonga uzotsala nzima, ukuba unesihlalo esinamavili uzova ubunzima. Xa kufikwa kabantu abangakwaziyo ukuva, zibakhona iitoliki kodwa zona ziba bambalwa kuba isimo sabo sokusebenza kukulinda debabizwe (standby), akukho zitoliki ezisoloko zikho buqu emsebenzeni. Uya kufumanisa ku ukuba akukho toliki ngexesha eli umntu adinga ukuncediswa ngalo (Umboneleli weenkonzo).*

Intetho yezandla sele izi kwenziwa intetho esemthethweni eMzantsi Afrika. Ngoko ke, amasebe karhulumente amele aquke iitoliki ezineziqinisekiso kwiinkonzo ezbonelela ngazo. Unxibelewano, ukuzr umntu aviwe nokuze akwazi ukuchaza amava akhe kubalulekilee ukuze kuphunyezwe ubulungisa.

### **4 Yintoni abayidingayo abantwana kwiinkonzo?**

#### **Ubundlobongela beqabane-(IPV) ngamava afunyanwa ngamabhinja nabantwana**

Abantwana bathe xa bebona ubundlobongela busenziwa koomama babo kunye nabanakekeli babo abangamabhinja bayicna ngaphakathi loo ntlungu ibe iphazamisana neezifundo zabo, ibangele iintlungu nexhala:

*Ukuba kuno tata nomama endlini abamelanga bayalwa ingakumbi ngasemanqindini. Ngoba utata unamandlamainzi for ku for umama. So kengoku umama angabethwa and lamntwana uva yonke lanto akazokwenza nto mos uzolila qha kwaye yonke lanto uzoyithatha imenze umsindo. Uzoyifaka kuye entlizyweni. Ke ngoku xa ekhula acinge uba ilungile lento yenzekayo ngoko nam mandiyenze kulo wam unkosikazi (Umntwana Othatha Inxaxheba).*

#### **Abantwana nolwalamano Iwentsapho bachatshazelwa kakubi bubundlobongela obenzeka entsatsheni**

Ngamanye amaxesha, abantwana bayangenelela xa kusibakho ubundlobongela ekhaya. Abantwana bathe bayachatshazelwa bubo kwaye bumosha ulwalamano lwabo kunye nootata babo:

*Abantwana bayachaphazeleka kuba bona bayohlala becinga lanto, mhlawumbi ba ngoku bebesilwa utata wabo baye bakhala, mhlawumbi xabebona utata bathi "yhoi hayi ayingo tata lo so ke seyihleli apha engqondweni lento. Mhlawumbi umntu uthunywe ngutata wakhe sebexolele lene athi utata "mtanam into ethile", ubone umntana utshintshe apha ebusweni. Abanye bayayikhupha ngomlomo uba "wena wabetha umama" so ke abanye ayipheli into apha kubo basoloko beyicinga (Umntwana Othatha Inxaxheba).*

Amabhinja athe abantwana babo baye balamle imilo ephakathi kwawo namaqabane awo. Ngamanye amaxesha oku kukhokelela ekubeni amadoda onzakalise abantwana ibe oku kuchanaba abantwana kumonzakalo. Ngokusuka kwii-ngxoxo zamaqela:

*Mna bendifqandelwa ngumntwana wam one-12 iminyaka. Ebema apha phakathi kwethu lo une-12 iminyaka anqande ndibethwa, anqande, abe ebukele, senditsho imfundisa ntoni. Uzuqonde ebenomnsindo athi xa ethetha nam umbon'uba ngeny'imini uthetha rhabaxa umbon'uba heyyy!!!...haybo!! umntana umoshakele, uyamoshakala unyanisile u "B" xa esitsho umoshakala umntana bubudlobongela obenziwwa ngutata endlini (Ingxoxo yooYamabhinqa).*

Abantwana baye bathi xa oomama babo beba ngamaxhoba obundlobongela, kufana nokungathi oko kwenzeka kubo, kwaye yiloo nto behamba noomama babo xa beyokufuna uncedo emapoliseni:

*Bayo xel' ukuba baya bhulishwa (Umntwana Othatha Inxaxheba).*

Kumaqela encoko, amabhinka aveze izinto ezibalulekileyo ekufuneka ziwalaselwe malunga nokuba abantwana kufuneka bafumane inkxaso ngenxa yokuba ngamangqina okuzibonela ubundlobongela, baye bavuma ukuba bakhuphela umsindo wabo ebantwaneni kwaye abantwana abanandawo yokubanceda bajamelane nentlungu yabo:

*Mos xa kubuhlungu kuwe mzali kubekisaphi emntaneni? Xa kubuhlungu emntaneni wakho, kubekisaphi emzalini? Ngoba kaloku into ebuhlungu echaphazela umntanakho ikwenzakalisa kakhulu wena especially abazali abangoomama (Ingxoxo yooYamabhinqa).*

*Makuze abantwana [kwiinkonzo zonyango] khe bafumane nabo kwela xinzelelo belwenzeke kunina", moss xana wenzeke into uba neetshiki, uyacaphuka, uyamnyhukuthya nokumnyhukutyha umntana uyaqonda (Ingxoxo yooYamabhinqa).*

*Apho kengoku uncedo abangabinalo ke ngoku, [ngolwabantwana] bethu (Ingxoxo yooYamabhinqa).*

Ukungabonelelwa kwabantwana ngeenkonzo zokucetyisa kubashiya benentlungu nomsindo ongakhange uncedwe. Abasebenzi base-TCC, baye bathi abanaso isakhono sokunceda abantwana abajamelana nentlungu yobundlobongela kwaye kufuneka baqeleshwe kulo mbandela (intlanganiso Ybanomdla, 2021). Azonelanga iindawo ezbonelela ngeenkonzo ukuze zinikezele ngokuphunyeza okusiseko kwe-Children's Act (Jamieson et al., 2014). Uninzi lweengcali ezikwinkqubo yobulungisa nxamnye nolwaphulo-mthetho azinalo uqequesho olukhethekileyo (Centre for Child Law, 2022a) kwaye nangona uninzi lwabantu ababonwa e-TCC ingabantwana, ayibalungelanga abantwana kwaye zibonelela ngeenkonzo zokulawula intlungu kuphela (Louwrens et al., 2016). Nangona kukho ukuzibophelela kwe-NSP kumanqanaba aphezulu, oko akuhambelani nezixhobo ezaneleyo zokuphucula iinkonzo (Budlender, 2020).

### **linkonzo zokucebisa ngokweemvakalelo kwiindawo zekhusi zenzelwe amabhinka kuphela**

lindawo zekhusi zenzelwe amabhinka aye angamaxhoba e-GBV. Ngenxa yoko, iinkqubo zavo zilungiselelwe iimfuno zamabhinka. Sekunjalo, oonontlalo-ntle abakwiindawo zekhusi banezakhono zokuhlola baze bathumele abantwana abangamaxhoba kuMasithethe, i-NGO egxininisa

ebantwaneni. Ukugcina iinkonzo zohlukene kunika amabhinqa ithuba lokunikela ingqalelo ekuchacheni kwavo:

*Ngoba kaloku kuxozwa wena kulungiswa wena but wena unala anxiety, la nto ethi nowuba sowusendlini moss, iyakufikela la nto, ubone sowungasafuni kuthetha umntana yena uyafuna ukuthi, "Mama, mama" ube wena unezaatshiki uyaqonda? So umntana akayifumani la nantsika (Ingxoxo yooYamabhinqa).*

Xa kusiyiwa kwiindawo zekhusi, ukuthumela abantwana ukuba badibane nomcebisi owahlukileyo kunomntu obanakekelayo kwindawo eyohlukileyo kungongezelela kwixhala labantwana. Oku kwahlukanisa kungabethelela ukuba ukuchacha kwamabhinqa kumele kube phambili kunokuba kunjalo ebantwaneni.

### **Amakhwenkwe afikisayo awalungiselelwanga kwindawo zekhusi**

Iindawo zekhusi zinceda amabhinqa abuyele kubomi besiqhelo kwaye abathathi-nxaxheba aye achaza iindawo zekhusi njengeendawo ezinenkathalo ibe abantwana baye bazithatha njengekhaya naxa oomama babo sele bemkile. Amakhwenkwe angaphezu kweminyaka eli-12 awavumelekanga kwiindawo zekhusi ngenxa yokuba xa efikisa aba sesichengeni sokuxhatshazwa ngamabhinqa aze abe ngumngcipheko kwimpilo-ntle yengqondo neyomzimba kumabhinqa nakubantwana abasebancinane abakwiindawo zekhusi. Amabhinqa aziva enetyala ngenxa yokuba abantwana abangamakhwenkwe engenakuthathwa kwiindawo zekhusi. Imigudu yenziwe ukuze abantwana abaphakathi kweminyaka eli-12 neli-14 bahlaliswe nezizalwana okanye kwenye indawo abanokunyamekelwa kuyo:

*Kodwa kumakhwenkwe, sithatha ukuya kutsho kwiminyaka elishumi elinesibini. Emva koko sijonge enye indawo yokuhlala sinokumsa kuyo umntwana nje ngeCMR (Christlikke Maatskaaplike Raad) okanye sikhangele isalamane esinokumgcina umntwana ngoxa unina elapha kwindawo yokuhlala (Umboneleli weenkonzo).*

*Kodwa kwinkwenkwe eniminyaka eli-12 ubudala, ithathwa isiwe kwindawo apha anokuthi akhuseleke khona njengodade kumama (Ingxoxo yooYamabhinqa).*

*Ngokubhekiselele ebantwaneni, kukho iinkonzo zokukhusela abantwana ezingongopheleyo eMonti (Buffalo City). . . Andazi ukuba sineziko lokukhathalela abantwana nolutsha na apha eMonti. Ukuba sinayo andizange ndive ngayo (Umboneleli weenkonzo).*

Ukunqaba kwamaziko abantwana nanyamekela ulutsha (CYCC) abonelela ngonakekelo kubantwana abadinga unakekelo nokhuseleko ibiyenye yezinto ezizinkxalabo eziye zaveliswa kwintlanganiso nabahlali ye-Women's Ikhwelo Network, kubalaseliswa izinto ezininzi ezingumqobo wokugunyaziswa ngokusemthethweni kwamakhaya anokuhlalisa abantwana abaxhatshazwayo. Ngoxa abantwana bengakwazanga ukunikela izimvo ngokunqaba kwamaziko, bayaqonda ukuba yintoni umsebenzi wawo nto leyo ebonisa ukuba bayayiqonda imfuneko ye-CYCC:

*I-Siyakhana yindawo egcina abantwana abahlukumezekileyo, abantwana aba nganabazali okanye abalahlwu ngabazali babo. So yindawo ehlala abantwana abanjalo (Umntwana Othatha Inxaxheba).*

Ukuze kulungiswe ukunqongophala kwe-CYCC kwiindawo ezisemaphandleni, kufuneka abafaki sicelo abangathethi isiNgesi njengolwimi lweenkobe bancedwe xa begcwalisa izicelo zase-DSD. Ezi fomu kufuneka zifumanekе ngeelwimi zase-Afrika njengoko abafaki sicelo bengalingani ngokukwazi ukufikelela kwinkxaso.

### **Imiphumo engathandekiyo yokungauki abantwana abangamakhwenkwe abasafikisayo**

Asingawo onke amakhwenkwe anokuhlalisa nezalamane okanye kwi-CYCC, nto leyo ebangela imiphumo engathandekiyo kusapho xa lulonke. Okokuqala, ibangela ixhala kumabhinqa kwaye omnye umama uye wabuza wathi:

*Akhonto anoyhenza na uMasimanyane ngosinceda, mhlaumbi la age isencinci moss isafuna umama, ache ayikhangelele mhlaumbi indawo abanothi bagcinwe kuyo bona xa thina nezi girls zethu sikwazi ungena apha zikule age yazo? (Ingxoxo yooYamabhinqa).*

Amabhinqa ebexhalabele abantwana babo, bechaza iimvakalelo zokungaquka ukuya kutsho ekubeni abantwana abangamakhwenkwe bayasiyeka isikolo baze babe ngamasela:

*Mabancede nje kweli cala labantwana ndi seka u "C" la nto ebeyithetha uba maba...ngaske babafunele indawo abantwana xa omnye esengxakini bekwazile ungena kuba lo ungakwazanga akhamnke kule ndawo akuyo because umntana uzawuzi feel-a ingathi yena akahoywanga kuhoywe aba because kumnandi apha kwaMasimanyane aba bantwana bayabalisa, jonga lo wam ngoku singenayo uthi, "Yhooo...hayi mama kutshintshiwe ngoku sine puli yokuqubha" kumnandi kuye kuba u feel-a ukuba kukowabo apha kanti lowa sasimshiyile wayemane ebaliselwa ngabanye uba, "Yhoo thina, sineebhedi zethu phaya, sinee room zethu". Akumnandanga kengoku kulo wasuka wayeka neso sikolo (Ingxoxo yooYamabhinqa).*

Abantwana babone imiphumo engathandekiyo kwimpilo-ntle nokukhula kwabantwana abazalwa kunye nabo:

*Nabantwana abashiywa ngabazali babe into zabantu kengoku ukuze bafumane mali. Imali bayayi dinga (Umntwana Othatha Inxaxheba).*

Kwenye imeko emandundu kakhulu, umntwana oyinkwenkwe washiyeka nomxhaphazi kamama wakhe ibe zange akhathalelwе kangangokuba waqalisа ukusebenzisa iziyobisi waza wahlala esitratweni:

*Umqathango wobudala yiminyaka eyi-14... owam umntana ndamshiya nalo tata usisgebenga kuba kusithwa una 15 years, wabe ama15 yeminyaka ezawuyiggiba ngoSeptember [eyoMsintsi], ndithetha nawe ngoku utshaya iziyobisi kuba kuthwa oko kwamnka utatakhe akasaboni bomi, usesithabeni ngoku ndithetha nawe (Ingxoxo yooYamabhinqa).*

## **Iizwi labantwana alimanyelwa enkundleni**

I-Children's Act itsyo ngokuphandle ukuba abantwana banelungelo lokuthatha inxaxheba kwimiba ebachaphazelayo kuquka iinkqubo zeomthetho. Okwenzekayo kukuba abantwana abanikwa thuba lokuba bamanyelwe nkqu nakumatyala apha kwenziwa izigqibo ezimalunga neentsapho zabo. Bekucacile ukuba inkqubo yezobulungisa inikela ingqalelo kumabhinqa ize ingabakhathaleli abantwana. Ebalisa amava angokuya enkundleni, omnye umthathi-nxaxheba wachaza indlela awayengazange aqukwe ngayo kwisigqibo esasisenziwa ngotatawakhe kwaye zange amanyelwe:

**Umntwana Othatha Inxaxheba:** *Ndafika ndahla mna [enkundleni yamatyala]. Sabizwa no mama sachopha, bathetha kengoku bathetha, emva koba bagqibu thatha sa sahamba. Ndabe kengoku kuthwa kengoku utatu gxothe pha endlini kube bhulisha Umphandi: Uthethile wena pha enkundleni?*

**Umntwana Othatha Inxaxheba:** Ha ah, kange ndithethe mna bekuthetha umama qha notatam

## **Ukuqequesha ootishala ukuze babakholelw abantwana xa bexela ubundlobongela nokuxhatshazwa**

Abantwana baye bathi isikolo yindawo ebalulekileyo yokufuna uncedo kuyo. Omnye wabantwana abangathathi-nxaxheba uye wabalisa wathi, “*bakhona abanye abakhe babethwe (emkahaya). Bafike babonwe zititshala xabe bhala uba ababhali kakuhle and uba ngumntana osoloka e bhala kakuhle zonke izinto, namhlanje kutheni ingabiali kakuhle*” (*Umntwana Othatha Inxaxheba*). Ngoxa bekusithiwa ootishala bayangenelela ngokuthetha ngobuchule nabazali malunga nempilo yengqondo yabantwana, kukho inkxalabo yokuba izikolo zibavala umlomo abantwana ngokungabakholelw xa bexela ngobundlobongela nokuxhatshazwa (Titi, 2021).

Abantwana baye bathi bayayazi ukuba ootishala ababakholelw kwanokuba ootishala kufuneka kutshintshe indlela yabo yokusinga. Kodwa oku kunokuhambelana nokunceda abantwana abaphuma kumakhaya anobundlobongela kunye nabo baxhatshazwa ngabanye abantwana ngokuntlontwa:

**Ungaqinisekisa ootishala kwaye ungenzela abantwana abahlukunyenzwayo iseshoni kunye naba bangahlukunyeyzwayo (Umntwana Othatha Inxaxheba).**

Omnye umntwana ucacise indlela abantwana ababulinganisa ngayo ubundlobongela obenzeka ekhaya xa bekunye nabanye abantwana kwaye amakhwenkwe ngawona anokubonisa indlela yokuziphatha enobundlobongela kwaye bacebisa umphandi esithi kuye:

*ningaba caciela abantwana bapha nica niqale ngalona ngalo uyi bully nimcaciseluba ukubhulisha akulungana ngoba ukuba umntwana ukhula kanje bangayenza kubantwana babo, kunkosikazi wakhe ezcinc ilungile lonto kodwa ayilunganga (Umntwana Othatha Inxaxheba).*

**Umphandi:** Ucinga ukuba singamenzela ntoni lamntwana?

**Umntwana Othatha Inxaxheba:** singanto singaqala singaqale sitethethe notishala ukwaz lamntana xa esiya pha kubo bakwazum, understanda uba ok uyabethwa lomnana, not bacinge pha udlala ngabo uzamu moshi xeshinte njalo.

## 5 linkonzo ezidibeneyo

### linkonzo ezidibeneyo zenkxaso ngokweemvakalelo kubazali nakubantwana

Ukubonelelwa kweenkonzo ezidibeneyo kuthetha ukuba kunikelwa ingqalelo kwiimfuno zamabhinqa kunye nezabantwana babo nokuba ngowuphi umzali ongundoqo, kuze emva koko kwensiwe isicwangciso esiqinisekisa ukuchacha kubo bobabini. Nangona lo mgaqo usamkelwa ngokubanzi, kukho iimbono ezahlukahlukeneyo ngendlela ezinokufikelelwa ngayo iimfuno zamabhinqa kunye nezabantwana.

Amabhinqa afuna abantwana babo babe kunye nabo xa bekhangela indawo yekhusi. Ukungaqukwu kwabantwana ngenxa yeminyaka yabo okanye isini sabo, ngokumayela namakhwenkwe kungumqobo kwamanye amabhinqa afuna ukufikelela kwiinkonzo zendawo elikhusi:

*Ndicinga ukuzidibana kunga lunga. Ukumnanga xa iclient sizoyamkela thina apha e shelter but ufumanise uba umntanakhe yinkwenkwe kwaye ineminyaka e-15. Mos thina [eshelter] iminyaka esiyamkelayo kubantwana aba ngamakhwenkwe kuxa ene12, ukuba una14 or 15 or 13 asikwazi umamnkela umntwana kodwa umama singamthatha. Ngoku khawucinge kengoku ukuba umntwana uziva njani okanye uziva njani. Mhlawumbi ufumanise uba kengoku [chaza ukuthi] hayi umama akazokwazi uhlala apha, nangona ezifuna eziinkonzo kodwa akazokwazi ngoba ucinga umntanakhe lo amshiya ngemva. Ukuba idibene ngoko umntana uyakwazi ufumana indawo yohlala. (Umboneleli weenkonzo).*

Kwiintlanganiso nabahlali (ngolsilimela 2022) kuye kwathethwa nabantwana ecaleni ukuze kuqinisekiswe iziphumo zophando. Baye bathi bafuna amathuba adibeneyo kunye noomama babo kunye nendawo apho banokuthetha nabo ukuze babaxelete indlela abaziva ngayo. Amanyeyo amabhinqa aye avuma:

*Ndicingba mna kumel'uba luyadityanisa ngoba kaloku xana, uzawuthi moss ukuze ancedakale lo mntana ndibe nam ndicedakele. So xa lizakohlulwa, kufanele ukuba siyabizwa sobabini apha kuze kuhlalwe phantsi kuvive ke ngoku ubangaba mhlaumbi indlela le ngoku sesithathana ngayo. Lento ithi; xana sekukhona le ngxaki, ...ukuba ngumntana osengxakini, andizubizwa abalungisa ingqondo yomntana zijinge emntaneni then after ixesha elithile ndicingba mna kufanel'into yobana ndiyabizwa ke ngoku kwenzel'into yobangabana ndilungiswe nam ingqondo, ndicingba injalo ke mna ke (Ingxoxo yooYamabhinqa).*

Kodwa amabhinqa amaninzi afuna ixesha nendawo yokuchacha ngaphambi kokuba ajongane nentlungu yabantwana babo baze babaxhase ukuze bachache:

*Ngoba kaloku kuxozwa wena kulungiswa wena (Ingxoxo yooYamabhinqa).*

Omnye umthathi-nxhaxheba ulumkise nxamnye nokufaneleka kokudibanisa umama, umntwana notata kunyango lwengqondo esithi:

*Kumele lohlulwe uncedo phakathi komntana nomama kuba zikhona izinto ezingaphezu komntana ezizawuthi xa deep down zibuzwa kuwe okanye uzithetha uzibone uba umntana azimlingenanga (Ingxoxo yooYamabhinqa).*

Sekunjalo, amabhinqa aye avuma ukuba abantwana bazi ngakumbi kunokuba abazali becinga:

*Umzekelo nam bendisothuka apha ezintsukwini xa evumile ke mhlaumbi uba sikhe siphinde sikhe sithi, ukuyithetha into katat'akhe athi, "Benicingba fanba ngeliny'ixesha ndilele" una 12 years moss mdala... Benicingba fanuba ngelinye ixesha ndilele, ndimve utata esithi kuwe" akayixeli uba yintoni na athi, ethetha lo nto ndiqonde heyyy (Ingxoxo yooYamabhinqa).*

Kuye kwacaca ukuba ngoxa amabhinqa ebemadolw'anzima ukuba kuncedo Iwezemvakalelo oludibeneyo, ebecinga ukuba luyimfuneko ukuze kukwazi ukubakho uxolelwano:

*Ngoko ke, ukuba kuya kwahlulwa, kufuneka sibizwe kune apha kwaye sibonisane ukuze xa kukho ukungavisansi phakathi kwethu kulungiswe, kwaye umntu angasinceda ukuba sivane ukuze siqonde. unokufumana inkxaso yempilo yengqondo efunekayo (Ingxoxo yooYamabhinqa).*

### **Inkxaso efanele inqanaba lokukhula komntwana**

Ababoneleli beenkonzo abaninzi bavumile ukuba kukho igalelo elivela kwizizukulwana ngezizukulwana kubundlobongela obubakho ekhaya. Sekunjalo, kunikelwe ingxelo yokuba iinkonzo azigxinini emntwaneni. Amabhinqa athe ezi nkondo zifanele zilifanelekele inqanaba lokukhula nokuqola komntwana:

*Xa umxhaswa emntsha sinikezela ngengcebiso, ngoko ke kubantwana, nangona umntwana engakhange axhatshazwe ngokuthe ngqo ngokwasemzimbeni ngumenzi wobubi, ngokungathanga ngqo, umntwana usachaphazeleka, kwaye bafumana ukwenzakala ngoko. Elomntwana ndizakwenza iseshoni yonyango ngodlala nomntwana ndijonge ukuba uchaphazeleke kangakanani emva koko ndibathumele kuMasithethe othatha abantwana abasuka kwiminyaka esi-7 (Ingxoxo yooYamabhinqa).*

Ngoxa iinkonzo zekhusi ziye zithumele abantwana kwiintlangano ezisebenza ngabantwana, amabhinqa avela kwiziko le-TCC aye atsho ukuba ii-TCC azinikeli ngayo nayiphi na inkxaso kubantwana abonzakeleyo abanoomama okanye abanakekeli abaye bangamaxhoba obundlobongela. Baye bathi oku kuyafana nakoomama abaye baba nabantwana abaye bangamaxhoba obundlobongela:

*Masenze umzekelo, kwehlelwe into umama, akathathwa la mntana aziswe apha, naxa kwehlelwe umntwana, akathathwa la mama aziswe apha azolungiswa ingqondo njengento eyenzeke emntwaneni wakhe ayikho into enjalo uyaqonda? Zizinto endicingba mna bekumel'uba mhlaumbi mekul'uba ziyanzeke ukwenzel'uba mhlaumbi, ukwenzel'into yoba laa nto ibhlungu, moss xa kubuhlungu kuwe mzali kubekisaphi emntaneni? Xa kubuhlungu emntaneni wakho, kubekisaphi emzalini? Ngoba kaloku into ebuhlungu echaphazela*

*umntanakho ikwenzakalisa kakhulu wena ngakumbi abazali abangoomama (Ingxoxo yooYamabhinqa).*

### **Inkxaso eqhubeketkayemva kokumka kwindawoyekhusi**

Ukuze abantwana bancedwe, iinkonzo zimele zixhase oomama njengoko bekwindlela eya ekuchacheni ukuze bakwazi ukunyamezela. Kuhlalwa malunga neenyanga ezintathu kwindawoyekhusi kwaye ngelo xesha, amabhinqa afumana inkxaso kuloo ndawo ukuze akwazi ukunyamekela abantwana babo ngoxa bebuyela kubomi besiqhelo. Amabhinqa aye athi adinga inkxaso yokunyamekela abantwana babo emva kokuphuma kwindawoyekhusi:

*Ngoba kaloku kuxozwa wena kulungiswa wena kodwa wena unela xhala, la nto ethi nowuba sowusendlini moss, iyakufikela la nto, ubone sowungasafuni kuthetha umntana yena uyafuna ukuthi, “Mama, mama” ube wena unezaatshiki uyaqonda? So umntana akayifumani la nantsika (Ingxoxo yooYamabhinqa).*

### **Amathuba aququzelwayo ukuze ootata baxolelaniswenabantwana**

Abanye abantwana baye bathi babancamile ootata babo kwaye abanye bebefuna ootata babo babe yinxalenye yobomi babo nakuba bebanele oomama babo “intlungu”. Bathe abayeni abangalunganga baye babe ngootata abalungileyo ngamanye amaxesha. Abantwana bavumile ukuba into abaye bachaneka kuyo ngenxa yobundlobongela ngakoomama babo ibonzakalisile:

*Angabuzwa lomibizo, aphinde ancedwe kancinci [ngugqirha]. Uncedwa kuba emane ebona izinto ezenziwa ngu tata wakhe ku mama wakhe (Umntwana Othatha Inxaxheba).*

Kwisahluko sesixhenxe (7), sibona ukubaluleka kwengxoxo phakathi kweentsapho zama-Afrika xa kusonjululwa ingxaki kuze kuqinisekiswe ukubakho kobulungisa. Ngokuhambelana noku, amabhinqa ayixhasile inkqubo yoxolelaniso phakathi kwabantwana nootata bawo:

*Ndicinga ukuba emva kokucebisa umama nomntwana, banokuhlanganisa usapho kuquka nomntwana. Andazi noba ayizomenza na umntwana ukuba ahlehle, mhlawumbi umntwana anganikwa iplatform apha angabelana nabazali bakhe ngezenzo ezigwenxa, aze uyise avume ukuba wonile abonise. ukuzisola. Ngoko ke mhlawumbi kuloo ndibano yentsapho umntwana unokuphinda amthembe uyise [aze] axolelane noyise. Akwaba utata angacela uxolo nanjengoko lotata wayedla ngokubetha umama ekhona umntwana lonto inokwenza umntwana abe nomsindo nenzondo ngakuyise (Ingxoxo yooYamabhinqa).*

Amabhinqa nabantwana babaselise imfuneko yendawo yokuthetha bekunye ukuze bakwazi ukumanyana baze balungise izinto ezenza bangavani. Umphumo onokubangelwa kukungabikho kukatata kubomi bomntwana nawo umele uqwalaselwe. Ukuxolelana notata kubalulekile ekukhuleni komntwana ibe kumelwe kuzanywe nokuba abazali bayabuyelana okanye akunjalo. Into eza kuggiba imele ibe yeyona nto ilungele umntwana. Le nto iveza imibuzo malunga nokuba ingayinto esemdleni webhinqa kusini na, kwaye ukuba kunjalo, ingenziwa njani ukuze ubudlelwane bomntwana notata bugcinwe.

## 6 Ulwimi nenkcubeko

### linkonzo zolwimi lweenkobe zibalulekile ukuze kuqinisekiswe ukufikeleleka

Ababoneleli beenkonzo baye banikela ingxelo yokuba banikela iinkonzo kumaqela abantu abanezoqoqosho nentlalo ephantsi, bebachaza njengabantu abathetha isiXhosa kakhulu kwaye bembalwa abathetha isiNgesi:

*Ubukhulu becalo, abantu abeza kuthi ngabo basuka kwiindawo ezhlelelekileyo nabathetha isiXhosa. Nabo beza nokuba batetha isiNgesi, kodwa ababaninzi. Kodwa ngoku kukho le nto yokuba nabantu abavela kumazwe angabamelwane, sikwafumana nabantu abavela kumazwe angabamelwane abaneelwimi esingazaziyo kwaphela. Kodwa ngoku, ngamanye amaxesha loo mntu uza netoliki etolika ngesiNgesi kwaye umxhasi uya kube ethetha ngolwimi lwakhe (Umboneleli weenkonzo).*

Xa kungekho mboneleli weenkonzo othetha ulwimi olufanayo nolwabo, amaxhoba afumana iinkonzo ezilinganiselweyo kwaye asemgciphekweni wokuba izinto ezenzeke kuwo zingxengwe ngenxa yenqubo yokuguqulela ulwimi. Oku kunomngcipheko wentlungu eyongezelelekileyo kumaxhoba njengoko kufuneka abalise izinto eziwehleleyo amatyeli amaninzi bebalisela abantu abohlukahlukenyeo. Ngenxa yoko, ulwimi kune nemiqobo yonxibelewano, luchaphazela kokubini abantu abangamaxhoba kune nabboneleli beenkonzo kwaye luthintela ukukhutshwa nokufumaneka kwenkazeloa ngendlela eseenza kakuhle.

### Ukuchaza kakuhle ulwalamano losapho ngokwenkcubeko

Ukuqonda ulwimi Iwexhoba kunganceda ekuqondweni ukuba usapho Iwenziwa ngoobani kune nolwalamano Iwalo. Umzekelo, inguqulelo yegama negama ukusuka kwisiXhosa ukuya kwisiNgesi xa kufundwa igama elithi *uSisi* ingenza kubekho impazamo yokuxelela umntu ophulaphuleyo ukuba abantwana basalwa nabani na entsatsheni. Oku kungenxa yokuba igama elithi “usisi omdala” liyasetyenziswa ukuchaza umntu ongudadewomntu ngesiNgesi. Kodwa, ukuqonda inkcubeko yesiXhosa kukuxelela ukuba *uSisi* ingangumama womntwana kwiimeko aphi umntwana ekhuliswe ngumakhulu notatomkhulu wakhe:

*Kwimeko Yam, utata wesibini (stepfather) wam walinda umama ukuba aye ecaweni. Ndagqiba ekubeni ndingayi esikolweni ngaloo mini ukuze ndibe sekhaya xa usisi [unina] ebuyile enkonzweni (Ingxoxo yooYamabhingga).*

Ulwimi IwesiNgesi luveza izinto ngesiNgesi okanye ngenkcubeko yaseNtshona ibe inguqulelo yesiXhosa engathatheli ngqalelo umongo ingakhokelela kwinkazeloa yesiNgesi engachananga neguqulelwe ngokungachanekanga. Siyayazi le nto ngenxa yokuba umthathi-nxaxheba wasinika umongo xa echaza ukuba wenziwa ntoni kumamawakhe omzalayo ngutata ongenguye utatawakhe. Olu Iwalamano Iwacaciswa xa echaza ukuba ungebani lo tata ungamzaliyo ekuqaleni kwebali lakhe. Ukusebenzisa kwakhe igama elithi *uSisi* ukuchaza umama omzalayo kubonisa ulwalamano abanalo. Le nto iqhelekile kwinkcubeko yama-Afrika. Lo mzekelo ubonisa indlela ekubaluleke ngayo ukuqonda

izinto ezincinci kwintetho nakulwimi kunye nokuntsokotha kolwalamano lwabantu abangama-Afrika, nto leyo echaphazela ukuxelwa kobundlobongela nasekunikeleni ubungqina enkundleni apho isiNgesi sisetyenziselwa ukuchaza ulwalamano njengolo lumphakathi kwabantu abazalwa ngokungqalileyo.

### **Ulwimi njengenkubeko**

#### **Isihlonipho sabafazi: Ulwimi lokuhlonipha olusetyenziswa ngabafazi**

abantu abangamaNguni basebenzisa intetho ekuthiwa *sisihlonipho sabafazi*, le yintetho yokuhlonipha kwamabhingga ngokwenkubeko. Abathathi-nxaxheba baye bachaza ukuba inkundla, eyindawo yokufumana ubulungisa, ngokusebenzisa kwayo isiNgesi ibonisa ukungayigqali inkubeko yabantu baseMzantsi Afrika. Ngokomzekelo, amabhingga athethe ngobunzima anabo amangqina xa kufuneka achaze ngokuxhatshazwa njengoko kungavumelekanga kwisithethe ukubiza amagama athile nokuwasebenzisa (Intlanganiso nabahlali ngolsilimela 2022). Oku kungenxa yokuba, *isihlonipho sabafazi* sithetha ukuba kumele kuphetshwe kuze kusetyenziswe amanye amagama xa kusenzeka ukuba amagama athile anoonobumba abakhoyo kumagama abantu abangootata basemzini waloo mfazi kwakunye nawabantu ababhwinqileyo abamele bahlonitshwe njengamadoda, ngokomzekelo umamazala.

Ababoneleli beenkonzo bachaze ngobunzima bokulungiselela ukuya enkundleni xa kufuneka ixhoba linikele ubungqina nxamnye nommangalelwa enkundleni yomthetho (Intlanganiso nabahlali ngolsilimela 2022). Abathathi-nxaxheba bathethe ngeeyure ezingama-72 abazinikwayo ukuze balungiselele amaxhoba ukuba avele enkundleni, besithi eli xesha alonelanga. Xa kuthethwa ngamagama afana nomthondo, amabele nelungu lobufazi, amabhingga amele asebenzise izihlonipho, ngokomzekelo *induku ende kaTata*, ithetha umthondo. Amadoda akufuneki alandele le mithetho icinezelayo. Indoda inokusebenzisa igama elithi *isende*, ngoxa ukuba ibhingga linokubiza elo gama kunokuthiwa likrwada (Thetela, 2002). Oku kwenza iinkqubo zenkundla zintsokothe ngenxa yokuba izinto ezithethwa ngamabhingga kucingwa azichanekanga okanye azenzi ngqiqo xa ziguqulelwa kwisiNgesi. Sekunjalo, ukunika ubungqina ngolwimi IwesiXhosa, ngokuhambelana nenqubo yesintu, kungabangela ukuba amabhingga akwazi ukuthetha ngokukhululekileyo aze amanyelwe.

Kwiimeko ezinezithethe ezohlukahlukeneyo, ingakumbi kwiindawo ezinjengasenkundleni apho isiNgesi sisebenzisa imilinganiselo yaseNtshona, indlela yokuziphatha kunye nokungaqondwa kwendlela yokunxibelelana kunganikezelwa ngomyalezo ekungacingwanga wona kuze kube neziphumo ezingathandekiyo kumangqina. Ngoxa ezi zithethe zichasene xa zijongwa ngeliso labantu abathethela amabhingga eNtshona, xa zijongwa ngeliso lomntu ongumAfrika, ziqinisekisa ukuba akhona amabhingga angama-Afrika kwaye ziluncedo ekuqondeni amabhingga angasuku kwinkubeko yaseNtshona.

## **Ulwimi kunxibelewano: ulwimi lubalulekile kwiinkonzo zokunceda ngokweemvakalelo**

Abantu abathetha ulwimi olunye bayakwazi ukuqonda into ethethwa ngomnye umntu. Xa sijonga ingcaciso *yeshiloniph*, siyabona ukuba indlela abantu abathetha ngayo nendlela abenza ngayo izinto ichatshazelwa zizithethe zabo. Ungenelelo Iwezengqondo nongenelelo olwenziwa ngabantu luqalisa ngokuqonda ukuba izithethe zibalulekile kwindlela abaziphatha ngayo abantu (Jiang & Pretorius, 2010). Kudliwano-ndlebe, ababoneleli beenkonzo babonise ukubaluleka kakhulu kumgangatho wonxibelewano kunye namaxhoba baza babaselisa ukubaluleka kwezakhono zokuqhuma udliwano-ndlebe kunye nokuba novelwano ukuze kwakhiwe ukuvana nexhoba lobundlobongela. Ngenxa yokuba unxibelewano iyinkqubo ebandakanya abanye abantu kwaye amabali esenziwa kunye nabanye, ukuvana xa kunxityelewana ngokuthetha kuluncedo kwinkqubo:

*Uhm, baseza kuchukumiseka ngoko kwenzekileyo, mhlawumbi basenokuba bayalila njengoko bechaza into eyenzekileyo okanye enyezeka kudala. Abanye baqala ukusuka ekuqaleni, okuyiminyaka kunye neminyaka emva, ngoko ke izakhono zokumamela, ukuqonda ngovelwano kumxhasi kunye nokukwazi ukuzibeka ezihangwini zakhe kwaye ndiqonde ukwenzakala ngoko ndikwazi ukwakha naye, njengomxhasi wam. Yiloo ndlela esakha ngayo ubudlelwane. Siza kuthetha. kwiseshini yokuqala okanye yesibini, sizama ukusebenza kwiinjongo aza kugxila kuzo okanye kwizinto aza kuzenza ngelixa elapha [kwindawo yokuhlala] kwaye uya kuziphumeza ngelixa ekwesi sithuba iinyanga ezintathu. Ke, kubalulekile ukuba ndikwazi ukuseka ukuthembana kwiseshoni yokuqala ukuze umxhaswa wam akhululeke (Umboneleli weenkonzo).*

## **Indima yolwimi kunye nokuchaza kakuhle ukuxhatshazwa**

Ukukwazi ukunxibelelana ngolwimi oluthethwa ngumntu olixhoba kunika ababoneleli beenkonzo ulwazi kwindlela yokuthetha nokunxibelelana okunokuthi kungaqondwa okanye kungacaci kakuhle ngelinye ixesha Xa ebalisa ukuba kwenzeke njani ukuba yena nomama wakhe bahlale kwindawo yekhusi, omnye umntwana wathi ubundlobongela kukuxhatshazwa kwaye umboneleli wenkonzo wasebenzisa amagama afanayo ukuchaza oku kuxhaphaza:

*Bebes'gina phaya ukuze singa bhulishwa ku tat'ethu (Umntwana Othatha nxaxheba).*

*Xa ubhulisha abanye abantwana esikolweni, badla ngokubona atata'bo ebhulisha umamakhe (Umntwana Othatha Inxaxheba).*

Abathathi-nxaxheba bayamkele indima yabaguquleli kodwa babaselisa iingxaki ngaphezu kwezinto ezeluncedo bechaza izinto ezingenzi ngqiqo nokungachaneki kwenguqulelo njengezinto eziyimiphumo yokufumana iinkonzo ngolwimi olungelilo ulwimi lwabo Iweenkobe:

*Lomntu uthetha ulwimi Iwakho uzokuqonda kakuhle kunalomntu ungathethi ulwimi Iwakho. kuba mandithi mha ndyakuxelela ukuba pha eskiloweni sam banje ndiyabethwa kwenzeka kanje intwe njalo, ndiyagezelwa. Lomntu (uthetha ulwimi Iwam) uza kuyiva lento uyithethayo kwaye uzayiqonda kakuhle kunalomntu kunalomntu uzo guqulelwa ngoba into xa ithethwa ngumntu eyisakomnye iphindie komnye ayi zovakala kakuhle (Umntwana Othatha Inxaxheba).*

Ingxaki yowlimi nenkcubeko ekuben iinkonzo zingabonelelwa kakuhle nasekuziphumezeni iye yabalaselisa njengengxaki kwi-SAPS ngenxa yokuba inkonzo ibonelelwa ngabantu abathetha isiNgesi njengolwimi lwasibini. Le nto ibangela ingxaki yonxibelelwanu kunye namabhinqa nabantwana abafikelela kwiinkonzo njengoko ukungasetyenziswa kakuhle kolwimi ngamagosa kuye kukhokelele kumsantsa owongezelelekileyo ekubonelelweni kweenkonzo ngenxa yokungachani kwenkcazelo (Intlanganiso nabahlali, ngolsilimela 2022). Ukongezelela, kuye kwathiwa xa izinto ezenzekileyo ziguqulelwa kwisiNgesi, iingxelo ziye zingabi namandla kwaye izinto ezenzekileyo ziye zingachazwa ngendlela ezenzeke ngayo:

*Ngoba mhlambi noba ngumlungu [engokubhekisele kumbonelel benkonzo] umlungu uthetha isilungu sodwa. Ithi ke ngoku lonto uzobakhona umntu oguqula ulwini. Uzakumguqulela ngesiZulu ngesi-Sotho nangesiNgesi, ngesiBhulu, ngawo onke amalwimi. Ungafika kanti wena awusiqondi isiNgesi. Ithi kengoku lonto xa uzozitshintsha uthethe isiNgesi uwukuyi qondisisa lento ithethwa ngulomntu okwanye wena awuzo qondisiswa. Kwaye abanye abantu (ahleke) bade babe ngathi banochatha bancinge ubba uyathuka, bayathukwa (Umntwana Othatha Inxaxheba).*

Ezinye iindlela zokuziphatha, ngenxa yesithethe zingajongwa njengokungalauleki, ukuphazamisa, ukubaxa njengoko eye watsho umthathi-nxaxheba kwingcaciso engasentla. Oku kucacisa gca ukuba inkundla isebezisa isithethe saseNtshona kwaye kuqinisekisa ukuba umthetho uye wabeka abantu abaNtsundu kwiindawo ebezinabantu abamhlophe ngexesha localucalulo ukuze kukwazi ukulungiselelwa ezinye iilwimi nezithethe kodwa bezingenzelwanga zona (Cakata & Segalo, 2017. Okuphawulekayo kukuba uMzantsi Afrika lilizwe elineelwimi ezininzi kwaye isiNgesi nesiBhulu zingundoqo ngenxa yenqubo yezemfundo esebezisa isiNgesi (bekukade kusetyenziswa isiBhulu), kwaye iilwimi zomthonyama zijongelwa phantsi (Cakata & Segalo, 2017). Xa kubonelelwa ngeenkonzo, ulwimi ludlala indima ebalulekileyo kwaye alumele lujongelwe phantsi njengoko lunciphisa ukuntsokotha kwentetho.

### **Ulwimi njengomqobo wokufikelela iinkonzo**

#### **Ukuthatha ingxelo kweSebe Lamapolisa**

Abathathi-nxaxheba banikele ingxelo yokuba amagosa amapolisa abhala ingxelo yokuxhatshazwa kwavo ngesiXhosa njengoko ummangali ethetha ngesiXhosa aze amagosa amapolisa aguqulele ezi ngxelo kwisiNgesi xa ebhala ingxelo kodwa iingxelo ezibhalwe ngesiNgesi zidla ngokungafani nezo zesiXhosa. Abathathi-nxaxheba baye bathi isiNgesi sichubeke kakhulu ibe asichazi kakuhle size singabi nazi izinto ezenzeke kuqala nto leyo engxenga into eyenzekileyo. Ngokubhekele phaya, abathathi-nxaxheba baphinde bachaza ukuba iyabacaphukisa into yokuba izicelo zenkundla zabo zingamkelwa xa zibhalwe ngesiXhosa ngenxa yokuba ubungqina babo bugqalwa njengobungaqondakaliyo. Ngokomgaqo-siseko, abantu baseMzantsi Afrika, banelungelo lokuthetha nelokuba kuthethwe nabo ngolwimi abaluqonda kakuhle ingakumbi kumatyla asenkundleni. Sekunjalo, umyalelo weJaji Eyintloko wenza ukuba isiNgesi ibe siso sodwa esisetyenziswayo kwiinkundla zomthethe kweli lizwe. Ngenxa yoko, endaweni yokusebenzisa isiXhosa - olona lwimi luthethwa ngokubanzi eMpuma Koloni - iinkqubo zenkundla ziqhutywa ngesiNgesi zize iinkundla zibonelele ngetoliki.

## **Ulwimi kwiinkqubo zasenkundleni**

Ababoneleli beenkonzo bathethe ngenkxalabo enzulu malunga nokuba kwiinkundla zomthetho izithethe zabantu abangama-Afrika azithethi Abathathi-nxaxheba bakuthandabuzile ukuhambisana komgaqo-siseko weenkqubo zenkundla:

*Apha enkundleni, njengoko ndisitsho ukuba ndihlala enkundleni, zonke iifomu ezilapha zingesiNgesi. Abona bantu baseemngciphekweni abeza kucela inkonzo apha enkundleni ngabantu abangafundanga kanye nabantu abadala, uyazi, ngoko...(Ababoneleli Beenkonzo).*

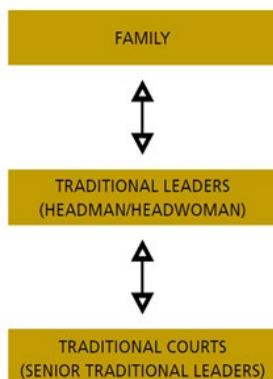
Ukuthathwa kwesiNgesi njengolwimi olugqwesileyo kunolwimi lommthonyama kususela ngexesha lobukonoliyali apho isiNgesi nesiBhulu bekunyanzelisa zisetyenziswe ngabantu bomthonyama njengolwimi lokuqhuba izinto zasemthethweni nezoshishino. Kwincwadi kaCakata noSegalo (2017, iphe. 327) kubhaliwe kusithiwa “iilwiimi zenza amava abaluleke” kwaye ukungaphunyezwa kwemigaqo-nkqubo yolwimi kukophula umthetho. Ngoxa abantwana abathathe inxaxheba kuphando bethetha iilwimi ezininzi baze bathetha isiNgesi ngokukhululekileyo, ngokuthe gabalala bebenoluvo lokuba zonke iinkonzo kuquka nezo zasenkudleni, zimele zifumanekе ngolwimi lweenkobo ngenxa yokuba, *Isixhosa silula kuye [umntu] xa esiva ubuhlungu (Umntwana Othatha Inxaxheba)*.

Kwiintlanganiso ezibanjwe noluntu, abathathi-nxaxheba bachaze ngendlela igama lesiXhosa elithi “umenzi bubi” lilinganiswa nelesiNgesi elithi “perpetrator” (umenzi wobubi) ngoxa “ubundlavini” (ubulwanyana) ilelona gama lichaza ngokuchanekileyo oko kuthethwa ngabathathi-nxaxheba xa besithi “perpetrator”. Oku kubonisa ukuba xa kunikelwa ubungqina ngesiNgesi, ingxelo engezinto ezenzekileyo ziyashwankathelwa, ukongezelela ekulinganiselekeni kwsigama sesiNgesi esinokusetyenziswa ukuchaza into eyenzekileyo.

Ingxaki eyongezelelekileyo yaxa kuthathwa ingxelo ngamapolisa sisibakala sokuba amapolisa anyanzelisa ukuba ibe ngawo abhalayo. Ingxaki yokuqala kukuba xa iingxelo kunyanzelekile ukuba zibhalwe ngesiNgesi, abanye abantu abakwazi kufunda baze baqinisekise ukuchana kwengxelo abayibhalelwego. Okwesibini, kwiindawo eziszilalini, ingxaki yokusebenzisa isiNgesi kukuba ipolisa kunye nexhoba asingabo abantu abathetha isiNgesi njengolwimi lweenkobe. Ngenxa yoko, inguqulelo yesimangalo kungenzeka ibe ligama negama lengxelo okanye ingachaneki kakuhle. Iifomu namaxwebhu nawo abhalwe ngesiNgesi, nto leyo ebangela ukungaqondakali, ukutolika ngokungachananga nenkcazelo engachananga. Zonke ezi zinto zishiya amabhinqa engakhuselwa ngumthetho ngenxa yokuba engaziqondi iinkqubo.

## 7 Lindlela zasekuhlaleni nezenkcubeko zokujamelana nobundlobongela

### Umthetho wama-Afrika uqala kwiintsapho



*Umfanekiso 2: Inkubo elandelwayo kumthetho wesintu* (umthombo: Department of Justice and Constitutional Development. (2008) Policy Framework on the Traditional Justice System under the Constitution. Pretoria: GOSA, p.32)

Kwiintsapho zabantu abaNtsundu, usapho yindawo yokuqala yokusombulula ubundlobongela basekhaya, ngokubanjwa kwentlanganiso yekhaya. Ukuba akukho ntlanganiso, ixhoba alisayi kumanyelwa. Kwintetho yakhe engoMthetho wama-Afrika, uZethu Cakata (2017) uycacisa le nkqubo ngokuthi, kulwimi lwestiNguni, ezi ntlanganiso zibizwa *inkundla* (court) yekhaya, kwaye wonke umntu unaso *isikhundla*. Ingaphulo engezantsi ithathwe kwibali lebhinqa elichaza amava akhe xa utata wesibini walo (stepfather) wayezama ukulidlwengula ngoxa laliseyintombazana encinane. Ukubaluleka kosapho ekusombululeni amabango kucacile:

*Xa efika emxelela, wakhala nje lo mzuzu umamam vha xa kubizwa abantu notatomkhulu walapha le nto ithethwa, waphika lo bhuti, wathi umntana oza emva kwam, "Hayi bendikuvile Tata ngokuya ubumbizela ekamereni bendingalalanga (Ingxoxo yooYamabhinqa).*

Ngokwahlukileyo kolunye uphando apha abantwana kusithiwa bamele babekho kodwa bangathethi kwiintlanganiso zentsapho (Jamieson et al., 2022), apha siyabona ukuba wonke umntu okwintsapho kuquka abantwana, uyinxalenye yentlanganiso yosapho. Inkubo elandelwayo xa kuqhutya iintlanganiso yinkqubo ekuthiwa ngesiXhosa *ukuthetha*, apha *ukuthetha* (ukuthetha okanye ukuncokola) kuhkokelela *kumthetho*. Oku kuthetha ukuba, akukho sigqibo sichaphazela intsapho esithathwa ngaphandle kokuba usapho luxoxe ngaso. Sekunjalo, amaxesha amaninzi, ayikholelwa into ethethwa ngamaxhoba okanye iintsapho ziyamkhusela umenzi-bubi, (Jamieson et al., 2017; Mathews et al., 2016; Titi, 2021) nto leyo ewavala umlomo amaxhoba:

*Uyayazi into eyenzekayo emva koko, wathi umamam, "Rhaa! Wonyelisa umyeni wam, le nto inamakhwenkwe" yaphela nje kanjalo. Yabangumamam uthi ndonyelisa umyeni wakhe, zange ixoxwe zange ithini, ndaphela ndisohlukana nomamam ndamshiya nomyeni wakhe nabantwana bomyeni wakhe ndahamba ndayohlala kokwabo, zange ndifunde ngenxa yaloo nto. Yile nto ke ndithi, nabazali banayo ingxaki cause bayazogquma izinto zabayeni babo (Ingxoxo yooYamabhinqa).*

Imeko engasentla ibonisa gca iingxaki ezibakho xa iintsapho kufuneka zilungise umba wokurhanelu ukudlwengulwa komntwana. Ngenxa yokuba lo mzekelo iyinto eyenzeke kwixesha elidlulileyo kwibhinqa elaba lixhoba le-IPV eyenziwa liqabane lalo, siyabona ukuba, kulo laqala lisengumntwana ukuba lixhoba lobundlobongela. Kulo mzekelo ulandelayo, siyabona indlela amalungu osapho

athatha ngayo icala ukuze akhusele umenzi bubi ngokuvala umlomo ixhoba - ngokungayivumeli inkqubo ekuthiwa *ukuthetha* (ukwenza umthetho):

*Mna bendikhe ndazama ukuthetha ku Sister-in-law omdala uyi Social Worker moss, so ndazama uthetha naye ndamxelela "Hey! Ubuti wakho wenza oku, noku, noku, noku" wathi "Okay, ndizawugoduka ke ngoDecember" Wathi "Sizawugoduka ngoDecember xa sigodukile ndizawuthetha nani" ndathi "Okay" ndicingba ke mna kuba ndimazi uba ungunontlalontle mos kwaye unguisisi omdala uzawuthetha kuvakale". [Wathi] "ndimbuzile ke ngayo yonke lento ubundixelete yona, akayazi", so mna ndavele ndamjonga njee ndaqondba bendimxelela mna kuba ingusisi wakhe emdala and ungunontlalontle bendingalindelanga into yoba ngaba angathi ngoku ndingekhoyo abizele umntana wakokwabo ecaleni ebengenongaphiki moss ekugqibeleni, ebengenongathi "Hayi" ndabon'into yoba igazi liyajiya kunamanzi (Ingxoxo yooYamabhingga).*

Kulo mzeklo ungasentla, siyabona ukuba ixhoba lilandele iindlela ezifanelekileyo ukuze iintsapho ingenelele kodwa livalwa umlomo lelinye ibhinqa. Ukuba akukho ntlanganiso yosapho, akukho bantu bafanelekileyo bokuva isimangalo sakhe. Kukho umzekelo wamaxesha apha amabhinja akhe akhusele oosolusapho kwaye athule njengoko amanye amabhinja esiba ngamaxhoba okuxhatshazwa. Ukungenzi nto kwamabhinja xa kucinezelwa amanye kumelwe kujongwe ngeliso lobusolusapho. Apha sijonga iingxaki zokuba negunya Kunye nokugagamelia kwamadoda kuhambelana nokuzithoba kwamabhinja njengoko kulawulwa ziinkqubo zokuba negunya Kunye neopolitiki. Ezo zigqitha ngaphaya komahluko "webala" nomahluko wenkcubeko.

### **Indima eddalwa ziinkokeli zomthonyama Kunye neenkundla zoomthonyama**

Ngokutsho komthetho wesintu, xa iingxaki zingasonjululwanga ngempumelelo kwiintsapho, ezi ngxaki zimele zisiwe kwinkokheli yoluntu (*uSibonda/Kwa Bhodi*). Ukuba akakwazi ukuyilungisa impikiswano, inokusiwa kwinkundla yomthonyama, kodwa kubonakala ukuba amabhinja akhetha ezinye iindlela xa efuna ukwenzelwa ubulungisa. Bekubonakala ukuba abantu basezilalini bayaqonda ukuba ziinkokeli zomthonyama zimele zibe ngabantu bokuqala ukuxelawa xa kukho ubundlobongela elalini. Sekunjalo, into eyenzekayo kukuba abanye baya ngqo kwi-SAPS ngoxa amabhinja ebandakanye kokubini i-SAPS neenkokeli zomthonyama:

*[Ingxelo iqala] emapoliseni nakumapolisa, nakwaBhodi Kaloku singabantu basezilalini. Baqala kwaSibonda (Ingxoxo yooYamabhingga).*

Oku kubonisa ukuba amabhinja ayafuna ukuzihlonipha izithethe zavo kodwa afuna ubulungisa buphunyezwe, ngoko abanye bayazihlonipha ziinkokeli ngokulandela imithetho yesintu ngoxa amanye esiya ngqo emapoliseni:

*Kaloku uSibonda okanye uBhodi ngulo oyidlulisela kwinkosi, then xa ifika kwinkosi ke ngoku kubizwe amapolisa yaqonda? But mna kwelam icala mna zange ndibize Bhodi naNkosi mna, ndabonba intoba into efanelekileyo kukufounela amapolisa qha (Ingxoxo yooYamabhingga).*

Ngokuthe gabalala, bekubonakala ukuba amabhinja awonelisekanga bubunkokeli beenkokeli zasekuhlaleni. Amabhinja aphinde aphawula ukuba ziinkosi azinamandla kunamapolisa ekubeni ekugqibeleni zisisa ityala emapoliseni. Into ebonakala ngathi kukukhwel'ecingweni kwamabhinja

malunga nokuya emapoliseni okanye kwiinkokeli zomthonyama njengendawo yokuqala ukuxela isusela kwixesha lobukonoliyali, ifuthe ledolophu, ubukhapitali nto leyo enegalelo lamabhinqa aseMzantsi kwiliZwe lonke ephila phakathi kwehlabathi (Lugones, 2010). Ukuthatha izithethe zabanye abantu kwihlabathi lale mihla kubangela iimbono ezinanzi nokuphikisana phakathi kweembono zomthonyama ngehlabathi kunye nenkcubeko nentlalo yale mihla. Amabhinqa omthonyama aphila phakathi kwehlabathi kunye namava amabhinqa amelete aqwälaselwe xa kunikezelwa ngeenkonzo (Manning, 2021).

### **Imfuneko yotshintsho ngokwesini kwibhunga lesintu**

Ababoneleli beenkonzo bathethe ngokungoneliseki ngumthetho wesintu ekufuneka uthotyelwe kwinkundla yesintu. Imithetho engqongqo nendlela yokunxiba iyasebenza ibe ngenxa yaloo nto le mithetho ayihambelani nokulingana ngokwesini aphi amadoda asoloko esebezisa igunya analo phezu kwamabhinqa:

*Ke ukuba uzokwenza umcimbi okanye unentlanganiso kwezo lali, kwaye uya kufumanisa ukuba uluntu luya kuthi awukwazi ukungena [kwiyadi yobukhosu ukuba ungumfazi unxibe ibhulukhwe. okanye awunayo i-doek so, uhlobo lwezo zinto, ngoko sisasokola eTranskei. (Umboneleli weenkonzo).*

Kubonakala ngathi amabhinqa awamelwanga nangaluphi na uhlobo kwiinkokeli zomthonyama. Utshintsho ukuze kubekho amabhinqa lubalulekile kuzo zonke iindawo ukuze amaqela awohlukahlukeneyo angaziva emanyelwe yaye ubukho bawo buxatyiswa:

*linkosi nazo ngamadoda, azikho iinkosi zamabhinqa. Ngaphandle kokuba kukho inkosi ebhinqileyo kuya kuba ngcono. Inkosi eyindoda ayiyi kuxoxa imicimbi ngokwembono yowesifazane. Into enokuthi isebenze kubo kukuba, umzekelo, umfazi uyaxhatshazwa, indoda inokubaxeleta into ebekufanele bayenze kunye nendlela abayiphatha kakubi ngayo indoda (Umboneleli weenkonzo).*

Nangona abathathi-nxaxheba bethe abanantembelo kwigunya leenkokeli zomthonyama kwaye bengonelisekanga yimithetho elandela ubusolusapho kwiinkundla zomthonyama (Intlanganiso nabahlali, ngolsilimela 2022) kuhlatywe ikhwelo lokuba ibhunga lomthonyama imele iqukwe njengecandelo le-GBV elimele liphucule xa kulungelelaniswa iinkonzo zokusabela. Abathathi-nxaxheba babonise intembelo yokuba ukuquka iinkokeli zomthonyama kwicandelo le-GBV kunokwenzeka njengoko itshintsha iminyaka yeenkokeli zomthonyama, bekholelwu ukuba baza kuziqonda ngakumbi iingxaki ajongene nazo amabhinqa ngenxa yemilinganiselo yesini eyingxaki.

Sekunjalo, abantu basekuhlaleni babonise ukuyithemba ngakumbi icawa kunokuba bekunjalo ngeenkokeli zomthonyama:

*linkokheli zemveli into edlangoba incede kancinci kuba mhlawmbe masithi mhlawmbi lomntu ukule violence ngumntokhonzayo abemhlawmbi uzathetha nomfundisi wakhe, umfundisi kengoku abadibanise ababantu. Kodwa ayidli ngonceda ncam kodwa ezilalini inkosi azisenamandla (Umboneleli weenkonzo).*

## **Unqulo neentlangano zonqulo**

Abathathi-nxaxheba bebenezimvo ezibethabeanayo ngeentlangano zonqulo (iicawa) ngokubanzi, abanye besithi zidlala indima ebalulekileyo ekungeneleleni kwiingxaki ze-GBV, zibonelela ngokucetyiswa ngokwengqondo, ukutyelela emakhaya zize zibonelele amabhinja ngendawo ekhuselkileyo yokuthetha ngezinto eziye zeneka kuwo. Abanye bathi zibeka ubungcwele bomtshato phambili ngaphezu kwempilo-ntle nokhuseleko lwamabhinja. li-NGO zinikela ngengxelo ethi zisebenzisana neentlangano zonqulo njengenxaleny yephulo lazo lokubonelela ngolwazi nokufikelela kuluntu malunga ne-GBV:

*Sisebenza kune neecawe; asibakhupheli ngaphandle. Sityelela iicawe sicela indawo yokuthetha ngokuxhatshazwa kwabasetyhini nabantwana (Umboneleli weenkonzo).*

Abathathi-nxaxheba babalise ngenkxaso entle abayifumene kwiintlangano zezonqulo:

*Xa sisiza kumba waseCaweni ukuba unalo ngxaki uya kuMcembisi wakho uze urikeumxelele yonke into eyenzekayo ke ngoko, bona njengabacebisi basenkonzweni baye bazame ke ngoku uthatha la ndawo yonontlalontle baku thuthuzele ngoba baye bona kwicala labo bazamel'into yoba ingangeni kakhulu apha engqondweni le not (Ingxoxo yooYamabhinja).*

*Bakuxelele ukuba xa uziva ulingile ungaqhubeka. Ukuba ufunu uya kwsikhululo samapolisa baye bathi "Singahamba sikukhaphe" (Ingxoxo yooYamabhinja).*

*Kweyam iCawe badlala indima enkulu kakhulu. Ndingum ZCC mna. Uyabona e ZCC, abantwana ba...kuneSunday School, iSunday School inoo teacher babo moss yonk'into neeSocial Workers yonke la nto. Kubekhona nakwezi holiday zoomama phakathi enyakeni, unyaka nonyaka eCaweni kubizwa i...kuthwa yintoni na kanene le nto? La lantika apha...iseOxford...le nto, kwaba nontlalontle balapha eOxford ngase (Ingxoxo yooYamabhinja).*

Nangona kukho ungenelelo nenkxaso yezinye iicawa, amanye amabhinja aye anikela ngengxelo yokuphoxeka zizophumo, njengoko amadoda enganyanzelekanga ukuba abandakanyeke. Ngokomzekelo, enye indoda yavela yaggiba ukungabi yinxalenyen yenkonzo eyayisilwa nxamnye nobundlobongela bayo:

*Ziyazama, ziyazama sisi iinkokheli zakwa Lizwi, like mna kweyam iCawe bebesiya kwam endlini bayothetha bayazama ukuyinqanda iGender Based Violence, bazame ukulungisa umtshato wenu intonayo mna into eyandibethayo kukuphuma kwalo mntu ndilungiswa kunye naye, lo tata, wayiyeka iCawe kwashiyeka mna eCaweni (Umboneleli weenkonzo).*

Ngoxa bezikho iingxelo ezintle malunga nendlela iintlangano zezonqulo ezsabela ngayo kubundlobongela obenziwa kumabhinja, iintlangano zezonqulo bezibonwa njengezo zingayisi liso ngokwaneleyo ubundlobongela beqabane-(IPV) kodwa endaweni yoko zinikela ingqalelo ekuxolelaniseni abantu abatshatileyo ibe loo nto ivala umlomo amaxhoba:

*Ngamanye amaxesha aphele umntu kengoku umntu engayixeli into nokubana mhlambi uuyithethile kwinkokheli yakhe, inkokheli yakhe izoyithetha apha*

*enkonzweni lento ubana hayi mayiphumi lento ngaphandle mayiphelele apha ngaphandle mayiphelele apha kuthi abadibani se acinge fan'ba kengoku ilungile lento kanti akhonto ilungileyo isaqhubekeka ilelahlobo (Umboneleli weenkonzo).*

## **8 Ubulungisa boluntu, umthetho, intsabelo yoluntu kunye nobuntu**

### **Ukuthathela umthetho ezandleni kwabantu baseMzantsi Afrika kunentsusa ekwimbali yobukoloniyalu noCalucalulo**

Ukujonga imbalu yobundlobongela kubantu abaNtsundu baseMzantsi Afrika, enoba basezilokishini (edolophini) okanye emaphandleni (ezilalini), kwenza kuqondwe ukuphindaphindeka kokungcungcuthekisa, ukubethwa nokubulawa ngokulula kwabantu abaNtsundu. Ukuthathela umthetho ezandleni kwabantu abaNtsundu kwakondele kuMzantsi Afrika wexesha localucalulo kwaye kuye kwaqhubeka phantsi kolawulo lwentando yeninzi (Loqani, 2015; Ngidi, 2022; Super, 2022). Amabhinqa anikele ingxolo yokuqonda imiphumo yaxa abantu bethathela umthetho kubo, beyiphepha loo nto kwezinye iimeki:

*Abantu bayoyika ukusibetha okanye basitshise isdlwengu ngoba kaloku nyhani ekuggibeleni kuye kutshiwo kuthwe abantu bathathele umthetho ezandleni, kude kufunwe uqonda ukuba ngubani mhlawumbi oqalileyo? Kanti ke moss into xa yensiwe ngabahlali sube yensiwe ngabahlali kodwa kufumaniseke ukuba izawuphuma nodlolwazana, kulyalwe ngalowa umntu ulimazileyo ngokokubana umntu enze la nto yoba kuthwe undlwengule fanele into yoba, abahlali xa bemfumene bambambe bambulale qha ke ngenxa yentoba ngabana, umthetho uzawufun'uqondba "Ngubani obeqalile" (Ingxoxo yooYamabhinqa).*

Ukungabikho kwenkxaso karhulumente kunye nenkxaso yeenkokeli zoluntu kwenza abahlali bathathe indima yeenkonzo zokusabela, ngokomzekelo ezo zeenkonzo zonyango longxamiseko nezamapolisa:

*Abamelwane ngaba ngokwelam icala ke, abamelwane ngaba ndithi bakuthatha...baye bakuthath...bakuthatha bakubalekisele emapoliseni okanye bakhabe beshiyeka be deal (a) nalo wenze obu bundlobongela (Ingxoxo yooYamabhinqa).*

### **Izinto ezenziwa luluntu nezo lungazensiyo**

Amabhinqa anikele ingxelo ethi ukungenzi nto kwamapolisa nokubanjwa kwabantu xa besilwa nxamnye nolwaphulo mthetho kuyatyafisa. Abathathi-nxaxheba bavumile ukuba banenkxaso yabahlali kwaye banokuthembela ngabamelwane babo kakhhulu, kodwa kukho imiqobo eqondakalayo ethintela ukuba abahlali bangawancedi amaxhoba:

*Akusekho nto endiyibonayo abahlali abakwazi ukuyenza ngoba xa besenza lo nto abahlali bafun'uyenza kwesi sidlwengu si rape(ayo) apha elalini yakho, kuyiwe kuthwe sithathel'umthetho ezandleni zethu, funeka ke thina sithule, asikwazukwenzanto ngaba bantu, funeka siyoba xela, babanjwe baphinde bakhutshwe babuye (Ingxoxo yooYamabhinqa).*

Abathathi-nxaxheba bazithathela ezandleni zaho umthetho nangona besoyika amagosa omthetho xa beshukuma nxamnye nezaphuli mthetho. Amabhinqa avakalise iimvakalelo zokungabinamandla

nokwenziwa ngathi abangobantu xa ethelekiswa namadoda kwaye aphawule indlela angakhuselwa ngayo ngumthetho nto leyo ebangela abahlali bangangeneleli xa amabhinqa ekhalela uncedo:

*Abantu abasaphumi ngoku ngoba kaloku boyika ukhonjwa, boyika ubanjwa, urhulumente wethu ngowezigila mkhuba ngoba kaloku thina xa sinophakama sizawuthathwa siyovalelwa, phofu yena bazawumthatha bathi, "Senimbethile nali igazi" akhonto sizawuyenza, bawumsa esibhedlela kube kuphela. Thina asinabo ubomi thina bantu basethyini, ubomi obukhoyo bobezigila mkhuba zodwa, futhi ke urhulumente uyazithanda (Ingxoxo yooYamabhinqa).*

Abathathi-nxaxheba anikele ingxelo ethi uluntu luthathela umthetho ezandleni zawo nxamnye nabazali kune namadoda axhaphaza abantwana babo:

*Uye akhutshwe ingakumbi ke kule Yam ingingqi endihlala kuyo, uyakhutshwa kwalapha ekuhlaleni angabikho totally kududulwe yena, kushiyeke abantwana nonkosikazi apha endlini, yena ngokunokwakhe uyemnka aphele tu angabikho aphi. Futhi ke, xa sekufike ixesha elinjalo ehlukumeze umntana pha phakathi endlini, akakhutshwa nje ehamba lula, uyabethwa, uyabethwa lowo, yeyona nto endibonayo uba abayikhathalelanga abahlali noba kuthwa umthetho uzawufuna uyazi uba beniyenzela ntoni na ngoba kaloku ngoku utye aph'endlini (Ingxoxo yooYamabhinqa).*

### **Igalelo lokuchanabeka kwabantwana kubundlobongela basekuhlaleni**

Abantwana bachanabeka kwizenzo zabahlali ezinogonyamelo olumasikizi kwaye bayaqonda ukuba obu bundlobongela bubangelwa zizaphuli mthetho ezixhaphaza amabhinqa nabantwana. Kwenye imeko, abahlali babulala indoda eyayityholwa ngokudlwengula nokubulala umntwana:

*Babulala lomntu uhlukumeze umntu emveni koko uggiba kwabo bambethe bambethe bambulale wabethwa wabethwa tshizwa nange paraffin kwa kwajonga uba ufe msinya bamshiya kulondawo tata and then kethinna ke sabe sihamba (Umntwana Othatha Inxaxheba).*

Ukuchanabeka kubantu abathathela umthetho ezandleni zabo nokuba siyintoni isizathu sabo kunemiphumo engathandekiyo kwaye kubachaphazela ixesha elide engqondweni abantwana, aphi bezibuza ukuba banako na ukunyamezela ukubona obu bundlobongela bade babe ngathi bayaphupha:

*Ndikhumbula xandibona aba bantu xabesilwa uba ndandicinga njani ukuyibukela into enjeyana Ndiye ndathi xa ndifika endlini ndacinga lanto ibiyenzeke pha yangase ndiphindele kodwa kwabakho into ethi "hayi sukuya" Mhlawumbi angaphumela nakuwe umsindo wakhe, awumazi uba ungaka nani (Umntwana Othatha Inxaxheba). Ubulele umntana mos naye wabulalwa (Umntwana Othatha Inxaxheba).*

### **Imiqobo kubulungisa basekuhlaleni 'nokudinwa kukubonisa ubuntu'**

Ubulungisa buye bachazwa njengenkubo yokufumana isigwebo esinobulungisa kwityala nangona umthetho unento yokwenza namalungelo kune nemigaqo-nkqubo (Intlanganiso nabahlali, Isilimela 2022). Abathathi-nxaxheba baye bathi imithetho nemigaqo-nkqubo iye yabunciphisa ubuntu. Oku bekubangelwa luluvu lokuba umthetho uyabohlwaya abahlali ngokuxela ubundlobongela

nangokuzama ukungenelela xa bebona ubundlobongela busenzeka kwindawo abahlala kuzo. Ngenxa yoko, abantu abaxeli okanye benze nto xa bebona ubundlebongela okanye besazi ngabo:

*Ngexesha le-seshoni umntu uya kuchaza into yokuba bayakwazi ukbethwa kodwa ulunt kwezinye indawo bangaphakami, kuthwe hayi wethu yinto yabo leya babaya ingahti seyi siqheko uyabo(?) “hayi banjeya bayeke ngoba ukhe wangena phakathi kwabo baphinde babuyelane, yenyen ingxaki ke leyo yoba abantu kuza nqandwa then baphinde bona balunge into zabo (Ababoneleli Beenkonzo).*

Abathathi-nxaxheba baxele nangokususwa kwendlela yokuxela ungaziwa kokubini emapoliseni nakoonontlalo-ntle njengesizathu sokba bangangeneleli xa abanye abahlali behkalela uncedo (Intlanganiso nabahlali, Isilimela 2022). Oku kuye kwanyenzela abahlali ukuba benze izinto ngokuzimeleyo ukuze baphephe ukufumana umsila wengwe obabizela enkundleni.

Ukongezelela ekoyikeni izaphuli mthetho, abathathi-nxaxheba bebekwaxhalabe ngenqubo yezobulungisa eyenza ngathi ingakwicala labo ngoxa ibachanaba kubundlobongela xa beluxela. Abanye abantu baye baqalisa ukucela iimali yentlawulo zokuzibophelela ukuze banikezele ngoncedo:

*Xa kengoku ba yafuna uncedwa ukhupha imali iR5 mhmm gqiba khupha lamali yonkeinto eyenzeke emzini wakho okanye kuwe khangela lamntu kayekwa ukhangelwa funyanwe then bambethe emva koba bembethile phonele amapolisa Ngala day kaloku kubethwa ngayo lamntu kukhutshwa iR5 gqiba kwakho ukhupha khangela lamntu kengoku R5 gqiba kwakho ukhupha khangela lamntu kengoku bayajika kaloku abaselibemnceda bayajika (Umntwana Othatha Inxaxheba).*

Iliali, ilokishi neendawo eziematyotyombeni azikwazi kufikelela kubantu abangamagcisa eenkonzo zokhuseleko abafana noonogada, iindawo ezinqatyisiwego, iindawo ezibiywe ncingo olunqabisileyo kunye nabahlali abagadayo abanezixhobo ezaneleyo (Super, 2022). Abantu basekuhlaleni badla ngokusebenzisa izicwangciso ezicingisisiweyo ukuze basebenzise izixhobo zabo ezilingniselweyo kunye nezinto zoluntu abanazo ukuze benze kubonakala ubukho bamapolisa, ngokomzekelo ngokucela i-R5 yemali yokuzibophelela kuncedo lwabahlali ukuba kuvela imeko edinga uncedo lwabo. Kwiintlanganiso nabahlali (Isilimela 2022), ukungakwazi kwabantu basekuhlaleni ukusabela ngokukhululekileyo kugonyamelo baze bancede abamelwane, kuchazwe ‘njengokudinwa kukubonisa ubuntu’, njengoko amangqina kufuneka esoloko esiba nexesha lokuvela enkundleni.

## 9 Imisantsa evelayo

**9.1 Ulwimi nenkcubeko** – Umyalelo weJaji Eyintloko othi makusetyenziswe isiNgesi njengolwimi lwenkundla, ungatshintshwa ngokulula kwaye ukukhuthazwa kweelwimi zomthonyama kwiindawo apho iilwimi zengcinezelo beziphambili, akuyi kunceda nje kuphela kodwa kungalungisa imiqobo engabonakaliyo eyenza amabhinja angama-Afrika azive engaphantsi kwaye engaqukwa kwiindawo ezinjalo.

**9.2 Abantwana badinga indawo yekhusi nokhuseleko** – Ukungaquka abafana abadala kwiinkonzo zekhusi kuza kuba negalelo elihlala ixesha elide ekukhuleni kubantwana abangamakhwenkwe emzimbeni nangokwentlalo kwaye xa engakwazi ukufikelela kwinkxaso yokucetyiswa kwezengqondo

ukuze bakwazi ukumelana nengxaki yabo, oku kuza kwenza ubundlobongela buqhubekeke. Ukwahlula iintsapho ngolu hlobo, kungabanelu ukuba amabhinqa nabantwana bafunyanwe lixhala.

**9.3 Abantwana ababona kuphathwa ngobundlobongela abantu ababanakekelayo badinga ukucetyiswa ngokwasengqondweni** – Iinkonzo zokucebisa kwezengqondo ebantwaneni bezingadityaniswanga njengenxalenye yonakekelo Iwase-TCC kwaye abantwana bebexhomekeke kubazali okanye kumntu omdala onokuthenjwa ukuze bafumane inkxaso engokweemvakalelo.

**9.4 Iinkonzo zokuqhubekeka nobomi kunye nezokucetyiswa kwezengqondo zibonelelwa kwicala lomntu omye** – Amabhinqa akufunekanga nje abone indlela yokuba achache kodwa kufuneka axhase nokuchcaha kwabantwana babo. Amadoda nabantwana abangabafana abadala awadityaniswaga kanako kwiinkonzo zokuthintela ezokusabela.

**9.5 Ukusilela kwinkubo yezobulungisa kukhokelela kubahlali abathathela umthetho ezandleni zabo** – i-SAPS idla ngokuba yindawo yokuqala eziya kuyo iingcali ezbonelela ngeenkonzo kodwa abantu baphelelwa yintembelo kwinqubo yobulungisa, nto leyo ebangela ukuba abantu basabele ngokungaxeli okanye ngokuthathela umthetho ezandleni zavo.

**9.6 Ukusebenzisana kwamacandelo awohlukahlukenyero** – ii-NGO ezise-TCC okanye amasebe e-SAPS kodwa exhaswa ngezimali zii-NGO ngundoqo ekuqinisekiseni ukuba amabhinqa afumana zonke iinkonzo azifunayo.

**9.7 Iintsapho, iicawa kunye neenkokheli zomthonyama zidlala indima ekuxhaseni okanye ekuvaleni umlomo amaxhoba okuxhatshazwa** – Abophuli-mthetho bayakhuselwa xa amaxhoba engenalo igunya lokubiza iintlanganiso zosapho nakwiimeko aphi iintsapho zingenakungenelela. Ngokufanayo, amaziko onqulo nawomthonyama abeka phambili kukugcinwa komtshato umanyene ngaphezu kokhuseleko Iwamabhinqa nabantwana.

**9.8 Iinkonzo eziquka amadoda zimbalwa kakhulu** – iinkqubo zokusabela ngaphambi nasemva kwe-GBV zinikela ingqalelo kumabhinqa nakubantwana kwaye kufuneka kwensiwe umsebenzi omkhulu ukuze kuqukwu amadoda azizaphuli mthetho kuphando olulandelayo.

**9.9 Imithetho yobusolusapho ikhuthaza ize ithintele ukufikelela kwiinkonzo** – Amabhinqa ayajikisa xa eyokumangala kwizikhululo zamapolisa, awakhuthazwa ukuba axele ecaweni kwaye ezinye izithethe zesintu zimele ziwalaselwe xa amabhinqa efuna uncedo kunye nobulungisa kwiindawo abahlala kuzo.

**9.10 Amagosa aphezulu kurhulumente awenzi kufumanek uqequesho Iwe-GBV kubasebenzi abasebenza ekuhlalen** – amasebe kaRhulumente ayalufumana uqequesho ngeMithetho, kodwa loo mathuba afunyanwa ngabaphathi abaphezulu kuperhela nto leyo ethetha ukuba abaqukwu ekufumaneni ulwazi abasebenzi abamele baphumeze uqequesho olumayela namaxhoba.

## 10 Ingxubusho

linkqubo zokuphila kune nenkubeko zigxinisa ubusolusapho olubangela ukuba amabhinqa nabantwana bangakwazi ukuthetha ngezimvo zabo. U-bell hooks (2004) ihlolisa indlela imeko yokuphila yobusolusapho ibeka phambili iimfuno zamadoda antsundu ngaphezu kweemfuno zamamabhinqa antsundu. Ukanti amadoda antsundu awaphathwa njengabantu ngamadoda namabhinqa amhlophe. Olu phando lunceda sibone unobangela weengxaki zoluntu eziphuma kubungxowankulu nobusolusapho. Ezi ngxaki zichaphazela imeko yentsapho. Ezi ngxaki zikwaphinda zichaphazele ukufikelela kwiinkonzo.

Kubalulekile ukuyilandela kakuhle inkcubeko yama-Afrika. Le nto izokuneda iqondakale indlela intsapho yama-Afrika eyilwe ngayo, ngoba ubundlobongela nxamnye namabhinqa ngamaqabane awo benzeka ekhayeni. Kwinkcubeko yama-Afrika, izithethe zezona ezihamela phambili ekugqibeni ukuba ngubani oyena mntu ekumele agqalwe njengomzali. Akujongwa kakhulu ukuba umntu uzalwa ngubani. Le mbono iphenjelelwe yindlela yokuhlala, inkqubo yezemali, kune nendlela yokuziphatha, njengokuba inkcubeko iyiyo enceda abantu baziqonde ukuba bangoobani. (Keesing, 1974; Mkhize, 2018; Nobles, 1986; wa Thiong'o, 1986) Xa sithetha ngemeko yokuba ngubani oyena mntu ogqalwa njengomzali, isihlonipho ngumzekelo ovelayo xa abantu bethetha. Xa umbandela wesihlonipho unaqondwa okanye ungasetyenziswa ngendlela efanelekileyo, le nto ikhokhelela ekugwetyeni nokujongelwa phantsi kwabafazi, ingakumbi kwinkqubo yobulungisa kulwaphulo-mthetho. Ngalo ndlela, inkcubeko nolwimi ziphembelela indlela iinkonzo eziphunyezwa ngayo. Ukuba inkcubeko nolwimi ziukwa kwindlela eziphunyezwa ngayo iinkonzo, lo nto izokubangela ukuba iinkonzo zikwazi ukufikeleka kwaye ziwenze umsebenzi wazo.

Akukwazek ikuufikelela kwiinkonzo kuba iinginqi ziyasokola ukuqhagamshelana nababoneleli beenkonzo, ukanti ababoneleli beenkonzo abakwazi ukuthetha iilwimi zesintu. Umthetho kune nesigcwangciso solwimi kweli xesha ledemokhrasi zimele zigxinise ukuseytenziswa kweelwimi zesintu ngenjongo yokuphelisa uqheliselo lokungaqukwa kwama-Afrika kwiinkonzo (Bamgbose, 2011; Mncwango, 2012). Ulwmi lwasintu, njengesiXhosa eMpuma Koloni, ngokomzekelo, lumele lunikwe isigxina esifanayo nesiNgesi (Cakata & Segalo, 2017)

Ukungalingani sisiseko uMzantsi Afrika olawulwa yintando yesinini owakhelwe phezu kwaso. Iingxaki zoluntu ezichaphazela ubundlobongela obubangelwa ngamaqabane, ubundlobongela basekhaya, nasekuhlaleni, kwakune nobundlobongela nxamnye nabantwana buneengcambu kwezi meko zentlalo. Illokishi zabantu abantsundu ziqbuka ziyindawo zokuphalaza igazi, kwaye abahlali bathathela umthetho ezandleni zabo, ibe lo nto inokubonakala ikungazithandi ngenxa yeemeko abaphila phantsi kwazo. Ukuqwalasela imbali kubalulekile ukuze kuqondwe ukuba kutheni abantu abantsundu engawathemba amapolisa. Ukungaziswa kakuhle kweenkonzo zamapolisa kuyadibana nokuthathela kwabahlali umthetho ezandleni zavo, ibe ngumqondiso wembali yobundlobongela kweli lizwe, ibe ikwabubungqina bobundlobongela obukhoyo emva kokuphela kolawulo Iwe-Apartheid eMzantsi Afrika.

Isizathu sokuba sinikele ingqalelo kwiicawa kolu phando kukuba iindawo ebesiphanda kuzo iibizindawo apha inkoliso yabantu abahlala kuzo bezigqala bengamaKristu. Uphando Iwemizi jikelele (General Household Survey) eyenziwe ngo-2015 ibonise ukuba i-86% yabantu eMzantsi Afrika bazigqala njengamaKristu (Stats SA, 2015) Kukho amaxesha abantu basekuhlaleni bevana necawa, kodwa kubekho amanye amaxesha apha bengavisansi nayo. Icawa yayihambela phambili ekucinizeleni abantu ngexesha lobukoloni ne-Apartheid. Kodwa kwangaxeshanye icawa ikwayindawo apha abantu bangabhenela kuyo ukuphalaza intlungu yabo nokufumana ukhuthazo.

Abathathi-nxaxheba kolu phando bayaqonda ukuba ukungasabeli kwabantu basekuhlaleni kuphenjelelwa kukudinwa kukubonisa ubuntu. Ubungxowankulu kunyazela abantu bacinge ngemiphumo emibi bayifumeneyo ngoxa bezama ukungenelela kwiimeko apha bekukho ubundlobongela. Ngokomzekelo, abahlali bekufuneka bakhethe phakathi kokungaphangeli ukuze banikele ubungqina enkundleni, into enokubangela bagxothwe emisebenzini okanye bangawufumani umvuzo wabo wosuku. Kwiindawo apha kukho ubundlobongela obungapheliyo, ukuzama kwabo ukunqanda ubundlobongela buyindinisa, kubuhluntu, kwaye ibachaphezelaka kubuqu. Le miphumo ibangela ukuba kubekho umqobo ekubonakaliseni kwabo inkxaso.

Abathathi-nxaxheba bacele ukuba ibhunga lemveli liqukwe kwicandelo leGBV ukuze kuphuculwe indlela ekusatyelwa ngayo. Amabhinqa awafuni ukubalekela kumagunya asemthethweni kphela, kodwa ayayixabisa inkcubeko yawo. Injongo yalo mgaqo kukuzisa uxolo nemvisiswano kwiindawo zokuhlala. Ukuzisa ibhunga lemveli ekulweni iGBV iyanceda kuba iquka amadoda ekuncediseni ekubhangiseni iGBV.

## 11 Izinto ezinokwenziwa ukuze kuvalwe umsantsa

- Makusetyenziswe iilwimi zesintu kwinkqubo yobulungisa** – lingxelo zamangqina neengxelo ezifungelweyo zifanelwe zibhalwe ngelwini lwenkobe lommangali ukuze akwazi ukuqinisekisa ukuchana kwale nto ibhaliweyo. linkqubo zenkundla zimele ziqhutywe ngeelwimi zesintu neengxelo ezibhaliweyo ziguqulelwe apha kuyimfuneko xa kuzokubhenwa.
- linkonzo ezenzelwe amabhinqa achatshazelwe yi-GBV zifanele zibonelele neemfuno zabantwana** – linkonzo zifanele zincede bonke abantwana – kuquka amakhwenkwe – kwiinqubo zokungenelela ekuqandweni kwe-GBV.
- Amakhwenkwe afikisayo kwiindawo zokuhlala aqukwe** – lindawo zekhusi zimele ziuke amabhinqa kune nabo bonke abantwana babo, nangona sicinga ngengozi ekhoyo emizimbeni nasezingqondweni zamakhwenkwe afikisayo nabanye abahlali.
- Ukukhathalelw kwempilo yabantwana idityaniswe ukuze kuxhaswe amabhinqa** – linkonzo zokhathalelo lwempilo yengqondo kufuneka ziukwe kugcwangciso wokonga abantwana abaye bachatshazelwa bubundlobongela ekhayeni.
- linkonzo namaphulo okuphelisa iGBV kufuneka ziuke amadoda** – Amadoda kufuneka azibophelele ngokuziuka kula maphulo. EMzantsi Afrika, sidinga ukuba iindawo ekubhenelwa

kuzo neenkqubo zokunceda ziquke amadoda ukuze afumane inkxaso ngokwasengqondweni nengenelelo ukuze kupheliswe iGBV.

6. **linkonzo kufuneka zibonelele ngeenkqubo ezinenguuko ngokwesini nezisebenzela zonke izini**  
– Kukho imfuneko yokuba iinkonzo zokunceda kwintlungu ezikuwo onke amasebe karhulumente zincede abasebenzi bazo baziqwalasele iimfuno zamaxhoba nezabantu abasinde kubundlobongela.
7. **Kufuneka kuphuculwe inkqubo yobulungisa ukuze kubekho utshintsho** – Kufuneka kubekho amaphulo akhuthaza iinkonzo ezithintela i-GBV. Amabhinqa nabantwana kufuneka achazelwe ngezi nkondo kunye namalungelo awo. Into yokuqala emele yenzeke, kukuba iingingqi zifanele zifundise amabhinqa nabantwana ngemiyalelo wokhuseleko kunye namalungelo awo.
8. **Indima yamagunya esintu nawonqulo ifanelwe iqiniwi** – Amagunya esintu nawonqulo kufuneka aqukwe xa kubanjiswana ekuthinteleni nokusabela kubundlobongela okubangelwa bubusolusapho.
9. **Kufuneka kwenziwe uphando olubanzi ukuze kuqondwe izinto ezikhuthaza amabhinqa ukuba afune uncedo** – Ukusombulula izinto ezingaqondakaliyo kumaziko aqhelekileyo ame ukuba athintela i-GBV, izokubangela amabhinqa nabantwana bakwazi ukukhetha phakathi kweenkozo ezidityanisiwego (kuquka ezesintu nezengcali) ukuze bachache.
10. **Kubalulekile ukuhlolisisa iingcamango zobulungisa nokubuyisela ngokusebenzisa indlela yokucinga ekhuthaza inkululeko yabafazi** – Ukwenza olu hloliso kuzokuphelisa into yokuba amadoda aphule umthetho emfihlekweni kodwa azukiswe esidlangularalen.
11. **Kufuneka kubekho uqequesha nge-GBV olusuka phezulu ukuya ezantsi emasebeni karhulumente** – lntlangano kufuneka ziqequeshe abaqeshwa ahlala kwidesika zolwamkelo nabo bajongene nezikhalazo zabantu ababhenela kuzo.
12. **Amaphulo wokufundisa ukuba imiyalelo yokhuseleko iseberza njani kunye namaphulo okuqequesha amapolisa ukuba enze ntoni xa kukho izicelo zokhuseleko** – lingcali zidinga ukuqequesha ekuhlolisensi iingozi amabhinqa akuwo, kwaye aqequeshwae nangendlela wokucacisela amabhinqa indlela yokusebenzisa imiyalelo yokhuseleko, ngemida, nangendlela yokuyifumana.

## 12 Umqukumbelo

Uphando lufumanise ukuba ulwimi kunye nenkcubeko zibalulekile ukuze siqonde indlela amabhinqa nabantwana balucela ngalo uncedo nokuchaza iziganeko zobundlobongela beqabane(IPV). Ulwimi nenkcubeko luhinde luncede ekuvuleni indlela esa kwiinkonzo nakubanikezi nkondo, nokuze siziconde ngcono izimo zengqondo zabanikezi nkondo. linkonzo zimele zibonelelwe ngeendlela ezibonisa ukuyiqonda inkcubeko, ukuyihlonipha, kwaye zikhuthaze izithethe zenkcubeko, ziphinde zixabise neendawo zokuhlala, kodwa ziye zingalahlwaa zizinto ezingaqondakaliyo okanye ezingqubanayo nenkcubeko okanye ubukoloni, kwaye ziphinde ziconde nendlela ubusolusapho bubuchaphazela ngayo amabhinqa nabantwana. Amabhinqa nabantwna abaye bacelwa ziinkonzo ukuba banikeze iimbono zabo bazinekeze ngendlela efanayo ukuze zibonakale iindlela abacela ngazo uncedo neendlela abafikeleleka kuzo kwezi nkondo. Iziphumo zisikelwe umda kwiindawo bekuphandwa 37 kuzo.

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