

Okuphathelane lomthetho:

Ingxenye 20, indima ka2 yeInternational Covenant on Civil and Political Rights (ICCPR) ithi "umthetho kasoze uvumele inzondo yesizwe, yelinye iqembu labantu kumbe amaqembu amasonto kuthiwa ukusekela ubandlululo, ulunya kumbe udlakela."

Ukuchasiswa kwamabala:

- Amabala athi "**inzondo**" njalo elithi "**ulunya**" atsho imizwa elamandla emibi yokucatshulwa, ukuzondiswa njalo ukunengwa ngelinye iqembu labantu;
- Ibala elithi "**ukusekela**" kufanele kuzwiswe ukuthi litsho ukuthi kumele kube kulenhloso yokuthi umphakathi uzonde elinye iqembu labantu; njalo
- Ibala elithi "**ukukhuthaza**" litsho amazwi akhuluma ngesizwe, umhlobo kumbe amaqembu amasonto, abangela ukuthi abantu babe lobandlululo, benzele ulunya kumbe udlakela ebantwini abakulawo maqembu.

Chiyero chakazara:

Ingxenye 20 yeICCPR ithi kumele kube lesilinganiso esigcweleyo ngenxa yokuthi abantu kumele bahlale belelungelo lenkululeko yokukhuluma abakufunayo. [IRABAT PLAN OF ACTION](#) (A/HRC/22/17/Add.4, appendix) itshengisa ukuthi izingxenye zonke eziyisithupha zesilinganiso kumele zibe khona ukuze kuthiwe amazwi alicala elingabophisa umuntu:

- (1) **Obekusenzakala:** Obekusenzakala kuqakathekile sibili nxa kuhloliswa ukuthi amazwi akhulunywayo abangela ubandlululo yini, ulunya kumbe udlakela eqenjini elithile labantu njalo kungaba lokuthile okwenza kube lenhloso loba ukubangela. Ukuhloliswa lokho obekusenzakala kukhangela ukuthi inkulumbo yakhona ibinjani nxa kulinganiswa lalokho obekusenzakala emphakathini njalo kwezombusazwe ngesikhathi okwakhulunywa ngaso leyo nkulumbo;
- (2) **Okhulumayo:** Isikhundla somuntu okhulumayo kumbe umsebenzi wakhe emphakathini kumele kuhloliswe, ikakhulu isikhundla salowo muntu loba inhlanganiso yakhe nxa kulinganiswa labantu abamlaleleyo abatshelwa amazwi akhona;
- (3) **Inhloso:** Ingxenye 20 yeICCPR ithi kumele kube lenhloso. Ukungabi lendaba kumbe ukuyengeka akwenzi ukuthi amazwi akhona ahle athiwe alicala ngaphansi kwengxenye 20 yeICCPR, ngenxa yokuthi ingxenye yakhona ikhuluma ngoku"sekela" kanye loku"khuthaza" hatshi ukuphongunika abanye kumbe ukuhambisa amazwi. Endabeni le, kutsho ukuthi umuntu uyabe eqale wahlela ukuthi labo azabatshela bayelimaza labo abatshiwoyo;
- (4) **Amazwi njalo lokho ayikho:** Okusemazwini akhulunywayo yiso isiqoqoqela sendaba emthethwandaba njalo yikho okuhloliswa kakhulu edabeni lokukhuthaza. Ukuhloliswa amazwi akhona kungagoqela ukubona ukuthi amazwi akhona ayecaphula kangakanani njalo eqopha kangakanani, kanye lokuthi akhulunywa njani, esithini kanye lokuthi okwakhulunywayo kwakhona kwakujule kangakanani;
- (5) **Amazwi akhona asakazeka kangakanani:** Edabeni lokusakazeka, kuhloliswa ukuthi amazwi afika khatshana kangakanani, ngobani abawezwayo, kanye lobunengi babantu abezwa lawo mazwi. Okunye njalo okuhloliswayo kugoqela ukuthi angamazwi ahlezi esaziwa yini, asakazwa njani, ngokwesibonelo ayesephetshaneni elilodwa kumbe asakazwa kumaphephandaba kumbe kuIntanethi, inani lokusakazwa, inani lemisa kazo lobunengi babayilalelayo leyomisakazo lokuthi izilaleli zazisenelisa ukwenza lokho ezazikhuthazwa ukuba zikwenze na, ukuthi amazwi (kumbe umsebenzi) kwasakazwa ngezinto ezitholakala kalula kwabanengi yini kumbe ezingajayelanga ukutholakala kalula ebantwini bonke; njalo
- (6) **Amathuba okuthi kwenzeke, okugoqela lesikhathi sakhona:** Ukukhuthaza kuchazwa njengecala elibi elingabophisa umuntu. Okuthiwa kwenziwe kungehluleka ukuphumelela, kodwa icala liyabe selenziwe. Lanxa kunjalo, kumele kuqale kuhloliswe amathuba akhona okuthi abantu bangalinyazwa. Kutsho ukuthi imithethwandaba kumele ihlolise ukuthi kulethuba yini lokuthi amazwi akhona abengalimizisa iqembu labantu elaqanjwayo, njalo lokho kusenzakala ngokuqondileyo.

IRabat Plan iyakhathazeka nxa ibona ukuthi izigilamkhuba, ezenza konke okusesilinganisweni sengxenye 20 yeICCPR, kazithoniswa njalo zizezwe. Esikhathini esifananayo, amalunga amaqembu amancane ayahlukuluzwa, kwesinye isikhathi ngolunya, kusetshenziswa imithetho engacacanga yasemazweni akibo, izimiso lezibopho. Abakhokheli bezombusazwe kanye labamasonto kumele bayekele ukukhuthaza inzondo, kodwa futhi balomsebenzi omkhulu okumele bawenze ukuze bachothoze ngokuqinileyo njalo ngokuphangisa wonke amazwi atshengisa inzondo njalo kumele bakuveze egcekeni ukuthi ukulwisana akuyona indlela yokulungisa ukuzondana. (khangelani [izibopho 18 okuthi "Faith for Rights"](#)).