Navrae Enquiries IMibuzo Ezobudlelwane Emisebenzini
Telefoon Telephone IFoni (021) 467-2846
Faks Fax IFeksi (021) 467-2846
Verwysing Reference ISalathiso 16/1/8 20020613-0012

Wes-Kaap Onderwysdepartement

Western Cape Education Department

ISebe leMfundo leNtshona Koloni

ISETYHULA:	0095/2002
UMHLA WOKUPHELELWA:	AWUKHO
IYA:	KUBALAWULI ABAZIINTLOKO, KUBALAWULI (KWANDLUNKULU NAKWII-EMDC), KUBACEBISI NGEZEKHARITYHULAM, KUBAPHATHI BEESEKETHE NAKWIINTLOKO ZAMAZIKO EMFUNDO

ISISHWANKATHELO ESIFUTSHANE: UMGAQO-NKQUBO WESEBE LEMFUNDO ONGOKOHLWAYA NGOKUBETHA (CORPORAL PUNISHMENT) NENKQUBO EMAYILANDELWE XA KUXELWA IZIGANEKO EZILOLU HLOBO

ISIHLOKO: UKUTHINTELWA KOKOHLWAYA NGOKUBETHA

INTSHAYELELO

Ngenxa yokwanda kwezikhalazo zokohlwaya ngokubetha eziye zangeniswa nekukhalazelwa kuzo abafundisi-ntsapho abaqeshwe liSebe leMfundo leNtshona Koloni, kuye kwayimfuneko ukuba kunikwe ingcaciso ngakumbi ngomgaqo-nkqubo weli sebe ngalo mbandela. Ziyacelwa kananjalo iintloko zamaziko emfundo ukuba zazise bonke abaqeshwa abathwaliswe uxanduva lokukhathalela abafundi ngalo mgaqo-nkqubo.

Uluntu lwaseMzantsi Afrika ludlule kwinkqubo yenguqu ebanzi neqhubeke kuzo zonke iinkalo, o.k.t. kwezentlalo, kwezoqoqosho nakwezopolitiko. Ngonyaka ka-1994 kwavunywa umgaqo-siseko omtsha ongenkqubo yedemokrasi nobonisa uvelwano ngomntu yaye ukwaqinisekisa ngelungelo lesidima somntu, ukulingana, inkululeko nokhuseleko lwabo bonke abemi beli. Kwicandelo lemfundo, inxenye yale nkqubo yenguqu yenze kwafuneka kupheliswe ukusetyenziswa kwesohlwayo sokubetha kuzo zonke izikolo. Esi sigqibo sikwaxhaswa naluphando olwabonisa unxulumano phakathi kokohlwaywa ngokubethwa kunye neendidi namanqanaba obundlobongela athile eluntwini. Olu phando luye lwakhokelela ekutshitshisweni kwesohlwayo sokubetha eYurophu, kuMntla Melika, e-Australia, eJapan nakumanye amazwe. Kula mazwe abantu bawo baya bekubona ngakumbi nangakumbi ukutshitshiswa kolu hlobo lokohlwaya njengenyathelo elibalulekileyo ekudaleni intlalo yoluntu enoxolo nebonisa unyamezelwano.

IMITHETHO EKUSEKELWE KUYO LO MGAQO-NKQUBO

Sekubhengezwe imithetho eliqela kweli loMzantsi Afrika ukuphumeza oku. Oku kulandelayo yinkcazelo epheleleyo esityhilela ngokufutshane ngentsusa yale meko ikhoyo ngoku:

- INkomfa yamaZwe aManyeneyo eyayingamaLungelo omNtwana (*United Nations "Convention on the Rights of the Child"*) yacela uMzantsi Afrika ukuba ubhengeze imithetho malunga nokuphathwa ngendlela engenankathalo okanye ukuxhatshazwa, okuquka ukuxhatshazwa ngokwezesondo (*sexual abuse*) ukuze kukhuseleke umntwana kuzo zonke iindidi zobundlobongela obuchaphazela umzimba nengqondo, ukwenzakala okanye ukuphathwa kakubi okanye ukungakhathalelwa;

- Ukongeza kokubhalwe kumhlathi ongentla, iTshatha yase-Afrika engamaLungelo neNtlalo-ntle yomNtwana (*The African Charter on the Rights and Welfare of the Child*), yacela uMzantsi Afrika ukuba uthathe amanyathelo aya kuqinisekisa ukuba "umntwana ophantsi koluleko lwesikolo okanye lomzali uya kuphathwa ngovelwano nangentlonipho ukukhusela isidima sakhe";

- Isiqendu 12 soMgaqo-siseko waseMzantsi Afrika sicacisa ukuba "wonke umntu unelungelo lokuba angaphatheki okanye angohlwaywa ngendlela ekhohlakeleyo, engenanceba okanye emthoba isidima";

- UMthetho weSizwe ongoMgaqo-nkqubo weMfundo (wowe-1996) (*The National Education Policy Act*) (1996) ucacisa wenjenje, "Akukho mntu uya kohlwaya ngokubetha okanye kubeka umfundi kwimeko yokuphatheka kabuhlungu ngokwasengqondweni okanye ngokwasemzimbeni kulo naliphi na iziko lemfundo";

- UMthetho weZikolo waseMzantsi Afrika (1996) (*The South African Schools Act*) (1996), ucacisa wenjenje:

  "1. Akukho mntu unelungelo lokohlwaya umfundi ngokumbetha; yaye

  2. Nabani na owaphula isiqendwana 1 unetyala lokwaphula umthetho, yaye ekugwetyweni kwakhe unokuwiselwa isigwebo esiwiselwa isenzo sokubetha".

INKCAZO YESOHLWAYO SOKUBETHWA

ISebe leMfundo leNtshona Koloni liyavumelana nale nkcazo ilandelayo malunga nokohlwaya ngokubetha:

"Nasiphi na isenzo sangabom esibangela iintlungu okanye ukungaphatheki kakuhle ngokwasemzimbeni ngenjongo yokohlwaya okanye yokulawula umntwana. Oku kubandakanya, kodwa kungaphelelanga kuphela kwezi zinto, ukumbetha ngesandla (*spank*), ukumqhwaba (*slapping*), ukutshonisa izandla okanye iingalo zakhe emanzini (*paddling*), ukumtsweba (*pinching*), okanye ukumbetha ngesandla okanye ngento, ukwalela okanye ukuthintela umntwana ukuba asebenzise indlu yangasese, ukumvimba ukutya, into eselwayo, ukumbeka kwindawo eqqatse ilanga nokumbeka kwindawo eselubala engenakhusi, ukumtyhiliza okanye ukumtsala ngamandla, ukunyanzela umntwana ukuba enze imithambo (*exercise*)". www.childadvocate.com.

Ngako oko ke, ukohlwaya ngokubetha okungaquka naziphi na ezezi zenzo zichazwe apha ngasentla kumaziko aphantsi kolawulo lweSebe leMfundo leNtshona Koloni kuchasene nomthetho yaye akungavumelekanga. Nawuphi na umqeshwa weSebe leMfundo leNtshona Koloni (umfundisi-ntsapho okanye umabhalane) osebenzisa iindlela zokohlwaya emzimbeni okanye ngokwasengqondweni "ukululeka" okanye "ukohlwaya" umfundi ngokwenjenje waziswa ukuba iSebe leMfundo leNtshona Koloni liya kuqala limbeke ityala ngokusemthethweni lokuziphatha kakubi loo Afrika (ngokomthetho olawulayo) ngenjongo yokuba abe nokutshutshiswa ngokusemthethweni loo mntu. (Bakwacetyisea kwakhona abaqeshwa ukuba banokumangalelwa ngokwaphula umthetho kwinkundla yembambano (*civil*) okanye yamatyala esizi (*criminal*)

ngabazali/ngabagcini bakhe nawuphi na umfundi ngesityholo sokohlwaya ngokubetha umntwana wabo. Kwimeko enjalo loo mqeshwa uya kumangalelwa yena buqu.)

ISOHLWAYO ESIZA KUWISWA

Kwiimeko apho abaqeshwa baye bafunyanwa benetyala lokohlwaya ngokubetha okanye ngesenzo solwaphulo-mthetho esifana nesi, iSebe leMfundo leNtshona Koloni licebisa ukuba ngenxa yobuzaza bezenzo ezilolu hlobo neziphumo ezinokubakho kwiSebe leMfundo leNtshona Koloni, liya kuwisa isohlwayo esiqatha kakhulu esinokuquka ukugxothwa emsebenzini.

Bayakhunjuzwa abaqeshwa ukuba ukohlwaya ngokubetha lityala lesizi yaye ukususeka ngoku iSebe leMfundo leNtshona Koloni liza kusebenzisa umgaqo-nkqubo "wokunganyamezeli nanye into" ("*zero tolerance*") ngokumalunga noku.

KWENZIWE NTONI NA XA KUXELWA ISIGANEKO SOKOHLWAYA NGOKUBETHA

1. Fumana ingcaciso kangangoko unako kumntu ofake isikhalazo malunga nesityholo eso nokuba ngaba sibhalwa phantsi okanye wenze i-afidavithi. Ukuba oku akunakwenzeka, bhala ngawakho amazwi uchaze indlela osiqonde ngayo isiganeko eso.

2. Thumela onke amaxwebhu uze uqhoboshele ileta ecacisayo kwiCandelo lezobuDlelwane emiSebenzini (*Directorate: Labour Relations)* kwaNdlunkulu kwimvulophu ebhalwe *"Urgent"*.

3. Yazisa umphathi wesekethe yakho, ngokusebenzisa ifoni nokumbhalela malunga nezityholo uze umqinisekise ukuba umbandela lowo ugqithiselwe kwaNdlunkulu weSebe leMfundo.

4. Yazisa abazali bomfundi ngesiganeko eso, ubachazele kananjalo ukuba sele uwugqithisele kwaNdlunkulu weSebe leMfundo leNtshona Koloni ngenjongo yokuba uqwalaselwe ngakumbi. Bacebise ukuba kuya kubakho igosa elisuka kwiSebe neliya kuthi liqhagamshelane nabo ekuhambeni kwexesha. (Yithi rhoqo umana usazisa abazali ngokuqhubekayo ngalo mba.) ***QAPHELA: Abazali abavumelekanga ukuba bathintele inqununu yesikolo ukuba ingagqithiseli esi siganeko kwiSebe leMfundo leNtshona Koloni ukuze kuphandwe nzulu ngaso yaye kube nokuthathwa amanye amanyathelo. Iinqununu zezikolo ezingakwenziyo oku zinokuthathwa njengabancedisi babamangalelwa kumatyala esizi okanye nakuwaphi na amanye amatyala.***

QAPHELA: Kufuneka iintloko zamaziko nabasebenzi abaphetheyo (**supervisory personnel**) zilandele ngqo ngokupheleleyo le nkqubo ingasentla. ISebe leMfundo eli alisayi kuthandabuza ukubeka ityala abo bantu bangayilandeli ngqo ngokupheleleyo le nkqubo nabathi ngaloo ndlela basengele phantsi iSebe eli ekugcineni umthetho ngokwemfanelo yalo yokukhusela umntwana.

Iintloko zamaziko nabaphathi kufuneka bayigxininise kubo bonke abasebenzi into yobubi besohlwayo baze babayale ngeziphumo ezilindelekileyo ukuba nje baye banika isohlwayo sokubetha.

Okubhalwe kule setyhula makwaziswe bonke abasebenzi, nekufuneka bayisayine ukubonisa ukuba bayakwazi okulapho kuyo. Isetyhula esayiniweyo mayigcinwe kwifayili yesikolo njengerekhodi yokuvuma kwabo ukuba bayifundile nangenjongo yokumana kukhangelwa kuyo kwixa elizayo.

INTLOKO: YESEBE LEMFUNDO
UMHLA: 08/08/02