



REPUBLIC OF SOUTH AFRICA

IFOROMU 1

[umThetjhwana 2]

**ISIYELELISO SELWAZI ELIYA KUMMANGALI NAMKHA UMUNTU OWENZA ISIBAWO
SOMYALO WEVIKELEKO ESIKHUNDLENI SIKAMMANGALI****ISIGABA 2(2) SE-PROTECTION FROM HARASSMENT ACT, ENGUNOMBORO 17 YOMNYAKA WE-2011**

1. Isiyeleliswesi sihlathulula bona—
 - (a) ilamulelo elikhona ngokuya kwe-*Protection from Harassment Act*, yomnyaka we-2011; begodu
 - (b) nelungelo likammangali lokufaka isinghonyoyilo sobuleleli esinqophene nommangalelwa.
2. kuzakuthogeka bona utlikitle isiyeleliswesi ukuqinisekisa bona bekukhona ukuthotjelwa kwesigaba 2(2) se-*Protection from Harassment Act*, yomnyaka we-2011, begodu nomthetjhwana 2 we-*Protection from Harassment Regulations*, yomnyaka we-2013, eyenziwe ngokuya komThetho lowo nokungiwongikatelelako bona —
 - (a) ngikunikele isiyeleliswesi, okumele, nangabe kukghonakala ngokwaneleko, sibe, ngelimi elisemthethweni, ozikhethele lona;
 - (b) ufunde namkha wenze bona isiyeleliswesi ufundelwe sona nangabe wena awukwazi ukuzifundela sona ngokwakho;
 - (c) ubuzwe bona uyakuzwisisa lokho okumunyethwe siyeleliswesi yini; begodu
 - (d) bakhulathululele nanyana ngiyiphi ingcenywe yesiyeleliswesi ongayizwisisiko.
3. Ummangali (okumumuntu ohlukunyeziweko) ngananyana ngiliphi ilanga begodu nanganyana ngisiphi isikhathi, angakwazi ukwenza isibawo somyalo wokuvikeleka ekuhlukunyezweni ngendlela ejanyisiweko eKhotho kaMarhastrada endaweni lapha—
 - (a) ummangali ahlala khona safuthi namkha kwesikhatjhana, abhizinisa namkha asebenza khona;
 - (b) ummangalelwa (okumumuntu omhlukumezi) ahlala khona kwasafuthi namkha kwesikhatjhana, abhizinisa namkha asebenza khona; namkha
 - (c) lapha isehlakalo sokuhlukunyezwa senzakele khona.
4. Umuntu wenza isenzo sokuhlukumeza nangabe bunqopha namkha ingasi bunqopha wenza isenzo lesa aziko namkha okumele azi bona—
 - (a) sidala umonakalo namkha siletha ikolelo ezwakalako isehlakalweso sigamenza ummangali namkha umuntu ohlobene naye bona ngokulandela **ngokungazwakaliko**, eluse namkha alandelele ummangali namkha umuntu ohlobene naye ngananyana ngiyiphi indlela ngokukhulumisa ngomlomo, bu-elektroniki namkha nanganyana ngiyiphi indlela enye yokuthintana enqophene nommangali namkha umuntu ohlobene naye, ngananyana ngiyiphi indlela nanyana ukukhulumisana kuba khona namkha awa namkha ukuthumela, ukwewula namkha ukubangela ukwewulwa kweencwadi, amathelegramu, amaphasela, amafeksi, imilayezo ebu-elektroniki namkha eminye iminqopho eya kummangali namkha umuntu ohlobene naye; namkha
 - (b) efana nokuhlukunyezwa ngokomseme kukammangali namkha umuntu ohlobene naye. Ukulimaza kuhlathululwa njengalokho okutjho nanyana ngiyiphi into ephathelene nengqondo, nokomkhumbulo, kwenyama namkha ukulimaza kwezomnotho.
5. Isibawo somyalo wokuvikeleka ekuhlukunyezweni singenziwa ngomunye umuntu esikhundleni sikammangali nangabe umuntu lowo ofuna ukwenza isibawo somyalo wokuvikeleka uneenrhuluphelo ezizwakalako evikelekweni likammangali namkha lomuntu ohlobene naye. Nanyana kunjalo, isibawo esifana naleso kumele silethwe neemvumo etloliweko evela kummangali, ngaphandle kwanyana imibandela lapha ummangali kumumuntu lowo ngokuya kombono wekhotho, angekhe akwazi ukukwenza lokho.
6. Nanyana ngimuphi umntwana, namkha umuntu esikhundleni somntwana, angenza isibawo somyalo wokuvikeleka.
7. Ikhotho izakutjheja isibawo sikammangali namkha umuntu okukhulunywa ngaye esigabeni 2(3)(a) se-*Protection from Harassment Act*, yomnyaka we-2011, begodu nangabe ubufakazi bungasekela iphuzu lokobana —
 - (a) ummangalelwa uragela phambili namkha wakhe waba nesandla ekuhlukumezeni;
 - (b) ukulimala kuzwisa namkha kungazwisa ummagali namkha umuntu ohlobene naye ubuhlungu ngebanga lesenzweso nangabe umyalo wevikeleko ungakakhutjwa msinyana; begodu
 - (c) ivikeleko okumele linikelwe njengomyalo wevikeleko lesikhatjhana kulula bona lingaphumeleli nangabe isiyeleliso sesibawo sangaphambili sinikelwe ummangalelwa namkha kunikelwe ummangalelwa umyalo wevikeleko lesikhatjhana.
8. Umyalo wesikhatjhana wevikeleko ukatelelekile begodu uthoma ukusebenza ngesikhathi okhutjwe ngaso yikhotho begodu nobukhona bawo bulethwe eyelelisweni likammangalelwa. Ikhophi yesibawo nobufakazi obutlolwe ngesikhathi sokwenziwa kwesibawo buzakunikelwa kummangali, ndawonye nomyalo wevikeleko wesikhatjhana begodu nommangalelwa uzakubizwa bona azokukhombisa isizathu selanga lokubuya elinqophileko emyalweni ukobana kubayini

umyalo wokuvikeleka wesikhatjhana lingekhe lenziwa lamaswaphelo. Ivikeleko elitholakala ngomyalo wevikeleko lesikhatjhana ungowesikhatjhana ngokwendabuko begodu uphelelwa sikhathi ngelanga lokuphela kwalo..

9. Ngelanga lokubuya kwendulo ikhotho izakuzwa umlandu lowo begodu ingakhupha umyalo wevikeleko wasafuthi ozakuhlala usemthethweni isikhathi esingaba minyaka emihlanu namkha isikhathi esifana nalesi eselulwe ngendlela ikhotho ingabeka ngayo ngemibandela ezwakalako evezwa ngummangali..

10. Ikhotho ngerhelebho lomnyalo wesikhatjhana namkha wasafuthi ingavimbela ummangalelwa:—

- (a) ekuhlukumezeni namkha ekulingeni ukuhlukumeza;
- (b) ekurhelisweni kwerhelebho lomunye umuntu ukobana enze izenzo zokuhlukumeza; namkha
- (c) ekwenzeni nanyana ngisiphi esinye isenzo okungenzekako bona sibizwe ngegama emyalweni wevikeleko. Ikhotho kungenzeka bona nayo yeleke ngananyana ngibuphi ubujamo phezu kukammangalelwa ebona kunetlhogakalo elifaneleko kobana kuvikelwe namkha kunikelwe ivikeleko namkha ubujamo obuhle bukammangali namkha bomuntu ohlobene naye.

11. Ngokuya kwesigaba 10(4) se-*Protection from Harassment Act*, yomnyaka we-2011, isiphande lapha umuntu ahlala khona, indlu namkha inomboro yeposi namkha isiphande seemsebenzini wommangali namkha umuntu ahlobene naye kumele bungafakwa emyalweni wevikeleko, ngaphandle kwanyana ubujamo bemibandela yomyalo wevikeleko butlhoga bona kufakwe isiphande begodu nekhotho ingakhupha nanyana ngiziphi iinqophiso ukuqinisekisa ukuthotjelwa kwesiqalelelweni somThetho.

12. Nanyana kungaba kunini ikhotho nayikhupha umyalo wesikhatjhana namkha wasafuthi, incwadi yelungelo lokubopha ummangalelwa nayo iyakhutjwa, kodwana ukwethulwa kwesenzo sokubopha kuzakulengiswa ngokulawulwa kuthotjelwa nginanyana ngisiphi isivimbo, ubujamo, imibandela, iimbophelelo namkha umyalo ikhotho engawukhupha ukuvimbela ukuhlukunyezwa kukammangali namkha umuntu ohlobene naye. Nangabe ummangalelwa eqa nanyana ngimuphi umthetho onqophileko wokuvimbela, ubujamo iimbophelelo namkha umyalo omunyethwe myalo wevikeleko, ummangali anganikela incwadi yelungelo lokubopha ndawonye nesitatimende esifungelweko, ngaphakathi kwaso okumele kuvezwe khona bona ummangalelwa weqe umyalo wokuvikeleka ovela elungeni lamaPholisa weSewula Afrika okumele—

- (a) nangabe kunetlhogakalo lokobana ummangali angahlukumezeka ngokulimala, ukubanjwa kukammangalelwa; namkha
- (b) nangabe kunemibandela engakaneli yokobana ummangalelwa angabanjwa, unganikela ummangalelwa isiyeleliso esitolliweko sokobana avele ngaphambi kwekhotho, azoziphendulela emlandwini wobulelesi wokweqa umyalo wekhotho wokuvikeleka.

13. Ngizakunikela iforomu lokwenza isibawo sevikeleko nangabe ufuna ukwenza isibawo somyalo wevikeleko esinqotjhiswe emuntwini okuhlukumezako.

14. Ukungezelela esibaweni somyalo wevikeleko, ubuye ube nelungelo godu lokufaka isinghonyoyilo sobulelesi manqophana nommangalelwa nangabe isenzo sokuhlukumeza sibuye sifane nesomlandu wobulelesi. Kodwa, ngakelinye ihlangothi akunatlhogakalo yokobana ufake umlandu wobulelesi ukwenzela bona ufumane umyalo wokuvikeleka.

15. UKUKHALIMA:

15.1 Kumlandu wobulelesi ukwenza isitatimende samanga esitatimendeni esifungelweko;

- (a) ekwenziweni kwesibawo somyalo wevikeleko; namkha
- (b) ekuphuyelelisweni kobana ummangalelwa weqe umyalo wevikeleko.

15.2 ikhotho ingenza umyalo wokuhlawulisa elinye ihlangothi nangabe iyaneliswa bona ihlangothi elinyelo okukhulunywa ngalo lenze ngendlela enganasithunzi nesilingako namkha engazwakaliko.



(Dabula bese ubeka efayilini nangabe ummangali namkha umuntu owenze isibawo somyalo wokuvikeleka esikhundleni sikammangali uragela phambili nesibawo)

***Sula nanyana yini engasebenziko**

Inomboro yesibawo: /20.....

Ilanga

Izinyo nesibongo sikamabhalana wekhotho

Izinyo nesibongo *ummangali/*umuntu owenza isibawo somyalo wokuvikeleka esikhundleni sikammangali

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 *Umtlikitlo/*igandelelohubhakghuru/*itshwayo*likammangali/*umutnu owenza isibawo somyalo wokuvikeleka esikhundleni sikammangali