



REPUBLIC OF SOUTH AFRICA

IFOMU 1

[Izimiso zomthetho 2]

ISAZISO SEMININGWANE YOMMANGALI NOMA UMUNTU OFAKA ISICELO SOMYALELO WOKUVIKELWA ESIFAKELA UMMANGALI**ISIGABA SESI-2(2) SE-PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)**

1. Lesi saziso sichaza —
 - (a) isisombululo esikhona ngokwemigomo ye-*Protection from Harassment Act, 2011*; kanye
 - (b) nelungelo lomangali lokufaka isikhalazo sobulelesi kumangalelwa.

2. Uzocelwa ukuba usayinde lesi saziso ukuqinisekisa ukuthi silandelwe isigaba sesi-2(2) se-*Protection from Harassment Act, 2011*, nezimiso zomthetho zesi-2 ze-*Protection from Harassment Regulations, 2013*, ezenziwe ngokwemigomo yalowo Mthetho, futhi ezingibophezela uku —
 - (a) kunikeza lesi saziso, okufanele uma kunesidingo, sibe ngolimi olusemthethweni oluthandayo,
 - (b) funda noma ukufundelwa lesi saziso uma ungakwazi ukusifunda;
 - (c) ukubuza ukuthi uyayiqonda ingqikithi yalesi saziso; futhi
 - (d) nokuchaza ingxenye yasaziso ongayiqondi.

3. Ummangali (okungumuntu ohlukunyezwe) noma nini, ngendlela enqunyiwe angafaka isicelo somyalelo wokuvikelwa ukuhlukunyezwa eNkantolo kaMantshi endaweni lapho —
 - (a) ummangalelwa ehlala khona ngokugcwele noma okwesikhashana, eqhuba khona ibhizinisi noma aqashwe khona;
 - (b) ummangalelwa (okungumuntu owenze icala lokuhlukumeza) ohlala ngokugcwele noma okwesikhashana, eqhuba khona ibhizinisi noma aqashwe khona; noma
 - (c) ehlukezele khona.

4. Umuntu wenze isenzo sokuhlukumeza uma ezibandakanya ngqo noma ngenye indlela nokuziphatha abe azi noma obekufanele ukuba uyazi —
 - (a) ukuthi kuyalimaza noma egqugquzela imbangela yokuhlukumeza engenza ukuba kuhlukunyezwe ummangali noma omunye umuntu ngokulandela **ngokungafanele**, ukubuka noma ukukhuthaza ummangali noma omunye umuntu, noma ukuxoxa ngomlomo, nge-elethronikhi noma ngezinye izindlela zokuxhumana okuhloswe eziqondiswe kummangali noma komunye umuntu, noma ngayiphi indlela, noma ngabe leyo ngxoxo ibangela noma ithumela, noma ukuthumela izincwadi, itelegramu, amaphasela, izikhahlezi, imilayezo ye-elethronikhi noma ezinye izinto kummangali noma komunye umuntu; noma
 - (b) ukuthi kuwukuhlukumeza ngokocansi kummangali noma komunye umuntu. Ukuhlukumeza kuchazwe ukuqondisa ukuhlukumeza ngokwengqondo, umqondo, umzimba nokomnotho.

5. Isicelo somyalelo wokuvikelwa kohlukunyezwayo singenziwa ngomunye umuntu esenzela ummangali uma umuntu ofisa ukufaka isicelo somyalelo wokuvikela okhathazekile ngenhlalakahle yommangali noma yomunye umuntu. Nakuba kunjalo, lesi sicelo kufanele sifike nemvume ebhalwe ummangali, ngaphandle uma ummangali kungumuntu ngokwenkantolo, angakwazi ukwenza lokho.

6. Noma eyiphi ingane, umuntu ofakela ingane isicelo, angafaka isicelo enkantolo somyalelo wokuvikelwa.

7. Inkantolo izobheka isicelo sommangali noma somuntu ovezwe esigabeni sesi-2(3)(a) se-*Protection from Harassment Act, 2011*, futhi, uma ubufakazi bufakazela ukuthi—
 - (a) ummangalelwa uyahlukumeza noma ubehlukumeza;
 - (b) kuzolimala noma angalimala ummangali noma omunye umuntu ngesizathu saleyo ndlela yokuziphatha uma umyalelo wokuvikelwa ungakhishwa ngokushesha; futhi
 - (c) ukuvikela okuzokhishwa ngomyalelo wokuvikelwa kwesikhashana kungenzeka kungakhishwa uma isaziso sesicelo sinikezwe ummangalelwa ngaphambi kokukhipha umyalelo wokuvikelwa wesikhashana kummangalelwa.

8. Umyalelo wokuvikelwa okwesikhashana uzosebenza ngesikhathi ukhishwa inkantolo futhi usunikezwe ummangalelwa. Ikhophi yesicelo nobufakazi obuveniwe ngesikhathi sesicelo buzonikeza ummangalelwa, buhambisana nomyalelo wokuvikelwa wesikhashana, futhi ummangalelwa uzobizwa ngosuku lokuvela enkantolo ukuba aveze iziathu ngosuku olunqunyiwe emyalelweni zokuthi kungani umyalelo wokuvikelwa kwesikhashana kungafanele wenziwe ube unqamulajuqu. Ukuvikeleka okikhishwa ngokomyalelo wokuvikelwa okwesikhashana uzophelelwa isikhathi ngesikhathi sokuvela enkantolo.

9. Ngosuku lokucela inkantolo, inkantolo izolalela udaba futhi ingakhipha umyalelo ongunqamulajuqu wokuvikelwa ozosebenza isikhathi esiyiminyaka emihlanu noma esinye isikhathi inkantolo engasinquma ngezizathu zikammangali ezizwakalayo.

10. Inkantolo ingasebenzisa umyalelo wokuvikelwa wesikhashana noma ongunqamulajuqu ukuvimbela ummangalelwa ukuba —

- (a) azibandakanye noma azame ukuzibandakanya nokuhlukumeza;
- (b) ukuba ingxenye esiza omunye umuntu ozohlukumeza; noma
- (c) ukwenza enye into engabalulwa kumyalelo wokuvikelwa.

Inkantolo ingaphinde futhi ithwese eminye imibandela kummangalelwa ebona ukuthi ifanele ukuvikela inhlalakahle yommangali neyomunye umuntu.

11. Ngokwemigomo yesigaba se-10(4) se-*Protection from Harassment Act, 2011*, ikheli lendawo, lasekhaya nelasemsebenzini lomangali noma lomunye umuntu akufanele libhalwe kumyalelo wokuvikelwa, ngaphandle uma umsuka wemigomo yomyalelo wokuvikelwa uveza ukuthi kunesidingo sokufaka ikheli, futhi inkantolo ingakhipha eminye imiyalelo ukuqinisekisa ukulandela imibandela yoMthetho.

12. Noma nini uma inkantolo ikhipha umyalelo wokuvikelwa wesikhashana noma ongunqamulajuqu, kukhishwa nencwadi egunyaza ukubopha ummangalelwa, kodwa ukukhishwa kwencwadi egunyaza ukubopha kuzomiswa ukuze kulandelwe nokuvinjelwa, umbandela, isibophezelo noma umyalelo inkantolo engakukhipha ukuvimbela ukuhlukunyezwa kommangalelwa noma komunye umuntu. Uma ummangalelwa ephula ukuvinjelwa kokuthile, umbandela, isibophezelo noma umyalelo okumyalelo wokuvikelwa, ummangali anganikeza imvume egunyaza ukuboshwa, ehambisana ne-afidavithi, okufanele iveze ukuthi ummangalelwa usephule umyalelo wokuvikelwa, kosebenzela uPhiko loMbutsho wezaMaphoyisa aseNingizimu Afrika okufanele —

- (a) uma kubonakala umuthi ummangali uzohlukunyezwa, kufanele aboshwe ummangalelwa; noma
- (b) uma zingekho izizathu ezanele zokubopha ummangalelwa, anikeze ummangalelwa isaziso esibhaliwe sokuvela enkantolo,

ukuze aphenjule icala lobulelesi lokwephula umyalelo wokuvikelwa.

13. Ngizokunikeza ifomu lokufaka isicelo uma ufisa ukufaka isicelo somyalelo sokuvikelwa uma uhlukunyezwa.

14. Ukwengeza esicelweni somyalelo wokuvikelwa unelungelo futhi lokuvulela ummangalelwa icala lobulelesi uma ukuhlukunyezwa kubangela icala. Nakuba kunjalo, asikho isidingo sokuvula icala lobulelesi ngenhloso yokuthola umyalelo wokuvikelwa.

15. ISIXWAYISO

15.1 kuyicala ukubhala isitatimende esingelona iqiniso ku-afidavithi —

- (a) uma ufaka isicelo somyalelo wokuvikelwa; noma
- (b) uma ummangalelwa ephule umyalelo wokuvikelwa.

15.2 Inkantolo ingakhipha umyalelo wokuba ukhokhe izindleko uma igculiseka ukuthi lowo muntu ubedlala, ubangele inking noma wenze okungafanele.



(Dabula bese ubeka kufayela yenkantolo uma ummangali noma omunye umuntu ofaka isicelo somyalelo wokuvikelwa esifakela ummangali eqhubeka nesicelo)

***Susa ongakudingi**

Inombolo yesicelo/20.....

Usuku:

Igama nesibongo sikanobhala wenkantolo:.....

Igama nesibongo *sikamangali/*umuntu ofakela ummangali isicelo somyalelo wokuvikelwa:

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 *Sayina/*isithupha /*uphawu *lukammangali/*umuntu ofaka isicelo somyalelo wokuvikelwa esifakela ummangali