

Kungentekani uma ngabe uMyalo Wekuvikeleka wephulwa?

Uma ngabe loMmangalelwa wephula loMyalo Wekuvikeleka ngekuphindza ahlukumete ngekwemtimba nobe ngekwemagama kuwe ngendlela lechaziwe ekucaleni kwalencwajana lechazako, ungafaka sikhalo esiteshini semaphoyisa uphindze unikete i-Afidavithi Yekubopha ephoyiseni bese libopha uMmangalelwa.



Uma sekuboshiwe, loMmangalelwa utawubukana nemacala ebugebengu aphindze ashushiswe eNkantolo Yebugebengu ngekwephula uMyalo Wekuvikeleka.

Khumbula, kwekutsi, uma iNkantolo ingatfola kwekutsi iNcwadzi Yekubopha isetjentiswe ngalokungekho kahle (kwenta kwekutsi uMmangalelwa aboshwe ngaphandle kwesizatfu), ngaloko ungashushiswa ngekulandzela uMtsetfo. Lommangalelwa utawuvele eNkantolo yeBugebengu kutsi ashushiswa ngaphansi Kwemacala eBugebengu ngekwephula ngekuya kwemtsetfo we-Afidavithi yekuVikeleka laniketwe yona.

Angahociswa yini Lamacala Ebugebengu?

Lapho ummangalelwa sekaboshiwe ngekwephula loMyalo Wekuvikeleka, ummangali Angete akwati kutsatsa sincumo sekuhocisa lamacala. Umshushisi weMphakatsi Lomkhulu uneligunya lekuhlehlisa lamacala.



Ngingawubekela eceleni loMyalo?

Ungakhona, nobe ngusiphi sikhatsi, kufaka sicelo sekutsi loMyalo ubekelwe eceleni. Kungenteka ngeligunya laMantji kwekutsi uMyalo ungabekelwa eceleni nobe cha. Loku kutawuchaza kwekutsi loMyalo Wekuvikeleka utawutsatfwa njengalengasebenti.

Kubalulekile kwekutsi wati kutsi eNkantolo yeMtsetfo, kutsi sincumo saMantji sekugcina sekutsi loMyalo Wekuvikeleka ungabekelwa eceleni.

Uma udzinga lolunye lwati, shayela laba labalandzelako:

Litiko Letebulungiswa Nekutfufukiswa Kwemtsetfosisekelo
Luphiko Lolukhulu: Kwenyuswa Kwemalungelo Emacembu Lasengcuphelweni
Lucingo: (012) 315 – 1856/4
Ifeksi: (012) 315 - 1851
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KUCEDZA BUDLOVA BASEMAKHAYA



Lekufanele kutsi ukwati!

Cedza Budlova Basemakhaya!

The **Domestic Violence Act, 1998 (Act 116 of 1998)** allows a victim of domestic abuse **Umtsefo Webudlova Basemakhaya** 116 wanga-1998 uvumela umuntu lohlukunyetwe ekhaya nobe ngekwwebudlova kwekutsi **affole iNcwadzi Yekuvikeleka** eNkantolo yaMantji kumuntu **lomhlukumetile**. Lenjongo yaleseluleko ibuke kwekutsi **inikete lomuntu lohlukunyetwe lwati** lwekutsi kudzingeke kutsi aniketa ngesicelo se-Afidavithi Yekuvikeleka ngekuya ngekwMtsetfo Webudlova Basemakhaya. Bobabili **labadvuna nalabasikati bangafolakala banelicala** leBudlova basemakhaya, futsi bangaphindze babe bahlukunyetwa beBudlova Basemakhaya. Ngalenjongo yaleSeluleko ngaloko, sifanekise **budlova kulabasikati** njengentfo **levame kwenteka**.

Kufaka sicelo Semyalo Wekuvikeleka

1. nobe ngubani lonesikhalo angafaka sicelo semyalo wekuvikeleka enkantolo ngendlela lehleliwe;
2. sicelo singaphindze sentiwe ngunobe ngumuphi umuntu lonenshisekelo yekuphepha kwalona lonesikhalo sib. Sisebenti Setenhlalakahle nobe Thishela.
3. nobe ngumuphi umntfwana lomncane kumbe nobe ngumuphi umntfu egameni lemntfwana, angafaka sicelo semyalo wekuvikeleka.
4. lesicelo singalalelwa ngasense futsi ummangali/ummangalelwa angavunyelwa kuletsa bantfu labangendluli kulabatsafu ngetinhloso tekwesekelwa.
5. umyalo wekuvikeleka usebenta imphilo yonkhe futsi uphococelelwa kuyo yonkhe iRiphabhuliki.

Lona longafuna kuvikeleka kuye?

1. lomuntu loshade naye, ngekwelisiko nobe ngekwemtsetfo;
2. umlingani wakho (webulili bunye nobe lobungafani) lohlala nobe lobekahlala nawe, nobe beningakashadi nobe beningafuni kushadana (uma ngabe, sibonelo, lomunye wenu bekasashadile);
3. lomunye umtali walomntfwana wakho nobe bantfu labancedzisana nawe ekukhuliseni lomntfwana;
4. bantfu labahlobene nawe ngekwengati, ngekwemshado nobe ngekwesiswa;
5. lomuntu lebewutsembisene naye kushadana, ngekwemasiko nobe ngekwebungani, lokufaka ekhatsi kuvana cobo nobe kwekucala, budlelwane bemacansi nobe lobusondzelene kakhulu nobe ngabe kwesikhatsi lesinganani;
6. umntfu lohlala naye nobe lochedza kuhlala naye endlini yinye.

TINOMBOLO LETIBALULEKILE

Bantfu Labaphikisana Nekuhlukunyetwa Kwalabasikati (POWA)	011 642 4345
IKhomishini Yemalungelo eLuntu eNingizimu Afrika	011 484 8300
I-LIFELINE	011 728 1347/ 0861 322 322
IKhomishini Yekulingana Ngekwbulili (CGE)	011 403 7182
Luphiko Lwetikhalo Lolutimele (ICD)	012 320 0431
Luphiko Lwemaphoyisa Avelonkhe (SAPS)	10111
Cedza Kuhlukunyetwa Kwalabasikati	0800 150 150
I-Childline	011 938 8745
I-FAMSA yaVelonkhe	011 833 2057

Loludzaba lungahlehliselwa kulelinye lilanga lekulalelwa enkantolo. Mabhalane weNkantolo utakuncedzisa nobe akuffumele kulomunye lotakusita ngekubhala imphendvulo yakho.

Ngelilanga lekulalela licala lakho iMantji itawuzama kutsatsa sincumo ngekuya ngema-Afidavithi lafakwe ngemacembu lamabili. Imantji itawubuta munye nobe nobabili kutsi nichaze ngefintfo lefithi. Imantji ingatsatsa sincumo sekucinisekisa uMyalo, ibekele eceleni uMyalo nobe incume kwekutsi bufakazi bukhulunywe ngemlomo.

Uma ngabe uMmangalelwa ehluleka kuvela ekulalelweni lokusemtsetfweni futsi unebufakazi bekutsi uMyalo Wekuvikeleka wawufola (Return of Service), iMantji itawucinisekisa loMyalo.



Uma ngabe iMantji yenetisekile kwekutsi le-Afidavithi lebhalelwe ngummangali ichaza ngalokugcwele kutsi kuhlukunyetwa kwenteka, iMantji itawucinisekisa loMyalo Wekuvikeleka.

Ngabe kutakuba khona Lalelwa Kwelicala?

Uma iMantji ingakhoni kutsatsa sincumo ngalesikhatsi kulalelwa licala ngenca yekutsi kukhona kuphambana kwemaciniso emkhatsini kwembono wakho kanye naweMmangalelwa, uma ngabe kunephikisana kulobufakazi lobuniketwa ngulamacembu lamabili, iMantji itawuhlehlisa loludzaba Lokutsetfwa kwelicala.

Ekulalelweni kwelicala, lamacembu lamabili atawudzingeka kwekutsi banikete bufakazi ngekufunga futsi bafakwa imibuto ngulelinye licembu. Nanobe kunjalo ummangalelwa uvunyelwe kuphela kubuta ummangali imibuto ngekusebentisa ummeli nobe iMantji. Lamacembu omabili atawukhona kubita bufakazi futsi baletse lobunye bufakazi lobutabenta kwekutsi bachaze licala labo, sibonelo, titifiketi tetekwelashwa, emarekhodi asesibhedlela, titfombe, imiculu nalokunye.



Khumbula kwekutsi ngekweMtsetfo, liphoyisa kumele kutsi likusite nganobe ngayiphi indlela lebhale kuMyalo Wekuvikeleka, sibonelo ngekulandvwa kwetintfo letingetakho, mafisi wakho, tincwadzi tebantfwana nobe timphahla, nalokunye. Uma ngabe utfola kwekutsi leliphoyisa alikusiti nobe likwalela kukulalela ngekuya kwaloMyalo, ungafaka sikhalo kuLuphiko Lwetikhalo Lolutimele.

Kumele wati kwekutsi **akusiwo umsebenzi weliPhoyisa** kutsi likusite **ekutfutseni timphahla takho, ikhompuyutha, lokubunjwe, nalokunye.**

Ngabe yini lilanga Lekubuyela enkhantolo?

Lilanga lekubuyela enkhantolo lilanga lelibekiwe leliniketa iNkantolo litfuba lekulalela uMmangalelwa ngaphambi kwekutsi uMyalo Wekuvikeleka ucinisekiwe.

Ngabe yini leyentekako ngelilanga Lekubuyela enkantolo?

Ngephambi kweMmangali, uMmangalelwa utfola litfuba lekutsi achaze indzaba yakhe ngephambi kweMantji. Ummangalelwa uangafaka i-Afidavithi lephikisako nobe acele litfuba lekufaka i-Afidavithi lephikisako. Lamaphepha ayawuniketwa wena. Uyawunikwa litfuba lekutsi ufake imphendvulo yakho.

Angaboshwa yini uMmangalelwa ngeMyalo Wekuvikeleka?

Angete waboshwa uMmangalelwa ngeMyalo Wekuvikeleka. Loko kungenteka uma ngabe uMmangalelwa aphula imiyalelo yale-Afidavithi.

Ngabe yini kwephulwa kweMyalo Wekuvikeleka?

Nguloko lokwenteka uma ngabe uMmangalelwa ahluleka kulandzela lemiyalelo ye-Afidavithi, ngalamanye emagama uphindza lokutiphatsa lokuhlukumetako loku, ngekuya ngekweMyalo Wekuvikeleka leniketive, walelwe kwekutsi angachubeki.

Ngabe yini kwedzelela iNkantolo?

Nguloko lokwenteka uma uMmangalelwa aphula le-Afidavithi, wehlulekile kuvela eNkantolo yeBugebengu kute aphenzvule emacala labukene nawo.



Ngabe yini Budlova Basemakhaya?



- kuhlumeta ngekweMtsetfo



- kuhlupha



- khlukumeta ngekweMacansi



- kukhokhoba nobe kungena endzaweni ngaphandle kwemvumo, lapho ungahlali khona



- khlukumeta ngekweMagama



- kucikela phansi imphahla nobe letinye tintfo takho



- khlukumeta ngekweMnotfo



- lokunye kutiphatsa lokukahle nobe lokungasikahle lapho lokutiphatsa kwakho kulimata nobe kungaholela ekulimaleni Kwekuvikela, nasemphilweni yakho nobe yemndeni wakho



- kwesabisa

Bobabili **labadvuna nalabasikati bangaba nelicala**, futsi bangaphindze babe bahlukunyetwa bebudlova basemakhaya.

Yini lekumele ngiyente?

Uma ngabe utiva kutsi ungulomunye lohlukunyetiwe nobe ngabe nguluphi luhlobo lwebudlova basemakhaya lobuniketwe ngetulu, yani eNkantolo yaMantji yenzawo ucele luncedvo ekuniketeni uMyalo Wekuvikeleka. Mabhalane Wenkantolo utakuncedza ekugcwaliseni emafomu lefanelekile aphindze akuyise kuMantji lotawuncuma kwekutsi angakunika i-Afidavithi nobe cha. Iminingwane yalabo labaniketa ngelusito yalotakukululeka futsi akusite ngalokucondzene naloku kuyafolakala ekucaleni kwaleSeluleko.

Khumbula kwekutsi etimeni letibucayi, lolusito luyafolakala ema-awa langu-24 ngelilanga.



Mabhalane weNkantolo utakusita ekugcwaliseni emafomu lafanelekile aphindze akuyise kuMantji.

Nguyiphi iNkantolo lekumele ngiye kuyo?



Condza eNkantolo lesedvute nalapho uhlala nobe usebenta khona. Uma ngabe uphokelekile kutsi ushiye indzawo lapho uhlala khona ngenzaba yebudlova kodvwa uhlala kulenye indzawo kwesikhashana, ungacondza eNkantolo ledvute nalenzawo yakho yesikhashana.

Ngabe iyini i-Afidavithi?

I-Afidavithi isitatimende lesentiwe ngekufunga. Loku kuchaza kwekutsi lomunfu lowenta lesitatimende ufungile kute akhulume liciniso kantsi futsi uyati kwekutsi angashushiswa uma kungafolakala kwekutsi loko lokusekhatsi (nobe incenye yako) kwale-Afidavithi Lefungelwe kungemanga. Kulicala eNkantolo yeMtsetfo kwenta sitatimende lesingemanga.



Ngabe loMyalo Wekuvikeleka Yesikhashana itawutsini?

- LoMyalo Wekuvikeleka yesikhashana iyawucela ummangalelwa (lomunfu lohlukumetile) kwekutsi angakuhlukumeti ngendlela letsite lese-Afidavithini yakho lefungelwe.
- Ummangalelwa uyawuphokelelwa kwekutsi angakuhlukumeti ngekwekumtimba nobe ngekwekumagama nobe bantfwana.
- Kumacala lamakhulu, iMantji ingabona kufanele kutsi ingatjela ummangalelwa kutsi aphume lapho nihlala naye khona nobe amtjele kwekutsi akumele atfolakale endzaweni letsite yalenzawo lenihlala naye khona.
- Uma ngabe labantfwana kungibo labahlukunyetiwe, iNkantolo itawuphokelela kwekutsi lomangalelwa akabonani nobe ubonana ngalokukaliwe nalabantfwana.
- Inkantolo ingafaka umyalelo wekuffola lusito lwetimali loluphutfumako. Loku kuchaza kwekutsi uma ufuna kufaka sicelo setekwelashwa nobe tindleko tekulala letivele ngco ngenca yekuhlukunyetiwe, kumele uletse bufakazi balefindleko lohlangabetane nato futsi ucele iNkantolo kutsi ibuyekete lesicelo.
- Inkantolo itawuphokelela amaphoyisa kutsi atsatsa lesibhamu seMmangalelwa uma ngabe esabise ngemphilo yakho.

Kute yemukela ngalokugcwele loluhlobo lwekhlukunyetiwe lelitsite lohlangabetana nalo, **iNkantolo yetsembele kule-Afidavithi loyibhale ngalesikhatsi ufaka ngaso sicelo.** Kumele uphindze unikete iNkantolo ngelwati lonkhe lelifanele leluku-Afidavithi, sibonelo, iminingwane yetehlakalo tekuhlukunyetiwe, lilanga kanye nenzawo kanye neluhlobo lwesehlakalo sekugcina.

Angeke **ukhokhe kufaka sicelo seMali yesondlo eNkantolo Yebudlova Basemakhaya.** Loku kumele kwentiwe **kuNkantolo Yesondlo.**

Yini lengingayenta ngeMyalo Wekuvikeleka yesikhashana?

LoMyalo Wekuvikeleka wesikhashana kumele uniketwe uMmangalelwa ngekushesha. Angeke ukhone kwekutsi unikete uMmangalelwa ngekwekwo loMyalo njengobe loku kuyobukeka ngatsi akukho emtsetfweni. Ngalamanye magama, ekuniketeni kwaloMyalo Wekuvikeleka wesikhashana kungumsebenzi walomunye loselizingeni lasemtsetfweni njengeLiphoyisa/Sherifu/Mabhalane weNkantolo.



Kumele uyise loMyalo Wekuvikeleka wesikhashana eHhovisi laSherifu nobe nobe esiteshini semaphoyisa lesidvute nalapho ummangalelwa ahlala khona nobe lapho asebenta khona. Esiteshini semaphoyisa, **khumbula kubhala phansi ligama nobe inombolo yembeji yaleliphoyisa lolinika loMyalo.** Loku kukwenta kutsi ukhone kulandzelela loMyalo esikhatsini lesitako. Titeshi temaphoyiya letinyenti finetiphatsimandla letikhetsiwe letisebenta ngemacala ebudlova basemakhaya.

Khulumisana neliphoyisa kute ulandze i-Return of Service (Bufakazi Bekuffola uMyalo Wekuvikeleka). Loku kufakazela kutsi loMyalo Wekuvikeleka wesikhashana uffoliwe loMmangalelwa kanye nekutsi bayitfolile nabo. Ungalungisi neliphoyisa kutsi lihambise nobe lipose le-Return of Service eNkantolo njengobe loku kuvame kuphuta futsi akukavami kwekutsi kufike eNkantolo ngaphambi kwelusuku lekubuyisa.