

# ITJHATHA YAMALUNGELO WABONGAZIMBI YESEWULA AFRIKA

KUHLANGANISWA KESISEKELO  
SOMTHETHO SAGADESI  
ESIMAYELANA NAMALUNGELO  
NEMISEBENZI ENIKELWA  
ABONGAZIMBI  
BOBULELESI

NDEBELE



the **doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

**AMEZWI WOKUTHOKOZA KANGOONGOOTJHE 3****ISENDLALELO**

- Siqinisekisa 5
- Sikholelwa 6
- Kuqalwe 6
- Kutjhejwe 6
- Ngalokho samukela letjhada yabongazimbi 7

**ILUNGELO LAKHO NJENGONGAZIMBI****WOBULELESI 8**

1. Ilungelo lokuphathwa ngendlela elungileko  
nokuhlonitjiswa kwesithunzi sakho nelungeko  
lokuphila ipilo yakho yangeqadi 8
2. Ilungelo lokunikela ilwazi 9
3. Ilungelo lokufumana ilwazi 10
4. Ilungelo lokuvikelwa 11
5. Ilungeo lokurhelerejwa 12
6. Ilungelo lokuliliswa 13
7. Ilungelo lokubuyiselwa ipahla 14

**IINGHONGHOYILO 15****ILWAZI ELINABILEKO 17****AMEZWI WOKUTHOKOZA 18**

**Amezwi wokuthokoza  
kaNgqongqotjhe  
wezomThetho buLungisa  
nokuThuthukiswa  
komThethosisekelo**

LeTjhadi yabangazambi  
bobulelesi yeSewula Afrika  
kulithuluso eliqakathekileko  
lokuthuthukisa zobulungiswa  
kibo boke abantu. Itjhada  
yabongazimbi ikhambisana  
nommoya womThethosisekelo  
weSewula Afrika 1996  
(Umthetho 108 ka 1996)  
Kunye neSibopheleleo  
seenTjhaba eziBumbeneko  
semiThethomilayo  
yezoBulungiswa kiboNgazimbi  
bobuLelesi kunye  
nokusetjenziswa kwamandla  
butjhilweni 1985  
(GAVRES/40/34)



***Ks Bridget Mabandla:  
ILunga lePalamende  
UNgqongqotjhe  
wobuLungiswa  
nokuThuthukiswa  
komThethosisekelo***

Ukusukela ngo 1994, Ngokukhambisana nokusebenzisa isiko lamalungelo wobuntu, kunqotjwe ekusukeni ekulimazeni nebulungisweni bokuzibuyiselela kubuyelwe ebulungisweni obakhako.

Emqophweni wokubuyiswa kobulungiswa kukutjhewja kobelesi ngongokwenza umlandu ngokonela umBuso, begodu kusisenzo sokulimaza namkha ukwenza okumbi komunye umuntu.

Lokhu kukhambisana nehlelo lesiTjhaba laMano wokuVimbela uBulelesi nomNqopho wabongazimbi mayelana nobulungiswa bobulelesi. Umnqopho omkhulu kunikela abongazimbi amandla ngokubonelela iimfuno zabo,

Itjhatha yabongazimbi kunye nomtlolelo wamazanga aneleko kumathuluso aqakathekileko wokugandelela nokuhlenganisa amalungelo neembophelelo ezikhambelana nomsebenzi onikelwa abongazimbi bobulelesi eSewula Afrika. Itjhatha yabongazimbi bobulelesi ikhambisana nokusebenza kwesigaba 234 somthetho sisekelo.

Ngiyathemba kobana ngokuzibophelela nokuzinikela kwabadlali ndima ekambisweni yobulungiswa bobulelelsi, itjhadi yabongazimnbi bobulelesi izakusiza ekuphumeleliseni imithetho esetjenziswako ngokobana kube nokufeza umsebenzi womthetho kunye nobulungiswa bube ngebabantu boke.

### ***ISENDLALELO***

UmBuso weSewula Afrika woke nabasebenzeli abathintekako ekambisweni yobulungiswa khulu khulu:

### **Siqinisekisa**

Ukuzinikela kombuso ekufezakaliseni amagadango ahloswe etjhugulukweni elingaquntukiko kwehlelo lobulungiswa ukuvikela nokuphuhlisa amalungelo wabongazimbi ngokukhambisana neembopho zeentjhabatjhaba ngaphasi kwemitlolo yamalungelo wobuntu efana nokuBekwa kweKambiso esiSekelo yeHlangano yeenTjhabatjhaba kezomThethobuLungiswa kiboNgazimbi bobuLelesi nokuPhaliselwa amaNdla (1985) neSingezelelo sokuKhandelwa nokuPheliswa

kweNturhu eqaliswe kiboMma nabaNtwana ekuziBopheleleni kwe-SADC kezoBulili neTuthuko ngo-1997;

## **Sikholekwa**

Yokobana ngokuya kokuvikelwa kokulingana kibongazimbi nabasolwa ekambisweni yobulungiswa, kuyingcenywe yesibopho sakarhulumende sokuphuhlisa ukuthabelwa ngokulingana kwawo woke amalungelo nekululeko aqinisekiswa emThethwenisisekelo; nokuthi-Ubulungiswa bamambala bungafunyanwa nayikuthi amalungelo kangazimbi newabasolwa ayatjhejwa, ayavikelwa begodu ayalinganiswa;

## **Kuqalwe**

Umpfumela omkhulu wobulelesi kibongazimbi nekghono labo lokwenzela phasi ukuthabela kwabongazimbi iinthelo zentando yenengi

## **Kutjhejwe**

Iragelo phambili elikhulu elenziwe ukusukela ukuthoma kwentando yenengi esikhathini esiminyaka elitjhumu edlulileko, mayelana nokutjhugulula ihlelo

lobulungiswa ukuqinisekisa ukufikelela ngokulingana ubulungiswa nokuphendula iinkambiso kungatjhejwa umhlobo, ubulili, amasiko, izinga neminye imihlobo yokuhlukana namkha ukuba sebujameni obungasi buhle; Lamagadango ahlukeneko sele afezakalisiwe njengehlangothi lokutjhugululwa kobulungiswa, ngombono wokobana kuqinisekiswa ukuqakatheka kwakangazimbi, kulinganiswa amalungelo wabo nalawo wabasolwa kunye nokwehlisa ukuhlunguphazwa kwesibili emagadangweni ahlukeneko wekambiso yobulungiswa;

### **Ngalokho samukela leTjhatha yaboNgazimbi,**

Bona ibe sisekelo sokulinganisa amalungelo wabongazimbi nabasolwa kunye:

- nokubeka kuhle amazinga womsebenzi angalindelwa ngungazimbi abe anikelwe abongazimbi nanyana kukunini lokha nabathintana nehlelo lobulungiswa;
- nokuphelisa ukuhlunguphaza kwesibili ekambisweni yobulungiswa;
- nokuqinisekisa bona abongazimbi bahlala

- baqakathekile ekambisweni yobulungiswa;
- nokwenza ukuliliswa kwabongazimbi nayikuthi amazinga akuhlangabezwana nawo.

## **ILUNGelo LAKHO NJENGONGAZIMBI WOBULELESI**

Nangabe ube ngungazimbi wobulelesi, lamalungelo alandelako amumethwe mthethosisekelo kunye neminye imithetho efaneleko, azakusetjenziswa ngesikhathi uthintana nomthetho wobulungiswa wobulelesi:

### **1. Ilungelo lokuphathwa ngokulungileko nokuhlonitjiswa kwesithunzi sakho nelungelo lokuphila ipilo yakho yangeqadi**

- Unelungelo lokobana utjhejwe msinyazana ngefanelo, nangesihle, uphathwe ngehlonipho khona kuzakugcinwa isithunzi sakho nokuphila ipilo yakho ungathikanyezwa ngiwo woke amalunga womnikeli msebenzi omunye nomunye.
- Amapholisa ngesikhathi sephenyisiso, abatjhutjishi



neemphathiswa zekhotho ngesikhathi sokulungiselela nangesikhathi sekambiso yokuvela ekhotho kunye nabo boke abanikeli bemisebenzi kufanele bathathe amagadango ukuphungula ukuthikanyezwa kwakho njengongazimbi, ngokukhulumisana nawe hlangana nokhunye ngelimi lakho, begodu bakhulumele nawe ngemsitheleni nakukghonekako.

- Lamagadango azakukhandela bona ungazimbi azizwe ahlukunyezwa kwesibili.

## **2. Ilungelo lokunikela ilwazi**

- Unelungelo lokunikela ngelwazi ngesikhathi sephenyo lobulelesi nangesikhathi nawuvela ngekhotho.
- Amapholisa, umtjhutjhisi nesiphathiswa sokulungiswa kokuziphatha bazakuthatha amagadango wokuqinisekisa bonyana okhunye nokhunye ukufaka isandla ofuna ukukwenza ephenyweni, ekutjhutjhiseni, nekulalelweni kokulitjalelwa kuyalalelwa godu kuyatjhejwa lokha nakuquntwa bona kghani kuragelwe phambili

nephenyo namkha nokulalelwa kokulitjalelwa yibhodo.

- Lelilungelo litjho ukobana ungazibandakanya (nakutlhogekako nalokha kukghonekako) eenkambisweni zobulungiswa bobulelesi, ngokukhambela ukulalelwa kwebheyili, ukusegwa komlandu, iinkambiso zokukhutjiswa kweengwebo kunye / namkha nokulalelwa kokulitjalelwa.
- Kutjho bona uzakuba nethuba lokwenza istatimende esiragela phambili emapholiseni nawubona bonyana isitatimende sakho sokuthoma asikapheleli; godu ungenza isitatimende sokutjela ikhotho ngomphumela wobulelesi.
- Ukudlula lapho ungatlola isibawo usiqalise kuSihlalo weBhodo yokuLalelwa kokuLitjalelwa bona uze ekulalelweni kokulitjalelwa nokuletha umbono otlolwe phasi.

### **3. Ilungelo lokuthola ilwazi**

- Unelungelo lokuthola ilwazi nokwaziswa ngamalungelo wakho nokuthi ungawasebenzisa njani. Kufanele waziswe ngendima yakho

emlandwini nesikhathi esifaneleko somlandu. Ungabawa ilwazi mayelana namalanga wekhotho, iimali zabofakazi namahlelo wokuvikelwa kwabofakazi.

- Godu ungabawa ukwaziswa ngobujamo bomlandu, ukobana isaphulimthetho sibotjhiwe namkha njani, sabekwa umlandu, sanikelwa ibheyili, sathweswa umlandu ngokomthetho, sabonwa umlandu begodu lapho kufaneleko, sagwetjwa.
- Unelungelo ingasi kuphela lokwaziswa ngamalungelo wakho, kodwana nelokuwasebenzisa.
- Godu ungathola ilwazi njengehlangothi , ubawe ihlathululo ngenye nenye into ongayizwisisiko ngelimi lakho.
- Ungabawa amabanga wesiqu nto esithethweko ngomlandu wakho, sokutjhutjhiswa nokungatjhutjhiswa.
- Godu unelungelo lokuthola imitlolo umthetho okuvumela bona ube nayo.
- Ungabawa ukuthola isaziso ngeenkambiso ongazikhambela. Godu ungabawa umtjhutjhisi azise

umqatjhi wakho ngeenkambiso, ezenza ungakghoni ukuya emsebenzini.

#### **4. Ilungelo lokuvikelwa**

- Unelungelo lokungathuselwa, lokungahlukunyezwa, lokungasatjiswa, lokungafakwa ngaphasi kwegandelelo lekohlakalo, lokungavalwa ngemali, lokungakhohlakali nelokungatlhloriswa Nawungufakazi kufanele ubike ukuthusela okunjalo emapholiseni namkha kumtjhutjhi omkhulu.
- Amapholisa nawungakhambisana neemfuno ezithileko angenza isibawo sokobana ufakwe ngaphasi kwehlelo lokuvikelwa kwabofakazi.
- Nayikuthi isibawo esinjalo siyaphumelela uzakubekwa ngaphasi kwehlelo lokuvikelwa kwabofakazi. Nanyana uzabe uvikelwe, ngokukghonekako, kiyo yoke imihlobo yokugandelelwa bona wenze into ethileko, isibonelo, uzakuvikelwa ekutlhorisweni nekuthuselweni.
- Lokhu kuzakuqinisekisa bonyana ukuphepha kwakho njengofakazi khona kungazukucajelwa ubufakazi bakho namkha kugcine ngokobana uzitsomule

ngebanga lokugandelelwa.

- Ilungelo litjho bona kobunye ubujamo ikhotho ingakhandela ukuvezwa kwelinye nelinye ilwazi (kufaka ukwaziwa kwakho) namkha ingayala bona ukukhamba ikhotho kwenzelwe ngemsitheleni (kusetjenziswa ikhamera).
- Ungabawa bemiSebenzi yokuLungiswa kokuziPhatha ukukwazisa nayikuthi isaphulamthetho sibalekile namkha sitjhidisiwe.

## **5. Ilungelo lokurhelejwa**

- Unelungelo lokubawa irhelebho nokufikelela (lapho kukghoneka khona) imisebenzi yezehlalakuhle, zepilo nerhelebho lezengqondo kunye nerhelebho lomthetho elikhambelana neendingo zakho.
- Amapholisa azakurhelebha ngokukuhlathululela iinkambiso, akwazise ngamalungelo wakho begodu akudlulisele kubanikeli bemisebenzi abafaneleko.
- Umphathi we-ofisi namkha i-ofisi elikhulu ekhotho lizakwenza kukghonakale ukutholakala kwakatologi.
- Abatjhutjhisi bazakuqinisekisa bona amagadango afaneleko ayathathwa mayelana nemilandu

ephathelene nezomseme, inturhu yangekhaya nokondliwa kwabentwana kunye nokobana imilandu ilalelwe emakhotho akhethekileko lapho kukghoneka khulu.

- Boke abanikeli bemisebenzi mayelana nemisebenzi yabo banesibopho sokuthatha amagadango azwakalako wokutjheja abongazimbi abaneendingo ezikhethekileko bebabaphathe ngendlela enezwelo.

## **6. Ilungelo lokuliliswa**

- Unelungelo lokuliliswa ngokulahlekelwa namkha ngomonakalo wepahla owenzeke ngebanga lobulelesi obenziwe kuwe.
- Ngelanga lokukhutjhwa kwesigwebo sommangalelwa ungabawa umtjhutjhisi enze umlayo wokuliliswa ekhotho ngokuya kweSigaba 297 nesama-300 somthetho weKambiso yobuLelesi, umThetho wenomboro 51 ka-1997.
- “Ukulilisa” kutjho inani lemali ikhotho yobulelesi eyinikela ungazimbi owonakalelweko namkha olahlekelwe yipahla, okufaka hlangana, imali ngesibanga sesenzo sobulelesi namkha sokuliswa

- komuntu obonwe umlandu ngokwenza umlandu.
- Umtjhutjhisi uzakwazisa ngomlayo wokukulilisa kodwana umabhalana wekhotho uzakuqalana nokwenza umlayo usebenze, nokuthi ungavulela ummangalelwa umlandu wombango lokha ikhotho yobulelesi nayingakhuphi umlayo wokukulilisa kunye nalapho kungasi lula ukulinganisa ngemali umonakalo ebujameni obufana nomonakalo wezengqondo namkha ubuhlungu nokuthlaga.
  - Umabhalana wekhotho uzakusiza ngokobana uliliswe ngokuya komlayo okhutjwe yikhotho.

## **7. Ilungelo lokubuyiselwa ipahla yakho**

- Unelungelo lokubuyiselwa ipahla omukwe yona ngokungasimthetho.
- “Ukubuyiselwa ipahla” kutjho lapho ikhotho, ngemva kokubeka umsolwa umlandu, ilaya isaphulimthetho ukunikela ipahla okufunyenwe bona siyithethe ngokungasimthetho kuwe khona uzakubuyela ebujameni obewukibo ngaphambi kwesenzo sobulelesi.

- Umtjhutjhisi uzakwazisa bonyana ukubuyiselwa ipahla kufaka ini begodu umabhalana wekhotho uzakurhelebha ekuthini usebenzise ilungelweli.

### **IINGHONGHOYILO**

Ukukhumbula bonyana unelungelo lokunghonghoyila, ungathintana nomnyango othileko wombuso namkha umnikeli womsebenzi nawuneenghonghoyilo mayelana nomsebenzi owuthola namkha nayikuthi amalungelo wakho awatjhejwa. Nawungakaneliswa ngendlela isinghonghoyilo sakho esitjhejwe ngayo, ungathintana godu neenhlango ezifana nalezi:

- i-Ofisi lomVikeli womPhakathi
- amaGqwetha wamaLungelo wobuNtu
- iKomitjhana yamaLungelo wobuNtu
- Iphiko elizijameleko lobuNqophisi eliTjheja iiNghonghoyilo ngamaPholisa
- iKomitjhana yokuLingana ngokoBulili
- IBandla lokuTjhutjhiswa kwesiTjhaba
- ama-Ofisi wamaPholisa wamaDorobha amaKhulu



- umKhandlu wabaSebenzi bezePilo beSewula Afrika, namkha
- igqwetha elikhethwa nguwe nozazibhadelela lona.

Nawufuna ilwazi elinabileko ngekambiso yokunghonghoyila, sibawa uziqalele emtlotweni wamaZinga amaNcane wemiSebenzi yaboNgazimbi bobuLelesi. Lomtlole utholakala kwelinye nelinye i-ofisi lombuso.

Abadlali ndima bomthetho wobulungiswa bazakwenza isiqiniseko sokobana letjhatha yabongazimbi bobulelesi iyafumaneka kilama-ofisi alandelako:

- Emakhotho
- Ema-ofisini womnyango wokulungiswa kweemilo
- Ema-ofisini wabatjhutjhisi bomphakathi
- Emajele
- Eentetjhini zamaPholisa namayunithi wezePhenyo
- Ema-ofisini wokuThuthukiswa komPhakathi
- Ema-ofisini wamaPholisa weMetro
- Eendaweni zomPhakathi zamaPhilo

## ***NAWUFUNA ILWAZI ELINABILEKO***

Nawufuna ilwazi elinabileko mayelana nendaba enye nanye etholakala kilomtlole, ungathintana nePhiko lobuNqophisi bezoBulili bomNyango wezobuLungiswa nokuThuthukiswa komThethosisekelo eenomborweni ezilandelako:

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## **INOMBORO YASIMAHLA:**

0800 011 022

## **UKUTHOKOZA UKUFAKA ISANDLA**

Ityhatha yamaLungelo waboNgazimbi yeSewula Afrika yenziwa liPhiko lobuNqophisi bezoBulili emNyangweni wobuLungiswa nokuThuthukiswa komThethosisekelo ngokubambisana nemiNyango yezeHlalakuhle, wokuLungiswa kokuziPhatha, weFundo newezePilo, kunye neBandla lokuTjhutjhiswa kwesiTjhaba, bemiSebenzi yesiPholisa seSewula Afrika, iKomitjhana yeTjhuguluko lezomThetho eSewula Afrika, iKomitjhana yeSewula Afrika yamaLungelo wobuNtu, i-Ofisi lomVikeli womPhakathi, iPhiko elizijameleko lobuNqophisi obuTjheja iiNghonghoyilo ngamaPholisa, amalunga weKomitjhana yemiSebenzi yaboMarhastrada nobuLungiswa kunye namalunga wesiPholisa seDorhobha eliKhulu leTshwane.

UmNyango wobuLungiswa nokuThuthukiswa komThethosisekelo uthabela khulu ukufaka isandla okwenziwe ziinhlango okungasizo zombuso ezihlukeneko neenkungo zefundo ephakamileko kilomtlo.



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