

EMAZINGANCANE ETINSITA

TEBAHLUKUNYETWA BEBUGEBUGU



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YEMISEBENTI YEKUSITA

BAHLUKUNYETWA

BEBUGEBUGU ENINGIZIMU AFRIKA



SISWATI



the doj & cd

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INHLOSO YEMAZINGANCANE v

SINGENISO v

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INJONGO YEMAZINGANCANE

Lamazingancane eMisebenti yekuSita Bahlukunyetwa beBugebengu ("eMazingancane") ngumculu wekwatisa, lowabhalwa wandlondlobaliswa kute uchaze kabanti emalungelo akho njengobe abekiwe kuShatha yeMisebenti yekuSita Bahlukunyetwa beBugebengu eNingizimu Afrika. ("leShatha") yenta lamalungelo abe yintfo leliciniso, lephatsekako. LeShatha yeBahlukunyetwa, kanye nalaMazingancane, entelwe kukuniketa lwati macondzana nekutinikela kwahulumende ekuphuculeni nekutfutukisa lizinga lekwenta imisebenti yekusita bahlukunyetwa bebugebengu. Lamazingancane ahlose kucacisa emazingancane lacondzene nemisebenti yelusito loluniketwa bahlukunyetwa bebugebengu. Lamazingancane akabeki-nje kuphela emabalengwe emalungelonchanti nemigomosisekelo, kepha aphindze anikete lwati lolubanti kute ukwati kusebentisa emalungelo akho kanye nekweneta labaniketa letinsita bakhone kugcina emalungelo akho njengobe achaziwe kuShatha, ngekukuniketa lawo mazingancane longawalindzela kulabaniketa tinsita. Lamazingancane atakusita ekubambeni bonkhe lababandzanyekako kutebulungiswa bebugebengu kutsi babe nekutiphendvulela ekucinisekiseni kwekutsi utfola kusitwa ngalokufanele.

SINGENISO

Uma ubika bugebengu uphindze unike nebufakazi enkantolo, udlala indzima lebalulekile ekwenteni tebulungiswa bebugebengu kutsi bunake tidzingo temmango nekucinisekisa kutiphendvulela kwesigebengu. Imbuyiselo yaloko, tebulungiswa bebugebengu kufanele bukunakekele ngekushesha, ngesizotsa nangekuhlonipha sitfunti nelingasese lakho buphindze buhlangabetane netidzingo takho. Lamazingancane amitamo yekucinisekisa kutsi loku kuyenteka, ngekukuhlomisa ngelwati lolufanele kute ukwati kucindzetela kunakwa kwemalungelo akho.

Lamazingancane ehlukene ngetincenye letine. Incenye 1 isiniketa kafisha sendlalelo ngemalungelo akho iphindze ibeke emabalengwe ekutsi ngubani longatfolala lawo malungelo. Incenye 2 ichaza kafisha tinchubo letiseluhlelweni lwetebulungiswa bebugebengu nekutsi kutawentekani kuwe uma kwenteka ugetjengwa nanobe uyewubika lobugebengu emaphoyiseni. Incenye 3 icuketse lamazingancane etinsita longatilindzela kubasebenti labehlukeni labadlala indzima kutebulungiswa bebugebengu, ngekuya kwelilungelo ngalinye njengobe achaziwe kuShatha yeBahlukunyetwa. Loku nguyona ncenye lebaluleke kakhulu yemazingancane, njengobe entelwe kwenta emalungelo lahlelwe kuShatha abe liciniso leliphatsekako kuwe. Ngukulencenye –ke lapho khona utawutfolala khona imigomosisekelo leminyenti yeBulungiswa loBubuyisa Similo (Restorative Justice) lamumetfwe luhlakamsebenti loluchazwe kuShatha yeBahlukubetwa kanye neMazingancane. Incenye 4 ibeka emabalengwe macondzana netinchubo tekubika bugebengu. Nobe- nje basebenti bebulungiswa bebugebengu bacondza kucinisekisa kutsi imiphumela lemibi lebangwe bugebengu ayentiwa ibe mibi kakhulu nguloko lokutawenteka kamuva, futsi batakuphatsa kahle nangesizotsa bakunikete netinsita letikahle, kuyenteka kutsi tintfo tingahambi kabi ngalesinye sikhatsi. Kungenteka uve sengatsi tinsita lewutitfolile atikefiki ecophelweni lelikwenetisako lebewulindzele. Lencenye-ke iyakuchazela kutsi usifaka njani sikhalo sakho, iphindze futsi ibe neluhla lwemakheli labalulekile ekuchumana nalabo labangakusita.

Lamazingancane entelwe kutsi kwelusa kuniketwa kwetinsita kube malula njengobe aniketa emazingancane lekutawuhlolwa ngawo kuniketwa kwetinsita. Tikhungo letifanele, ema-ejensi ekusebenta nematiko atawelusa kusetjentiswa kwemalungelo nemacophelo etinsita labekiwe kuMazingancane, njengencenye yekwelusa kwawo futsi, lama-ejensi angatsintsana nawe. Leminye yalemiphumela yekwelusa nekutsintsana ingashicilelwa.

Uma ngabe uke wahlukunyetwa bugebengu, ungalindzela kutsi basebenti betebulungiswa bebugebengu batawucinisekisa kutsi emalungelo akho, njengobe ahleliwe kuShatha yeBahlukunyetwa, ayentiwa ngencindzelo nemazingancane labekiwe kulomculu ayaphunyeleliswa.

Njengenjongo yalomculu, nangekuhambisana nenchazelo lebekwe phambilini kuSimemetelosincumo saMhlab'uhlangene semGomosisekelo weBulungiswa beBahlukunyetwa beBugebengu nekuHlukunyetwa kweMandla (GA/Res/40/30), lelapho-khona iNingizimu Afrika ingulomunye walabasayina, umhlukunyetwa webugebengu uchazwa njengemuntfu lolimele, love buhlungu, kufaka ekhatsi kulimala kwemtimba nobe kwengcondvo, kulimala kwemiva; kulahlekelwa ngumnotfo nobe konakalelwa kabuhlungu ngemalungelo akhe lasisekelo, ngenca yetento letilwisana nemtsetfo lophatselene nebugebengu. Leligama lelitsi 'Umhlukunyetwa' liphindze lifake ekhatsi, lapho kufanele khona, bemndeni nobe labo labancike kuye umhlukunyetwa. Umuntfu angatsatfwa njengemhlukunyetwa ngaphandle kwekutsi lesi sigebengu sibonwe, sibanjwe, sibekwe licala nobe silahlwe licala, nangaphandle kwekunaka buhlobo emkhatsini waso nemhlukunyetwa.

Imibandzela lekuMazingancane yabo bonkhe bahlukunyetwa ngaphandle kwekubandlulula kwanobe nguluphi luhlobo, ngekwwebuhlanga, bulili, kukhulelwa, umshado, lusendvo, nobe nguyiphi imvelaphi yetenhlo, libala, budzala ngemnyaka, kukhubateka, inkholo, nembeza, kukholwa, emasiko, lulwimi nekutalwa, njengobe kubekiwe kuSigaba 9 seMtsetfosisekelo weNingizimu Afrika (Umtsetfo 108 wanga-1996).

Ngesikhatsi uchumana nebasebenti betebulungiswa bebugebengu lamalungelo lalandzelako atawusetjentiswa, njengobe ahleliwe kuShatha yeBulungiswa nangekuhambisana neMtsetfosisekelo nesishayamtsetfo lesifanele:

- Lilungelo lekuphatfwa ngebucotfo nekuhlonishwa kwesitfunti nelingasese lakho
- lilungelo lekuniketa lwati
- lilungelo lekutfola lwati
- lilungelo lekuvikeleka
- lilungelo lekusitwa
- lilungelo lesincephetelo
- lilungelo lekubuyiselwa esimeni lesifanele

Yini letawenteka?

Uma kwentiwe bugebengu:

- 1 Uma kwentiwe bugebengu, kubika lobo bugebengu kubeLuphiko lwemiSebenti aseNingizimu Afrika kutawenta luhlelo lwebulungiswa bebugebengu lungene egiyeni, lucale lusebente. Luphiko lwemiSebenti yemaPhoyisa aseNingizimu Afrika lunesibopho sekuphenyisisa ngebugebengu lufake tephulamsetfo endleleni. Uma bugebengu sebubikiwe emaphoyisa atawuvula idokhethi aphenye ngalobo bugebengu. Uma ngabe emaphoyisa ete siciniseko sekutsi kushushisa kungalandzela, kubekwa kwelicala angeke kulandzele masinyane. Nobe kunjalo emaphoyisa atawuchubeka aphenye ngelicala lelinjalo anikete umshushisi wesive idokhethi kute atsatse sincumo.
- 2 Kusakela ngesikhatsi kwenteka bugebengu futsi bubikwa, kubalulekile kutsi kugcogcwe bonkhe bufakazi lobukhona futsi bugcinwe kahle ngendlela yekwekutsi bube lusito uma kusaphenywa ngalelo cala nekutsetfwa kwalo lokungalandzela kamuva. Kulimala nemonakalo longenteka kuwe kungacinisa bufakazi lobumelane nembekwacala. Umbiko wadokotela ufanele upheleliswe uyiswe lapho kufanele khona.
- 3 Uma umuntfu asabekwe licala, lindluliselwa enkantolo lapho umshushisi atsatse tibopho letifanele lelicala.

Uma licala lendluliselwa kumshushisi:

- 4 Umshushisi utawucabangisisa kahle abukete lokungemaciniso ngawo onkhe emacala. Umshushisi –ke angenta kunye kwaletintfo letintsatfu letilandzelako:

- Kuncuma kutsi bukhona bufakazi lobenele bekutsi angachubeka abeke licala, achubeke neminingwane.
- Kuncuma kutsi kusadzingeka bufakazi lobutsite kute akhone kutsatsa sincumo lesibhadlile bese utjela liphoyisa leliphanya ngalelicala lichubeke liphanya.
- Ngetizatfu letehlukene, njengesifiso sesive, angancuma kulihocisa licala.

Umshushisi utawubuyeketa tifiso takho uma atsatsa letincumo futsi kungenteka agucule lelicala, ngekuya kwemaciniso lalifanele.

- 5 Ungalindzela tinchubo letiphutfumako naleticeseshekile, letitawucinisekisa kutsi lelicala lingena enkantolo ngekushesha lokungalindzeleka.
- 6 Ungalindzela kutsi umshushisi utawucela lonkhe lwati loluphatselene nebheyili ephoyiseni lebeliphanya ngelicala bese ulwetfula enkantolo, kucinisekisa sincumo sekuniketa nobe kwala kuniketa umbekwacala ibheyili kutsatfwa ngekuya tifiso nekuvikeleka kwakho.
- 7 Ngembikwekumukela sikhalo sekuba nelicala umshushisi utawucabangela tifiso takho netemndeni wakho.

Uma ngabe ubitiwe njengafakazi uma kushushiswa:

- 8 Liphoyisa litakwatisa uma kufanele uvele enkantolo njengafakazi. Emacala lamanyenti atekwa enkantolo yamantji bese kutsi lawo lamabi kakhulu ayiswa enkatolo yesifundza nobe enkantolo lephakeme.
- 9 Kuyisa licala liyewutekwa enkantolo kungaba mankindonkindo, ikakhulu uma ngabe lelo cala litsintsa bantfu labanyenti. Labo labachuba lelo cala batawenta konkhe lokusemandleni abo kutsi lingene enkantolo ngekushesha.

10 Liphoyisa leliphonya ngalelicala, umshushisi wesive lophakeme nobe lomelele liHhovisi leMcondzisi weBashushisi utawucinisekisa kutsi ngemuva kweluhlolo lwekucala lolwentsisiwe nalapho kuhlangatjetwane netimfuno letitsite, utawufakwa ehlelweni lwekuvikelwa kwabofakazi uma ngabe kukhona labekwesabisako nobe labakusongelako.

Uma ngabe kufanele ube ngufakazi enkantolo:

11 Kuniketa bufakazi enkantolo kungaba yintfo lematima lecinanisako/ bandzetelanako. Labo lababandzekanyekako—emaphoyisa, umshushisi nebasebenti benkantolo - batakwesekela, bakulungiselele, bakunike lonkhe lwati lodzinga kuba nalo macondzana nalokutawenteka.

12 Utawunikwa lisamane, likwatise kutsi licala litawutekwa nini, kuphi futsi. Ngaletinye tikhatsi emacaleni latsite, lisamane litawuhambisana nencwajana letawuchaza kutsi kutawube kwentekani enkantolo. Uma ngabe uya enkantolo yamantji kantsi futsi unemibuto macondzana neminingwane yakhona enkantolo, ufanele utsintsane neliphoyisa leliphonya ngalelo cala nobe liphoyisa lelisita liphindze lilungiselele umhlukunyetwa uma likhona, lonake litawukulayela lowo muntfu lofanele uye litawuphindze futsi likuchumanise nenkantolo.

13 Uma ufika enkantolo, ungatfola timphawu leticacile letikukhombisa indlela. Uma ngabe kute timphawu leticacile futsi awati nekutsi inkantolo ingakuphi, ungabuta ehhovisi lekwatisa nekusita uma likhona, ubute kutsi ingakuphi inkantolo lapho utawetfula bufakazi bakho khona. Ungatsintsana futsi nebasebenti bekushushisa, labatawuphendvula nobe ngumuphi umbuto lonawo macondzana netinchubo. Umshushisi lonikwe licala lakho utawukhona kukutjela silinganiso sekutsi kutsi utawulindza sikhatsi lesinganani ngaphambi kwekutsi unikete bufakazi.

14 Umshushisi utawenta konkhe lokusemandleni akhe kutsi ubitwe utewetfula bufakazi ngekushesha lokungalindzelaka. Umshushisi lophetse lelicala lakho, lapho kufaneleke khona, utawutsintsana nawe ngaphambi kwekutsi ubitwe utewetfula bufakazi. Nobe kunjalo, ngaletinye tikhatsi kubakhona kubambeleleka. Kufanele wente siciniseko sekutsi ufika ngesikhatsi lesifanele enkantolo. Ufanele umatise umshushisi uma utawufika ngemuva kwesikhatsi enkantolo nanobe ungeke ukhone kuta enkantolo ngalelo langa.

Ekutekweni kwelicala:

15 Uma kufanele wetfule bufakazi, ngaletinye tikhatsi, ungacela umngani nobe umsekeli akuphekelele uye enkantolo. Ngemuva kwekuniketa bufakazi utawutjelwa kutsi ungahamba. Uma utsandza ungahlala ulalele imininingwane lechubekako.

16 Umtsetfo uyativumela letibonelelo letilandzelako uma wetfula bufakazi:

- ngaphasi kwetimo letitsite, ungabetfula bufakazi ngendlela yabomabonakudze, uhleti egunjini lakho. (Loku kusho kutsi usuke ungekho enkantolo embikwembekwacala, usuke ukulelinye ligumbi).
- Ungaphindze futsi, usitwe nguloyo longumlamuli/umsekeli wakho uma uniketa bufakazi kumabonakudze losegunjini lohleti kulo uma ngabe ungaphasi kweminyaka lengu-18, nanobe imantji nobe lijaji libona kutsi kuma enkantolo wetfule bufakazi kungakubangela kubandzeteleka kwengcondvo nobe buhlungu lobungakafaneli.
- Uma ufanele wetfule bufakazi enkantolo, ngaphasi kwetimo letitsite, imininingwane yekutekwa kwelicala ingentiwa ngemshini wekutwebula tifombe (egunjini lelivaliwe)

17 Kudzingeka bufakazi lobucinile ngaphambi kwekutsi umuntu abekwe licala. Ekutekweni kwelicala-ke kufanele kube nebufakazi lobumsulwa, lobungasoleki nakancane kutsi umsolwa akanacala. Loku kungasho kutsi umuntu bewukadze ukholelwa kutsi unelicala, utfolalakala angenacala. Loku-ke akusiko kwehlulelwa kwakho, kodwa kumiselwe esimeni lesicinile sekutekwa kwelicala ngalokuphelele.

18 Umshushisi utawubita bofakazi betfule bufakazi babo bemacala lafanele. Kutawubitwa nemtoliki uma adzingeka. Umbekwacala utawunikwa litfuba lekukujikijela ngemibuto, anike bufakazi, abite nabofakazi. Ngemuva kwekutsi inkantolo seyive bonkhe bufakazi nektivikela, bonkhe labatsintsekako batawuvunyelwa betfule inkhulumo enkantolo ngaphambi kwekutsi kukhishwe sigwebo.

Ngemuva kwekulahlwa licala:

19 Uma umsolwa atfolakala anelicala, kushushisa nektivikela kungahola bufakazi kuphindze kwatise inkantolo ngesigwebo lesitawukhishwa. Loku kwentiwa ngekuphikisana ekwenteni sigwebo lesimatima nobe sincishisiwe. Uma ngabe loko kuphikisana ekunciphiseni sigwebo kufaka ekhatsi lwati lolungemanga, inkantolo ifanele yatiswe ngaloku. Ezingeni lekugwetjwa, ungacela kubuyeketwa kwemonakalo nobe sincephetelo sekonakalelwa. Uma ngabe inkantolo ikhipha sincephetelo, asitsatfwa njengesigwebo, ngako-ke lesi sincephetelo singentiwa sibe ngunobe nguluphi luhlobo lwesijeziso. Inkantolo ingaphindze isilahle ngelifasitelo sigwebo etimeni letitsite, loku kufaka ekhatsi simo lapho khona umbekwacala afanele akuncephelele. Umshushisi angafaka sitatimende semhlukunyetwa nobe ahole bufakazi lobuchubekako lobeseka sigwebo uma bukhona futsi bufanele.

- 20 Ngembikwekukhipha sigwebo, sikhulu lesiphetse, umshushisi nobe umvikeli angacela kutsi sikhulu lesivivinyako nobe-ke nguyiphi lenye ingcweti ingahlela umbiko ngawe nobe umbekwacala. Lombiko ungafaka ekhatsi luhlolo lwebubanti bemonakalo lobentiwe bugebengu kuwe. Lolwati lungatsatfwa esitatimendeni lowasenta emaphoyiseni, nobe sikhulu lesivivinyako singabamba ingcocoluhlolo nawe matfupha nobe ungabitwa utewetfula bufakazi ngesikhatsi sekukhishwa kwesigwebo.
- 21 Uma ngabe ukholelwa ekutseni lesigwebo sinebubele kakhulu, ungacocisana ngaloko neMshushisi lomkhulu, longancuma kukubeka etandleni teMcondzisi weSive weTekushushisa lofanele. Umcondzisi weSive weTekushushisa angafaka sikhalo sekubukhetwa kabusha kwelicala enkantolo lengalalela lesikhalo. Lesikhalo sifanele sinakwe ngesikhatsi lesitsite lesimisiwe.
- 22 Umbekwacala angafaka sikhalo ngekulahlwa licala nesigwebo lasinikwe yinkantolo. Uma sikhalo sesifakiwe, ungacela umshushisi welicala lekucala, nobe ummeli wesive welicala losebentana nalesikhalo, ahlale atiswa ngetingucuko letichubekako kulelicala, sibonelo, lusuku lolukhetsiwe lekuyewulalela sikhalo, nobe ngabe umbekwacala unikiwe ibheyili, nemiphumela yesikhalo.
- 23 Uma kunesidzingo nelunako ngekuphepha kwakho nobe kwafakazi, liphoyisa, umshushisi nobe ummelli weLuphiko lwekuVikela Bofakazi utawukhona kukwecwayisa ngalokumele ukwente kute uphephe. Batawukusita bagcine lapho bangefika khona.

Uma kukhishwa sigwebo:

- 24 LiTiko leTekucondzisa Similo litawucinisekisa kutsi sigwebo sekuboshwa sikhishwa ngekuya kwemtsetfo. Uma kucatjangelwa kukhululwa kwembekwacala, liTiko leTekucondzisa kweSimilo litawunakisisa kweluswa kwembekwacala lokhishwe ngemvume yekwetsembisa kutsi angeke abaleke (ngepharoli).
- 25 Ungacela kungenela tingcoco teLuphiko lweTekwelusa neBhodi yePharoli. Uma ufisa kungenela letingcoco utawatiswa ngelusuku lwato neBhodi itawunaka licabangele tifiso takho uma licabanga kukhulula umbekwacala ngepharoli.
- 26 Kuwo onkhe emacala lapho khona umbekwacala akhululwa ngepharoli, iBhodi yePharoli itawubeka timo letitsite macondzana nekukhululwa kwembekwacala, uma ibona kutsi loko kutawuba lusito kuwe.
- 27 Uma ngabe, ngemuva kwekukhululwa ngepharoli, umbekwacala utiphatsa ngendlela lekhombisa kutsi angaba nebungoti ekuphepheni kwesive, nobe ephula nobe ngusiphi simo labekelwe sona ngekukhululwa kwakhe, angaboshwa kute acedzele sigwebo sakhe lesisele ejele.

Uma udzinga lusito:

- 28 Ematiko lamanyenti ahulumende atokuniketa lusito. Emaphoyisa atokusita, angene uma kuvela simo lesiyingoti; akukhombe lapho ungatfola lusito lekewelashwa nobe kwelashwa kwengcondvo; ngekuchaza tinchubo temaphoyisa; ngekukuniketa lwati ngemalungelo akho; ngekukukhomba tinhlango letingekho ngaphasi kwahulumende naletisebentela imimango (NGOs nema CBOs) nobe basebenti bemmango labaseka bahlukunyetwa;

kucinisekisa kuphepha kwakho lapho kwenteke bugebengu khona; uma kuniketwa bufakazi; nangekukweluleka ngekuvikela bugebengu.

- 29 Uma kukhona kusongelwa lokuchubekako ngemuva kwekukhishwa kwesigwebo, wena, umsheshi nobe umshushisi kufanele aphutfume atsintsane nelihhovisi lweLuphikko lwekuVikela Bofakazi.
- 30 LiTiko leBasebenti beteNhlalakahle nalabanye labasebenta ngetenhlalakahle batawuniketa, uma kukhona lusito lwetemiva nalolu, lungafaka ekhatsi emalungiselelo etinhlelo tekuya enkantolo.
- 31 Basebenti betemphilo batawucinisekisa kutsi emalungelo akho, njengobe abekiwe kuShata yeMalungelo eSigulane ayaphakanyiswa asetjentiswe.
- 32 LiTiko leTemfundvo litawucinisekisa kutsi tinhlelo tekusita njengekweluleka, kukwendlulisela netinchubo tekweseka, tisesimeni lesifanele kuletinhlelo tekufundzisa.

1 LILUNGELO LEKUPHATFWA NGEUCOTFO NEKUHLONISHWA KWESITFUNTI NELINGASESE LAKHO

1.1 Ungalindzela kutsi bonkhe labadlala indzima eluhlelweni lwetebulungiswa batakuphatsa ngeucotfo nekuhlonipha kwesitfunti nelingasese lakho, nangebuvelomiva.

Uma bugebengu bubikiwe emaphoyiseni, ungalindzela kutsi –

1.2 kuphenywe ngalobugebengu;

1.3 uma ubike bugebengu emaphoyiseni, batawusukumela etulu, basebente ngekushesha;

1.4 kutawentiwa lokutsite kute kuncishiswe kukhinyabeteka longahlangabetana nako;

1.5 liphoyisa litawutsatsa sitatimende sakho, ligcwalise emafomu lafanele ekubhalisa lobugebengu;

1.6 wendluliselwe ekunakekelweni ngekwelashwa nobe welulekwe uma kunesidzingo;

1.7 uma uhlukunyetwe ngekwelicansi, utawubutwa imibuto ngasele liphoyisa;

1.8 tingcocoluhlolo letitawubanjwa nawe titawentiwa ngelulwimi lwakho loluvisisako, uma ngabe lomuntfu lokhuluma nawe akakhulumi lulwimi loluvisisako, ungacela umtoliki, futsi

1.9 ungacela kucociswa liphoyisa lelibulili bunye nawe, uma likhona, sicelo sakho sitawemukelwa.

Uma ngabe lelicala liyiswa enkantolo, ungalindzela kutsi: Sikhulu lesichuba licala-

- 1.10 sitawucinisekisa kutsi kutekwa kwelicala kuchutjwa ngendlela yekwekutsi ayicekeli phasi emalungelo akho ekuphatfwa ngesizotsa nekuhlonishwa kwesitfunti nelingasese lakho.

umshushisi –

- 1.11 utawutsatsa tinyatselo, ikakhulu emacaleni ekuhlukunyetwa ngekwelicansi newebudlova basekhaya, kute aciniseke kutsi, nobe ngukuphi lapho kukhoneka khona, lelicala liphatfwa ngumshushisi munye lite lifike ekugcineni;
- 1.12 utokubita utowetfula bufakazi ngekushesha lokungalindzeleka; uma kunekubambeleleka , umshushisi lonikwe licala lakho utakwatisa kutsi kungani kunekubambeleleka nekutsi kungenteka ulindze sikhatsi lesigakanani;
- 1.13 utokunika litfuba lekutsi utikhumbute, ufundze titatimende, atsintsane nawe, uma kufanele bese kutsi
- 1.14 lilunga lebasebenti benkantolo litokwatisa kutsi ufanele ukhokhelwe tindleko tekuhamba naletinye tesikhatsi lowusicitse enkantolo wetfula bufakazi, litawuphindze futsi likunikete lwati likusite macondzana nekufaka sicelo saletindleko.

Basebenti benkantolo –

- 1.15 batawenta konkhe lokusemandleni abo kutsi uvikeleke ekuhlukunyetweni nobe ekudlakatisweni kwengcondvo ngalokwenteka enkantolo;

- 1.16 batawukhipha, lapho kufanele khona, basebenti nemavolontiya lacecshiwe eLuphiko lekweSeka Bahlukunyetwa kutsi bakusite kanye nemndeni wakho enkantolo, ngaphambi kwekutsetfwa kwelicala, lisachubeka nangemuva kwekutsetfwa kwalo;
- 1.17 ngekwesicelo nanobe kukhoneka, batawukuvumela kutsi ubone inkantolo utetayete netintfo tasenkantolo yakhona, kute lekumele ukulindzele uma wetfula bufakazi;
- 1.18 batawuvumela umuntfu lotakwesekela (sihlobo nobe umngani) kutsi akuphekeletele uye enkantolo; bese; baphindze
- 1.19 bakuvumele, ngekwesicelo futsi uma ngabe tinsita tikhona, ungalindza endzaweni lehlukene nembekwacala nobe bofakazi bakhe.

Longakulindzela kubasebenti betenhlalakahle kanye nemavolontiya –

- 1.20 Uma kwentiwa ingcocoluhlolo nawe, itawentelwa ngasese, inkhulumo yenu itawuba yimfihlo futsi utawucociswa ngelulwimi loluvisisako;
- 1.21 Angeke uyekelelwe utibonele kutsi wenta njani ngalelicala wena ngekwakho. Uma ngabe bewusengakalibiki lelicala emaphoyiseni, basebenti betenhlalakahle batokusita kutsi ulibike; futsi
- 1.22 Uma ngabe uhlukunyetwe ngekwelicansi, emaphoyisa atawudzinga kutsatsa njengebufakazi letembatfo bewutigcokile ngesikhatsi uhlukunyetwa, uma kunjalo-ke ungacela basenti betenhlalakahle bakusite ngekukutfolela tembatfo longatigcoka uma emaphoyisa asatitsetse leti letinye.

Longakulindzela kubasebenti betemphilo –

- 1.23 kwentiwa kweluhlolo loluphelele lwesimo semtimba, imiva kanye nesengcondvo yakho;
- 1.24 utawukhulunyiswa endzaweni yangasese lengenta kulalelwa kwelicala lenu kube yimfihlo futsi uhlonipheke kanye nekutsi kulalelwa kwelicala kuchutjwe ngelulwimi loluvisisako;
- 1.25 kucelwa ube nelivi macondzana nekuhlolwa nobe kwelashwa bodokotela, kepha utawatiswa kutsi ungala kuhlolwa bodokotela nobe wesekwe ngekwengcondvo, ngalokunjalo-ke utawuchazelwa ngemiphumela yaloko;
- 1.26 uma uhlukunyetwe ngekwelicansi, uma ucelile futsi kukhoneka, utawuhlolwa nobe welashwe ngudokotela lotisebentako webulili bunye nawe.
- 1.27 batawucinisekisa kutsi lonkhe lwati ngekwelashwa kwakho lutawufakwa kumarekhodi elicala lakho;
- 1.28 utawelashwa ngekushesha lokungalindzeleka kube kucatjangelwa emalungelo akho njengobe abekiwe kuShatha yeMalungelo eTigulane.

Longakulindzela etikhulwini teLuphiko lweTekucondziswa kweSimilo kutsi –

- 1.29 uma ngabe ucele kubakhona etingcocweni tekukhishwa ngepharoli,

Sihlalo wekweLusa kuCondziswa kweSimilo kanye neLibhodi lePharoli, ngembikwetingcoco, utakwatisa ngelulwimi loluvisisako ngetinchubo tetingcoco nekutsi yini lelindzeleke kuwe;

- 1.30 Uma ungenela tingcoco teBhodi yePharoli bese ufanela kujika litje esivivaneni, ungacela nobe ngubani lotikhetsese yena kutsi akuphekelele kute akwesekele ; futsi
- 1.31 Uma ungenela tingcoco teBhodi yePharoli, kutawentiwa yonkhe imitamokutsi uvikeleke kute ungalushwa nobe udlakatiswe ngekwengcondvo uma kulalelwa kwelicala kusachubeka

2. LILUNGELO LEKUNIKETWA LWATI

longakulindzela uma kusaphenywa licala kutsi –

- 2.1
 - a. liphoyisa litawubhalisa sitatimende sakho bese liyakucela kutsi usifundze bese uyasayina ucinisekisa lokubhaliwe;
 - b. uma ngabe ungakwati kufundza kufanele ulatise leliphoyisa, ngalokunjalo-ke leliphoyisa litawukufundzela bese likucela ucinisekise lelikufundzile ngekutsi usayine nobe ungcivite ngesitfupha; bese
 - c. uma ngabe umtoliki akhona kantsi futsi ufisa kutsi sitatimende sakho sifundwe ngelulwimi loluvisisako ngaphambi kwekutsi usicinisekise ngekusayina nobe ngekugcivita ngesitfupha, umtoliki utawubese uyabitwa kutsi ente lomsebenti.
- 2.2 uma ngabe utfola kwekutsi sitatimende sakho asikapheleni nobe sinemaphutsa, utawuvunyelwa kutsi wengete nobe usichibiyele nobe wente lesinye sitatimende;

- 2.3 utawunikwa litfuba lekuchaza esitatimendeni sakho kutsi lelicala likutsitse kanjani, lapho kufanele khona tifiso takho titawunakekelwa;
- 2.4 utawatiswa kutsi ungacela ikhophi yesitatimende sakho;
- 2.5 liphoyisa litawukubuta ngemininingwane yekulahlekelwa kwakho, kulinyalelwa futsi loku kutawurekhodwa;
- 2.6 uma ungacelwa kutsi watise umphenyicala ngelikheli lakho, imininingwane yetindlela tekuchumana nawe nekutsi utawube ukuphi kute kuphenya nekutekwa kwelicala kuphele; futsi
- 2.7 utawucelwa watise umphenyicala uma ngabe umbekwacala wetama kufaka lunyawo lwengulube ekuphenyweni kwelicala, uma ngabe angeke ete ecaleni nobe ngabe uyakwesabisa.

Uma ngabe licala liyiswa enkantolo ungalindzela kutsi:

Umshushisi –

- 2.8 etintfweni tonkhe, utocabangela tifiso takho uma bacabanga ngekwekutsi bafanele yini bashushise nobe cha;
- 2.9 utokucela ubeke sobala lonkhe lwati lolufanelekile loluhambisana nekukhulula umbekwacala ngebheyili, sibonelo, njengekutsi nje umbekwacala ukhinyabeta bufakazi nobe bofakazi, nobe uyakwesabisa nobe uyakusongela wena nobe umndeni wakho, nobe kutsi umbekwacala angeke ete ecaleni; nanobe, kufaneleka, umshushisi utokubita utewetfula bufakazi macondzana naloku ngesikhatsi setingcoco tebheyili;

- 2.10 utokunika litfuba lekushayisa ingcondvo yakho ngemoya, uyente ikhumbule, ngekutsi atsintsane nawe nobe akuvumele ufundze sitatimende ngaphambi kwekutsi wetfule bufakazi;
- 2.11 utawutsintsana nawe ngaphambi kwekutsi wemukele sikhalo lesimelula aphindze akucele uchaze kutsi lelicala likutsintse kanjani wena nemndeni wakho. Kulokuchumana-ke utawutfola litfuba lekuveta imininingwane yekulahlekelwa nobe yekulimala lokukuvelele njengemiphumela yalobugebengu. Umshushisi utawucabanga ngaloku ngaphambi kwekutsi atsatshe sincumo macondzana nesikhalo sekwetfweswa licala lesimelula. Umphumela lelibe nawo kuwe nemndeni wakho lelicala utawubekwa embikwenkantolo nobe utawunikwa litfuba lekwetfula bufakazi enkantolo, nobe umbiko lohlelwe tingcweti utawetfulwa enkantolo uma sekufike sikhatsi sekukhipha sigwebo; futsi
- 2.12 utawutsi ngesikhatsi kusatsintfwana nawe, akucele uvete leminyane imininingwane lesengeto lebeyingakafakwa esitatimendeni sakho. Uma kuhambisana, umshushisi utawuveta leminingwane angatsikanyetwa ngaphambi kwekutsi kutekwe licala

lokutawentiwa basebenti betemphilo –

- 2.13 uma ngabe kunesidzingo, batawungenela nawe ingcocoluhlolo futsi uma batfola bufakazi bekutsi bugebengu lobentiwe kuwe budzinga kutsi ubonane nadokotela, batawukuhlelela kutsi utfole kucilongwa ngudokotela; futsi
- 2.14 bacinisekise kutsi nobe ngabe kwentekani, uchubeke usebentisane nalowo losebentela tetenhlalakahle nobe loyo lolivolontiya locale kusebentisana naye kusukela ngesikhatsi kubikwa licala lebugebengu kute kufike ekuphetfweni kwelicala.

Basebenti betemphilo –

2.15 uma ngabe inkantolo (umshushisi nobe imantji) ibacela kutsi bente njalo, batawuniketa inkantolo emarekhodi akho adokotela naleminyeye imininingwane lobanike yona lephatselene nalelicala.

Tikhulu teLuphiko leTekucondziswa kwesimilo –

2.16 titokuvumela ubhalele Sihlalo weLuphiko lekweLuswa kuCondziswa kweSimilo neiBhodi yePharoli, ucele kungenela tingcoco tekukhishwa ngepharoli, Sihlalo utawubese ukwatisa ngesikhatsi, lusuku nendzawo lapho kulalelwa kwelicala kutawubanjelwa; futsi

2.17 uma ngabe ungenele tingcoco teLuphiko lekweLuswa kuCondziswa kweSimilo neBhodi yePharoli batawukuvumela kutsi nawe uphose litje esivivaneni ngekutsi ukhulume ngemlomo nobe ubhale phasi.

3. LILUNGELO LEKUNIKETWA LWATI

Umba ngabe bugebengu sehubikiwe, ungalindzela kutsi liphoyisa litakwatisa nge –

3.1 simo nenhloso yesitatimende sakho;

3.2 ligama netinombolo telucingo teliphoyisa lelinikwe umsebenti wekuphenya ngelicala kanye nenombolo yelicala (iCAS nobe inombolo yeLicala);

3.3 ngekwenteka kutsi kushushiswe ngasese, utikhiphele tindleko uma ngabe uMcondzisi weSive wetekuShushisa ala kushushisa kulelicala; kanye

- 3.4 nangekwesicelo, seminingwane lehambisana naloku lokulandzelako:
- Kuboshwa kwemsolwa
 - Nobe uma kufanele ute utokhomba umsolwa kanye nelusuku lekwentla loko
 - Inombolo yelicala lenkantolo
 - Lusuku lwekuyowulalela tingcoco tebheyili
 - Umpfumela wetingcoco tebheyili (nobe kufanele umsolwa akhululwe ngebheyili)
 - Tinchubo tekuphenywa nekushushiswa kwelicala lakho
 - Sincumo simbe sekuhocisa nobe kugucula licala kabanti
 - Nobe ufanele ubekhona uma kuchutjwa licala enkantolo, kanye nelusuku nobe tinsuku taletu tinchubo
 - Lusuku lwekutsetfwa kwelicala nemiphumela yekugcina
 - Lusuku lwekukhipha sigwebo nemphumela
 - Nobe umsolwa ufake sikhalo ngesigwebo lanikwe sona nemphumela wesikhalo sakhe
 - Imphahla letsetfwe ingabuyiswa kanjani nobe nini
 - Ngutiphi tinsita letikhona letingahlangabetana netidzingo takho nekutsi ungatisebentisa kanjani letinsita

Uma licala liya enkantolo ungalindzela kutsi:

Basebenti benkantolo–

- 3.5 bakuvumele, lapho kufaneleke khona nangekwesicelo sakho, ubone ligumbi lenkantolo ngaphambi kwekutsi licala lingene, kute kutsi ukwati lekumele ukulindzele, kanye
- 3.6 batawucinisekisa kutsi timphawu netinkhombandlela letiniketive enkantolo tiyacaca futsi titawukukhomba indlela leya egunjini lenkantolo. Lapho kukhona khona Lihhovisi Lekusita/ Kwatisa/Kweluleka utawatiswa ngekutsi nguliphi ligumbi lenkantolo lapho utawetfula khona bufakazi.

Umshushisi lotawusebentana nelicala lakho –

- 3.7 utawatisa umcashi wakho nganobe ngutiphi tinchubo letitakwenta ulove emsebentini
- 3.8 utakwatisa uma ngabe uMcondzisi weSive wetekuShushisa uncume kungashushisi kulelicala, ungacela lishushiswe ngasese netinchubo letitawulandzela macondzana naloku;
- 3.9 utakwati kuphendvula imibuto yakho macondzana netinchubo tasenkantolo, uma kunekubambebeleka, utakwati kutsi kungenteka ulindze sikhatsi lesingakanani ngaphambi kwekutsi wetfule bufakazi;
- 3.10 utawuniketwa litfuba lelanele lekutsintsana ngaphambi kwekutsatfwa kwetincumo telicala, uma kufanele
- 3.11 utakwatiswa ngemiphumela yetinchubo tekuniketwa kwebheyili, timo letisipesheli letihambisana nebheyili, nekucaciswa kwenshokutsi yaletimo tebheyili;
- 3.12 kuvikela ebudloveni, ekujikejelweni ngemibuto ngendlela lenebudlova, bungoti naleyehlisana sitfunti; kanye
- 3.13 nekukwatisa ngemiphumela wekutekwa kwelicala nekutsi kumbe kukhona kufaka sikhalo ngesigwebo lesikhishiwe.

kusekwa kwemhlukunyetwa nobe labaniketa tinsita tetenhlalakahle –

- 3.14 batakuchazela ngemalungelo akho netinchubo letitawulandzela;
- 3.15 ngekwesicelo, batawasita kufuna licala eluhlelweni;
- 3.16 uma kukhoneka, batakuphekeletela uye enkantolo ngaphambi kwekutsi kungene licala kute kutsi utetayete ngeligumbi lenkantolo nako konkhe lokukhona; baphindze futsi

3.17 bakwesekela futsi bakweluleke nobe bakwendlulisele etingcwetini tekweluleka netinsita tekweseka.

uma sisebenti lesinakekela ngetemphilo sintsintseka kulelicala ungalindzela kutsi tita –

3.18 kwatisa ngetinchubo lekumele tentiwe kuwe tekucilongwa nobe welashwe bodokotela;

3.19 kunika ikhophi yemarekhodi abodokotela, uma uwacelile; siphindze

3.20 kwatisa ngetinsita letikhona tekwesekwa temmango netinombolo tetincingo talapho ungalindzela khona lusito.

Tikhulu letivela kutemfundvo –

3.21 uma ucelile titakwatisa ngetinsita tebahlukunyetwa letikhona etikolweni tendzawo.

Uma umbekwacala aboshiwe, liTiko leTekucondziswa kweSimilo:

3.22 ngekuwelwa, litakwatisa kutsi umbekwacala ucatjangelwa kutsi angakhululwa nini ngepharoli;

3.23 ngekuwelwa nobe uma kufanele, litakwatisa etingcogcweni teLibhodi lePharoli ngetinsita letikhona tekweseka nekwelulekwa;

3.24 litakwatisa ngekukubhalela phasi macondzana netingucuko telusuku lwekungena kwelicala nobe kuhociswa kwesikhashana, kwemiphumela yetingcoco teBhodi yePharoli kanye netimo letiphocekile;

3.25 uma ngabe ucele kubakhona etingcogcweni teBhodi yePharoli, Sihlalo utakwatisa ngelulwimi loluvisisako ngetinchubo taletingcoco nekutsi yini lelindzeleke kuwe futsi

3.26 ngekwesicelo nangemvume yembekwacala, utawatiswa ngetinhlelo tekutfufukisa lesetingenelwe ngumbekwacala kute atiphatse kancono.

4. LILUNGELO LEKUVIKELEKA

Uma bugebengu sehubikiwe emaphoyiseni –

4.1 futsi ungufakazi, futsi wena nobe umndeni wakho nisongelwa nobe imphiloyakho isengotini, ufanele ukubike loku emaphoyiseni ngekushesha nobe kumshushisi wetekushushisa wesive enkantolo uphindze ufake sicelo sekuvikelwa kwafakazi, uma kunjalo-ke ungalindzela kutsi -

4.1.1 Emaphoyisa atawuphenya ngekusongelwa kwakho;

4.1.2 Uma kusongelwa kwakho sekucinisekisiwe, utawudzingeka wente sivumelwano neLuphiko lwekuVikelwa kwaBofakazi ngaphambi kwekutsi ufakwe eHlelweni lwekuVikelwa kwaBofakazi;

4.1.3 Uma ungeniswa kuloluHlelo, kufanele uhambe ngayo yonkhe imitsetfo yakhona njengobe ibekiwe esivumelwaneni. Lokucuketfwe ngulesivumelwano kutawuba yimfilho;

4.1.4 Uma unгахambi ngekuya kwalesivumelano utibeka engotini futsi ungasuswa kuloluHlelo lwekuVikelwa kwaBofakazi;

- 4.1.5 Kungentiwa imibandzela yekukhokhelwa kwemali yesibonelelo uma useseHlelweni njengobe kuncunywe nguMtsetfo wekuVikela nekuLungisa;
- 4.1.6 Ufanele unike beluHlelo lwekuVikela Bofakazi yonkhe imininingwane yetimali takho, kute kutsi uncunyelwe imali yesibonelelo lefanele;
- 4.1.7 Uma sewemukelwe kuloluHlelo, utawugcinwa endlini lephephile futsi nobe kungaphasi kwasiphi simo kute umunfu lotawatiswa ngelikheli nobe indzawo lapho uhlala khona, kute ngisho lilunga lemndeni wakho lelitawatiswa ngalemininingwane;
- 4.1.8 Ngemuva sewetfule bufakazi bakho, utokwatiswa kusenesikhatsi lesanele kutsi sewutawususwa ehlelweni; futsi
- 4.1.9 Ungatsintsana neliphoyisa lebeliphenya ngelicala lakho nobe umshushisi lomkhulu wesive macondzana nalolunye lwati ngeluHlelo lwekuVikelwa kwaBofakazi.
- 4.2 Uma ngabe awufuni umbekwacala ati ngemininingwane yakho, ungatsintsana neliphoyisa leliphenyako nobe umshushisi umcele kutsi lolo lwati bangaluniketi umbekwacala
- 4.3 Sikhulu lesinesibopho, ngaso sonkhe sikhatsi sitawucinisekisa kutsi yonkhe impahla yakho naleyo lebanjwe njengebufakazi, igcinwa kahle ibuyiselwe kuwe masinyane uma umsebenzi wayo sewuphelile; nanobe futsi
- 4.4 ungummangali welicala lebudlova basekhaya, futsi kubonakala emaphoyiseni kutsi kunematfuba ekutsi ungalimala kabi ngenca yemiphumela yekutsi umbekwacala ephule imigomo yesivumelwano sekuvikelwa –

- 4.4.1 ungayisa i-afidavithi emaphoyiseni uchaze timo tesivumelwano letephulwe ngumbekwacala; futsi
- 4.4.2 emaphoyisa atawuphutfuma abophe lombekwacala lowephule imitsetfo lagidlabetwe yona yinkantolo ngaphasi kweSigaba 7 semTsetfo weBudlova basemaKhaya, Nombolo. 116 wanga-1998.

**Uma ngabe licala liya enkantolo ungalindzela loku:
Kutsi umshushi-**

- 4.5 akwatise kutsi, uma ngabe umbekwacala angaphasi kweminyaka lelishumi nesiphohlongo, kungenteka ungabitwa ekutekweni kwelicala ngaphandle kwanangabe udzingeka kutsi ube khona nobe ubitwe yinkantolo, nanobe fakazi angaphasi kweminyaka le-18, ungacela kungabitwa uma etfula bufakazi;
- 4.6 utakwatisa kutsi ngaphasi kwetimo letitsite inkantolo itakwala kutsi kushicilelwe lwati loluphatselene nekutekwa kwelicala nobe nguluphi lwati lolugcinwe luyimfihlo (lokufaka ekhatsi lokungatisa ngemmangali nobe fakazi);
- 4.7 lapho kufanele khona, utakwatisa ngemuntfu loshicilela ngalokungekho emtsetfweni lwati , aveta lokungatisa ngafakazi ngendlela lengekho emtsetfweni, unelicala futsi angatekiswa lelo cala.

Labaniketa tinsita tetenhlalakahle bawu –

- 4.8 tsatsa tinyatselo tekucinisekisa kutsi wena nemndeneni wakho anikho yini engotini.

4.9 bika nobe bendlulisele emaphoyiseni uma kunekusoleka kwebugebengu.

Tinsita tekucondziswa kwesimilo

4.10 uma ngabe bewucele kutsi uhlale watiswa ngekuchutjwa kwesigwebo, betekuCondziswa kweSimilo batakwatisa uma ngabe umbekwacala afohlile ejele nekuyiswa kwakhe kulenye indzawo kanye naleminye imininingwane kusukela lapho; kanye nekutsi

4.11 ikakhulu emacaleni ekudlwengula nekuhlubeta ngekwelicansi, iBhodi yePharoli inganamatsisela tibonelelo kupharoli yembekwacala uma kubonakala kutsi kudzingeke avinjelwe kutsi achumane nawe ngalokungafaneli

5. LILUNGELO LEKUSITWA

Ungalindzela kutsi emaphoyisa akusite –

5.1 Ngekukulayela kulabanye labaniketa tinsita tekwesekwa lokufanele nangekusitwa khona lapho endzaweni lekwenteki kuyo bugebengu, sibonelo, kunikwa lusito lwekucala;

5.2 Ngekuchaza tinchubo temaphoyisa;

5.3 Ngekwatisa ngemalungelo akho;

5.4 Ngekubeka embili kuvikeleka kwakho;

- 5.5 Ngekugcina bufakazi;
- 5.6 Ngekuqweluleka ngekuvikela bugebengu; kanye
- 5.7 Ngekumisa ludlame lapho kwenteka khona bugebengu.

Uma ngabe licala liya enkantolo ungalindzela kutsi –

- 5.8 Umshushisi utawetfulela hulumende licala aphindze acabangele timfuno takho;
- 5.9 Ucocisane nemmeli lotikhetsela yena, ikakhulu uma ngabe ufuna kufaka sicelo sekuncshetelwa ngekulimala emtimbeni nobe ngencondvo;
- 5.10 Kwentiwe sikhala sekutsi kubekhona botoliki, futsi, lapho kufanele khona, kutawentiwa kutsi lwati lufinyelele kubantfu labakhubatekile;
- 5.11 Uma kunebantfu labakhubatekile, batawesekwa ngalokufanele;
- 5.12 Emacala ekuhlukunyetwa ngekwelicansi atawutekelwa etinkantolo letisipheshali, lapho khona tikhona tinkantolo letinjalo;
- 5.13 Umshushisi nemaphoyisa atakwatisa kutsi, uma ngabe ungaphasi kweminyaka lelishumi nesiphohlango kantsi futsi wetfula bufakazi kutakubangela buhlungu nekubandzeteleka kwengcondvo ngalokungafaneli, inkantolo-ke ngekuya kwesicelo semshushisi, ingakhetsa umuntfu longumlamuli (lotawuba semkhatsini wakho nenkantolo) akwente ukhone kuniketa bufakazi ngeluhlelo lwabomabonakudze egunjini lotawube uvalelwe kulo.

- 5.14 Uma ngabe umlamuli abekiwe, sikhulu lesiphetse sitawucinisekisa kutsi yonkhe imibuto lecondziswe kuwe utawuyiphendvula ngelusito lwalomlamuli;
- 5.15 Sikhulu lesiphetse sitakwatisa kutsi umlamuli utakwendlulisela inshokutsi yemibuto lebhekiswe kuwe, ngaphandle nangabe inkantolo icabanga ngalenywe indlela,
- 5.16 Uma ngabe ukhona umlamuli lobekiwe, sikhulu lesiphetse singenta kwekutsi wetfule bufakazi nobe ngukuyiphi indzawo le –
- Hleleke kahle letawukwenta ukhululeke;
 - Hlelwe ngendlela yekutsi ungaboni futsi ungeva umuntfu lokhona, lebukhona bakhe bungakuphatsa kabi;
 - Kanye nekwenta kutsi inkantolo nanobe ngumuphi umuntfu lofanele abekhona uma kutekwa licala akubone futsi akhone kukuva – angakuva nobe akubone ngco nobe ngatindlela tsite letisebentisa bogezi – wena kanye nemlamuli wakho uma kwetfulwa bufakazi.
- 5.17 Emacala lafaka ekhatsi bahlukunyetwa labanekulimala batawusitwa ngekushesha; futsi
- 5.18 uma ngabe kufanele kusetjentiswe bomabonakudze labatiwa ngekutsi ngema-CCTV bachunyaniswe nenkantolo uma kusachutjekwa nelicala, umshushisi utawuchaza kutsi usebenta njani lomabonakudze, nobe lapho kukhoneka khona utawukuvumela wena nebatali bakho nobe labo labeme endzaweni yebatali kutsi nibone kutsi usebenta njani lomshini ngaphambi kwekutsi kungene licala.

Basebenti betenhlalakahle, lapho kukhoneka futsi bakhona-

- 5.19 batawukweluleka baphindze bakwesekele ngekwenta lokubonakalako;
- 5.20 bakusite ngekwenta kubekhona basebenti betenhlalakahle nobe kubekhona tikhulu tephrobheshini
- 5.21 bakunikete –
- lusito ekutseni uchumane nemndeni nobe bangani bakho
 - lusito uma unetinkhomba tekubandzeteleka kwentimba lokubangwe kuhhadlateka kwengcondvo lokwendlulile
 - inchazelo ngetinchubo letitawulandzelwa
 - lusito ekuchumaneni nebeLuphiko lwemiSebenti yemaPhoyisa aseNingizimu Afrika nemshushisi
 - bakwendlulisele kutingcweti tekweluleka uma kuhhadlateka kwengcondvo kuchubeka
 - bakwente ufinyelele ekutfoleni lwati netinsita, ikakhulu etindzaweni lapho khona tinsita letikhona tenabela 'ekwesekweni yinkantolo', lokufaka ekhatsi –
 - kukusita uvise tinchubo tasenkantolo;
 - kukuchazela kutsi kutawentekani enkantolo uma ubitwe njengafakazi;
 - kukuchazela kutsi ngubani lotawube asenkantolo nekutsi batawube badlala yiphi indzima, kanye nekukusita utfole kutsi inkantolo ingakuphi; kanye
 - nekukulungiselela kwetfula bufakazi enkantolo nekutfufukisa kuchumana nemshushisi.

Kubasebenti bekuCondziswa kweSimilo ungalindzela loku –

- 5.22 ngekuya kwesicelo, utawatiswa ngetichibiyelo temacala nobe tingucuko tetigwebo tekweluswa kucondziswa kwesimilo; imisebenti yeBhodi yePharoli; indzima ledlalwa nguwe etingcocweni teBhodi yePharoli; nekutsi yini lekumele uyilindzele kuleto tingcoco;
- 5.23 uma kunesidzingo, kutawentiwa tibukelelo tekutsi kubekhona umtoliki ngesikhatsi kuchubeka tingcoco teBhodi yePharoli;
- 5.24 kutawutsi ngekuya kwesicelo, batawenta kutsi kubekhona umlamuli emkhatsini wakho nembekwacala uma kuvela sidzingo; nafutsi
- 5.25 ngekuya kwesicelo, nobe kunesidzingo, sibonelo, uma ngabe ungumhlukunyetwa kantsi futsi ukukhastodi nanobe kwenteka kuvela etingcocweni teBhodi yePharoli kutsi udzinga kwesekwa, utawendluliselwa kubaniketi betinsita labafanele bakweluleke nobe tinsita tekwesekwa

Ungalindzela kutsi basebenti betekunakekela ngetemphilo batawucinisekisa kutsi-

- 5.26 lapho kufaneleke khona, utawuniketwa incwadzi yabodokotela yekulova esikolweni nobe emsebentini.

6. LILUNGELO LEKUNCESHETELWA

“sincephetelo” sisho imali lekhishwa yinkantolo lebukene netebugebengu, ikukhalele ngekulahlekelwa nobe konakalelwa yimphahla (kufaka ekhatsi imali) ngenca yemiphumela yebugebengu nekweciwa kwembekwacala logwetjiwe. Lesincephetelo sihlose kubuyisela simo salomoshakalelwe esimeni lebesingiso phambilini kwenteke umonakalo.

Uma licala liyiswa enkantolo ungalindzela loku –

- 6.1 kutawutsi, emacaleni lafanele, umshushisi nemaphoyisa bakwatise kutsi ufanele ube khona enkantolo ngelusuku lekukhishwa kwesigwebo nekutsi ungacela umshushisi afake sicelo enkantolo sekucela sincephetelo;
- 6.2 emacaleni lafanele, inkantolo ingalengisa sigwebo uma ngabe umbekwacala utakuncephelela ngekulahlekelwa nobe konakalelwa yimphahla yakho ngenca yebugebengu lobentiwe kuwe;
- 6.3 umshushisi utokwatisa, namabhalane wenkantolo utawucindzela kutsi unikwe lomvuzo;
- 6.4 emacaleni lafanele, mabhalane wenkantolo nemshushisi, batokwatisa kutsi lapho kutsetfwe khona imali yembekwacala ngesikhatsi aboshwa, inkantolo ingancuma kutsi ukhokhelwe ngaleyo mali ngekushesha;
- 6.5 umshushisi utokwatisa kutsi, uma ngabe akukakhishwa sincumo lesikubonelelako uma kukhishwa sigwebo, ungatsatsela umbekwacala tinyatselo letitsite,
- 6.6 umshushisi nobe sikhulu lesiphetse luhlelo (imantji nobe lijaji) itakwatisa kutsi umvuzo lowentiwe yinkantolo unemtselela wekwahlulela ngekungalwi nekwekutsi ungasicindzela lesincumo.

- 6.7 Sikhulu lesiphetse luhlelo sitakwatisa kutsi, uma umvuzo lokhishiwe uhambisana netimfuno takho, unemalanga langu-60 ekwala lomvuzo ngekubhala phasi, uma wenta njalo ufanele ubuyisele kumabhalane wenkantolo yonkhe imali besewukhokhelwe yona;
- 6.8 Sikhulu lesiphetse luhlelo sitakwatisa kutsi, uma ngabe uyehluleka kwala lemali angakapheli emalanga langu-60, angeke utsatsele kumbekwacala tiryatselo
- 6.9 Uma ngabe ufaka sicelo enkantolo kutsi unceshetelwe ngetindleko tabodokotela ngekulimala lokutfole emtimbeni ngenca yebugebengu, sisebenti sekunakekela ngekwetemphilo lesikupopolile sitawukhona kweseka sicelo sakho ngekutsi sinikete bufakazi enkantolo nangekuniketa inkantolo lwati lolungilo

7. LILUNGELO LEKUBUYISELWA

“Kubuyiselwa” kushiwo emacaleni lapho khona inkantolo, ngemuva kwekukhishwa kwesigwebo, itjela umbekwacala akubuyisele imphahla nobe timphahla lotsatselwe tona ngalokungekho emtsetfweni nobe letoniwe ngalokungekho emtsetfweni, kute kutsi ubuyele esimeni bewukuso ekucaleni ungakagetjengwa.

Uma lelicala liyiswa enkantolo ungalindzela kutsi umshushisi –

- 7.1 akwatise, emacaleni lafanele, acele umbekwacala akubuyiselele ngendlela lenconotekako kuwe, emndenini wakho nobe kulabo labancike kuwe;
- 7.2 akwatise kutsi kubuyiselwa kwaloluhlobo kutawufaka ekhatsi kubuyiswa kwemphahla nobe kulungiswa kwemphahla leyonakele; aphindze
- 7.3 akwatise kutsi sicelo sakho ngaloku singacindzettelwa yinkantolo futsi emacaleni lafanele utawuvunyelwa kufaka enkantolo sicelo sakho saloluhlobo.

Tikhalo

Onkhe ematiko, tikhungo nema- ejensi ekusebenta latsintsekako kulelicala ahlosa kusebenta ngelizinga lelisetulu, kepha ngalesinye sikhatsi tintfo tivele tihambe kabi. Uma kwenteka njalo, lamatiko, tikhungo, ema- ejensi ekusebenta afuna kwati kutsi kwentekeni. Lencenye lena –ke yalomculu icondze kukwatisa kutsi ufanele wenteni uma ungakanetiseki –

- a. ngendlela bewuphetfwe ngayo;
- b. ngelwati lolunikiwe; nobe
- c. ngetincumo letitsetfwe.

LuPhiko lwemiSebenti yemaPhoyisa aseNingizimu Afrika:

- 1 ungafaka sikhalo sakho ngekubhalela Nkomisheni waleso siKhungo semaphoyisa lonenkinga naso macondzana neliphoyisa, kusebenta kwenchubomgomo yemaphoyisa, kwentiwa nobe tinchubo.
- 2 Uma ngabe sikhalo sakho simacondzana nekulahleka nobe konakala kwemphahla yakho ngesikhatsi isetandleni temaphoyisa, ungafanela kunceshetelwa. Konkhe lewufuna kukwati nemibuto longaba nayo ungayicondzisa kuNkomisheni wesiKhungo; nobe, uma ngabe awukenetiseki, ungaphindze ubonane naNkomisheni weNdzawo yesikhungo semaphoyisa lesitsintsekako, uye neminingwane yesikhalo sakho sekunceshetelwa. Uma ngabe sikhalo sakho solo mane asisetjentwa ngendlela lekwenetisako, ungasiyisa eHhovisi leMvikeli weSive.
- 3 Uma ngabe sikhalo sakho futsi nguloku asisetjentwa ngendlela lekwenetisako, ungendlulela kuMcondzisi weLuphiko lweTikhalo Lolutimele, kepha caphela kutsi ungeta kulelihhovisi kuphela uma ngabe uta ngesikhalo lesiphatselene nebugebengu nobe kungatiphatsi kahle kwelilunga lweLuphiko lweMisebenti yeMaphoyisa eMetro kanye nemalunga eLuPhiko lwemiSebenti yemaPhoyisa aseNingizimu Afrika, lelehluleke kwenta umsebenti walo ngalokufanele.

bashushisi:

- 4 Inkantolo lapho bekutekwa licala khona ingasombulula tonkhe tikhalo. Uma ngabe unesikhalo, ungabhalela nobe ufake sicelo sekubonana neMvikeli weSive Lomkhulu enkantolo lebeyiteka licala. Nobo kunjalo, uma ngabe liHhovisi lemShushisi wenzawo alisebentani nesikhalo sakho ngendlela lekwenetisako ungavakalisa kukhonona kwakho esiKhulwini sekuVikela sendzawo. Uma solo mane sikhalo sakho singasetjentwa ngendlela lekwenetisako, ungakhonona kuMcondzisi weBashushisi wenzawo. Utawubese wenta lubuyeketo lolutimele. Uma ngabe futsi sikhalo sakho ngaloku asisetjentwa ngendlela lekwenetisako, ungaya ubonane neMcondzisi weBashushisi waVelonkhe.
- 5 Uma ngabe futsi ngaloku sikhalo sakho asisetjentwa ngendlela lekwenetisako, ungabonana neliHhovisi lemVikeli weSive. Uyacelwa kutsi ucaphela kutsi leliHhovisi leli kuyiwa kulo kuphela ngetinkinga letiphatselene nemsebenti wekuphatsa. Ngekwemtsetfo, liHhovisi lemVikeli weSive angeke liphenye ngetincumo tenkantolo.

Tinkantolo:

- 6 Uma ngabe sikhalo sakho siphatselene nekungatiphatsi kahle kwesikhulu lesiphetse luhlelo, ungabhalela nobe ufake sicelo sekubonana neNhloko yeteBulungiswa yesifundza. Ungatfoli likheli netinombolo telucingo enkantolo yamantji.
- 7 Uma ngabe awenetiseki ngemphendvulo yeNhloko yeSifundza, ungabhalela nobe ufake sicelo sekubonana neNhloko yeSigungu seBulungiswa yesifundza lesitsintsekako.

- 8 Uma ngabe sikhalo sakho sitsintsa inkantolo yesifundza, ungabhalela nobe ufake sicelo sekubonana neMengameli weNkantolo yeSifundza letsintsekako. Ungatfola likheli netinombolo telucingo enkantolo yamantji wenzawo.
- 9 Uma ngabe sikhalo sakho singeliJaji lenkantolo lephakeme, ungabhalela nobe ufake sicelo sekubonana naMengameli weMajaji weLuphiko lolutsintsekako. Ungatfola likheli netinombolo telucingo kumantji yenkantolo yenzawo nobe inkantolo lephakeme.
- 10 Uma ungenetiseki ngemphendvulo loyitfolako, ungabhalela iNkomisheni yaMantji uma ngabe sikhalo sakho sitsintsa inkantolo yamantji nobe iNkhomisheni yeteBulungiswa, uma ngabe sikhalo sakho sitsintsa inkantolo lephakeme. Uma ngabe solomane sikhalo sakho asisetjentwa ngendlela lwekwenetisako, ungabonana neliHhovisi lemVikeli weSive.
- 11 Uma ngabe sikhalo sakho sitsintsa basebenti labatsite basenkantolo, sibonelo, bomabhalane nobe batoliki, ungabhalela nobe ufake sicelo sekubonana nemphatsi wenkantolo. Uma ungenetiseki ngemphendvulo yemphatsi wenkantolo, ungabhalela umcondzisi lophetse basebenti benkantolo nobe umcondzisi jikelele.

Basebenti betenhlalakahle:

- 12 Uma ngabe sikhalo sakho sitsintsa Sisebenti seliTiko leTekutfufukiswa kweTenhlalakahle, ungabhalela inhloko yelihhovisi lelitsintsekako. Uma unganetiseki ngemphendvulo, ungatsintsa Inhloko yeSifundza nobe liHhovisi leSiFundza, neliHhovisi laVelonkhe.
- 13 Uma ngabe solo awenetiseki ngemphendvulo loyitfole esisebentini sahumende, ungatsintsa uMkhandlu wemiSebenti yeTenhlalakahle nobe liHhovisi lemVikeli weSive.

Basebenti bekunakekela betemphilo:

- 14 Uma ngabe awenetiseki ngekusebenta kwebasebenti betemphilo esiveni, ufanele ukhonone kucala kulomuntfu bekakusita. Nobe kunjalo, uma ngabe sikhalo sakho asikasetjentwa ngendlela lekwenetiseko, ungasendlulisela kunhloko nobe umphatsi wetemphilo tesive lapho bowucilongwa nobe welashwa khona.
- 15 Uma ngabe awutfoli imphendvulo nobe awenetiseki ngendlela umphatsi wetemphilo tesive lasebente ngayo sikhalo sakho, ungasendlulisela eTikweni leTemphilo lesiFundza. Uma ngabe awenetiseki ngendlela liTiko leTemphilo lesiFundza lisebente ngayo sikhalo sakho, ungacela Umkhandlu wemiSebenti yeTemphilo eNIngizimu Afrika kutsi uphenye ngaloludzaba.

Basebenti beteMfundvo:

- 16 Uma ngabe sikhalo sakho sitsintsa umfundzisi nobe nguliphi lelinye lilunga lebafundzisi lesikolo lesitsite nobe sikhungo setemfundvo lephakeme, ungatsintsana nathishelanhloko waleso sikolo nobe lesi sikhungo setemfundvo lephakeme. Uma ngabe sikhalo sitsintsa thishelanhloko, ungatsintsana neMphatsi weTemfundvo wesiGodzi nobe wesiFundza.
- 17 Uma ungenetiseki ngendlela lekusetjentwa ngayo sikhalo sakho, ungatsintsana neNhloko yeiTiko leTemfundvo kuleso siFundza.
- 18 Uma ngabe sikhalo sakho solo asisetjentwa ngendlela lekwenetisako, ungatsintsana neNdvuna yeTemfundvo nobe liTiko leTemfundvo laVelonkhe.

Basebenti betekuCondziswa kweSimilo:

19 Uma angabe sikhalo sakho sitsintsa sisebenti setekucondziswa kwesimilo, ungabhalela Nkhomisheni wetekuCondziswa kweSimilo nobe liJaji lelinguMhloli. Uma asemukele incwadzi yesikhalo sakho, Nkomisheni utayendlulisela ehovisi lelifanele lapho sitawusetjentwa khona.

Letinye tiNdlela tekuFaka Sikhalo: -

20 Uma ngabe solo ungakenetiseki ngekusetjentwa kwesikhalo sakho ngubo bonkhe labadlala indzima nobe basebenti beluhlelo lwetebulungiswa, ungasebentisa tinsita letiniketwa tinhlango njengaleti:

- a. Likhovisi leMvikeli weSive
- b. INkomisheni yemaLungelo eLuntfu eNingizimu Afrika
- c. Lumphiko loluTimele lwetiKhalo
- d. INkomisheni yekuLingana ngeBulili
- e. Umkhandlu wemiSebenti teTemphilo eNingizimu Afrika
- f. Ummeli lotikhetsela yena futsi lotawukhokhelwa nguwe

LOLUNYE LWATI

Uma ngabe udzinga nobe nguluphi lusito lolukulomculu, ungatsintzana neliBandla letiPhatsimandla tekuTfutfukiswa kweMtsetfosisekelo ngekweBulili kuletinombolo nelikheli lelilandzelako:

Lucingo: (012) 315 1670
Ifeksi: (012) 315 1960
Incwadzigezi: VictimCharter@justice.gov.za

Emazingancane ekuSitwa kweBahlukunyetwa beBugebengu ahlelwa atfutfukiswa liBandla leTiphatsimandla teBulili eTikweni leTebulungiswa nelekuTfutfukiswa kweMtsetfosisekelo, babambisene neliTiko lekuTfutfukiswa kweTenhlalakahle, Tekucondziswa kweSimilo, Temfundvo, Temphilo, kanye neLigunya lekuShushisa kwaVelonkhe eNingizimu Afrika, Lumphiko lweMisebenti yeMaphoyisa aseNingizimu Afrika, iNkomisheni yekuLungiswa kweMtsetfo weNingizimu Afrika, iNkomisheni

yemaLungelo eLuntfu eNingizimu Afrika, liHhovisi leMvikeli weMphakatsi, luPhiko lwetiKhalo loluTimele, eMalunga aMantji naNkomisheni wemSebenti weBulungiswa kanye nemalunga emaPhoyisa eMetro aseTshwane.

LiTiko leTebulungiswa nekuTfutfukiswa kweMtsetfosisekelo liyalitfokotela kakhulu ligalelo lelifakwe tinhlango letitimele letehlukene ekuhleleni nasekutfutfukiseni lomculu.

• **UMCONDZISI JIKELELE**
LiTiko leTebulungiswa ne-
kuTfutfukiswa kweMtsetfos-
isekelo

Private Bag X 81

PRETORIA

0001

Inombolo yelucingo :

(012) 315 1111

Inombolo yefeksi:

(012) 326 0991

Iwebhusayithi:

www.doj.gov.za

• **UMCONDZISI JIKELELE**
LiTiko leTefundvo

Private Bag X 895

PRETORIA

0001

Inombolo yelucingo:

(012) 312 5911

Inombolo yefeksi:

(012) 321 6770

Iwebhusayithi:

www.education.pwv.gov.za

• **UMCONDZISI JIKELELE**
LiTiko lekuTfutfukisa teTen-
hlalakahle

Private Bag X 901

PRETORIA

0001

Inombolo yelucingo:

(012) 312 7601

Inombolo yefeksi:

(012) 312 7782

Iwebhusayithi:

www.welfare.gov.za

• **KHOMISHINI**
LiTiko leTekucondziswa
kweSimilo

Private Bag X 136

PRETORIA

0001

Inombolo yelucingo:

(012) 307 2000

Inombolo yefeksi:

(012) 325 8080

Iwebhusayithi:

www.dcs.gov.za

• **KHOMISHINI WAVEILONKHE
Luphiko lwemiSebenti yema-
Phoyisa aseNingizimu Afrika**

Private Bag X 94

PRETORIA

0001

Inombolo yelucingo:

(012) 339 1000

Inombolo yefeksi:

012) 339 1530

Iwebhusayithi:

www.saps.org.za

• **UMCONDZISI JIKELELE
LiTiko leTemphilo**

Private Bag X 828

PRETORIA

0001

Inombolo yelucingo:

(012) 312 0000

Inombolo yefeksi:

(012) 325 5706

Iwebhusayithi:

www.doh.gov.za

• **Umtimba wekuShushisa
waVelonkhe**

Private Bag X 752

Silverton

PRETORIA

0001

Inombolo yelucingo:

(012) 845 6000

Inombolo yefeksi:

(012) 845 7311

Iwebhusayithi:

www.npa.gov.za

• **MABHALANE
Ikhomishini yaboMantji**

PO Box 9096

PRETORIA

0001

nombolo yelucingo:

(012) 325 3951

Inombolo yefeksi:

(012) 325 3957

• **Umcondzisi waVelonkhe we-
luHlelo lwekuVikela boFaka-
zi**

Umtimba wekuShushisa waVe-
lonkhe

Private Bag X 655

PTA

0001

Inombolo yelucingo :

(012) 315 1732/33

Inombolo yefeksi :

(012) 323 5434

Iwebhusayithi:

www.npa.gov.za

• **Lihhovisi leMvikeli
weMphakatsi**

Private Bag X 677

PRETORIA

0001

Inombolo yelucingo:

(012) 322 2916

Inombolo yefeksi:

(012) 322 5093

Iwebhusayithi: [www.polity.org.](http://www.polity.org.za/govt/pubprot)

[za/govt/pubprot](http://www.polity.org.za/govt/pubprot)

• **Bameli bemaLungelo
eLuntfu**

Luphiko lwaVelonkhe

Sikhungo seDimokrasi

357 Visagie Street, cnr Prinsloo
Street

PRETORIA

0002

Inombolo yelucingo:

(012) 320 2943/8

Inombolo yefeksi:

(012) 320 2949

Iwebhusayithi:

www.lhr.org.za

• **Umkhandlu wemiSebenti
yeteNhlalakahle**

The Registrar

Private Bag X 2

Hatfield

0028

Inombolo yelucingo:

(012) 342 5437

Inombolo yefeksi:

(012) 342 3025

- **Luphiko lwetiKhalo
loluTimele**

Private Bag X 941

PRETORIA

0001

Inombolo yelucingo:

(012) 320 0431

Inombolo yefeksi:

(012) 320 3116

Iwebhusayithi:

www.icd.gov.za

- **Ikhomishini yemaLungelo
eLuntfu yaseNingizimu
Afrika**

Private Bag X 2700

HOUGHTON

2047

Inombolo yelucingo:

(011) 484 8300

Inombolo yefeksi:

(011) 484 1360

Iwebhusayithi:

www.sahrc.org.za

- **Inhlangano yaVelonkhe
yebaMeli beNtsandvo yeliny-
enti (NADEL)**

PO Box 15803

Vlaeberg

CAPE TOWN

8018

Inombolo yelucingo:

(021) 421 0577

Inombolo yefeksi:

(021) 421 0633

Iwebhusayithi: www.sunsite.wits.ac.za/nadelproject/

- **Ikhomishini yekuLingana
ngeBulili**

PO Box 32175

BRAAMFONTEIN

2017

Inombolo yelucingo:

(011) 403 7182

Inombolo yefeksi:

(011) 403 7188

Iwebhusayithi:

www.cge.org.za

• **Umkhandlu wemiSebenti
yeteMphilo yaseNingizimu**

Afrika

PO Box 205

PRETORIA

0001

Inombolo yelucingo:

(012) 338 9300/01

Inombolo yefeksi:

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