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IHHOVISI LOMMELI WOMNDENI

AMALUNGELO ABANTWANA ABALULEKE KAKHULU

the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

BANGOBANI ABAMELI BEMINDENI?

AbaMeli beMindeni abasebenzi abaneziqu abaqokwe uMnyango wezoBulungiswa nokuThuthukiswa koMthethosisekelo ukukhuthaza nokuvikela amalungelo abantwana ezingxabanweni eziphathelene nezibophezelo namalungelo abazali.

AbaMeli beMindeni, ngokwemigomo yomthetho, bangaqoka uMeluleki woMndeni obhaliswe njengosonhlalakahle noma njengesazi esisebenza ngengqondo nemicabango yomuntu ukuze sibasize ngamakhono athile ophenyweni.

BENZANI ABAMELI BEMINDENI?

AbaMeli beMindeni basiza abathintekayo ukuze bafinyelele esivumelwaneni mayelana nengxabano ephathelene nokunakekelwa nokuxhumana nabantwana, ukuze babuyisane. Uma ukubuyisana kungaphumeleli, izinhlangothi zingaqhubeka nokuxazulula lolo daba enkantolo.

Ngesikhathi kusaxazululwa udaba abameli beMindeni baqhuba uphenyo, bathumele umbiko enkantolo futhi bangavela enkantolo ukuzonikezela ngobufakazi futhi/noma bashushise ofakazi.

Imisebenzi yabaMeli beMindeni yandiswe *i-Children's Act, 2005 (Act 38 of 2005)* entsha futhi isibandakanya lokhu okulandelayo:

- Ukusiza izinhlangothi ukuhlongoza izibophezelo zabazali nezivumelwano zamalungelo kanye nezinhlelo kubazali.
- Ukubhalisa izinhlelo zabazali, izibophezelo zabazali kanye nezivumelwano zamalungelo.
- Ukuchibiyela noma ukumisa izibophezelo zabazali nezivumelwano zamalungelo okubhaliswe kubaMeli beMindeni.
- Ukuchibiyela noma ukuqeda izinhlelo zabazali ezibhaliswe kubaMeli beMindeni.
- AbaMeli beMindeni baphinde basize ngokubuyisana uma kunokungqubuzana mayelana nokuthi ngabe ubaba wengane ongashadile unazo yini izibophezelo namalungelo obuzali noma akanakho.
- Ukuqhuba uphenyo nokwenza izincomo enkantolo ngokusemqoka kumntwana.
- Ukuqhuba uphenyo emacaleni ezondlo nawodlame lwasekhaya adluliswa inkantolo.
- Lo Mthetho uphinde uhlanganise ne-Hague Convention on International Abduction futhi wenza nengxenye yawo emthethweni waseNingizimu Afrika. IHhovisi loMmeli oMkhulu weMindeni lakhiwe njengeGatsha Elikhulu ukusebenzisa lesi sivumelwano.

Qaphela: Izibophezelo zomzali nezivumelwano zamalungelo kanye nezinhlelo zabazali kuyasebenza kuphela uma kubhalisiwe kubaMmeli beMindeni noma kwenziwe umyalelo wenkantolo.

ZIYINI IZIBOPHEZELO ZABAZALI NAMALUNGELO?

Izibophezelo zabazali namalungelo kubandakanya, ukunakekela umntwana, ukuxhumana nomtwana, ukuqapha umntwana nokondla umntwana.

BAKWENZA KANJANI LOKHU ABAMMELI BEMINDENI?

Uma izinhlangothi sezifake isicelo noma ngomyalelo wenkantolo abaMmeli beMindeni bafaka imibuzo izinhlangothi zonke zibe khona noma ngokuhlukana uma kunesidingo, ukuhlola izimo eziqondene nazo nemininingwane yomsuka wazo odabeni.
AbaMmeli beMindeni baphinde bahlabe ngemibuzo umntwana ngokusizwa isazi esisebenza ngengqondo nemicabango yomuntu ukuze kutholwe futhi kudluliswe imibono yomntwana odabeni olungaphambi kwenkantolo, kanye nokuvikela umntwana ukuba anganikezi ubufakazi enkantolo.

AbaMmeli beMindeni basiza izinhlangothi ukufinyelela esisombululweni esifanele noma esizwakalayo ngokubuyisana ngokuba basebenzise amakhono ezomthetho namakhono okusombulula izingxabano odabeni. Uma izinhlangothi zifinyelela esivumelwaneni abaMmeli beMindeni bazosiza ukuhlongoza uhlelo lomzali noma izibophezelo nesivumelwano samalungelo. Okungabhaliswa eHhovisi labaMmeli beMindeni noma kukhishwe umyalelo wenkantolo.

Uma izinhlangothi zingafinyeleli esivumelwaneni, abaMmeli beMindeni bazohlanganisa umbiko benze izincomo mayelana nophenyo olwenziwe.

UZUZA INI NGOKUZIBANDAKANYA NABAMMELI BEMINDENI?

- Uma izinhlangothi zifinyelela esivumelwaneni ngengxabano lolo daba alushushiswa, lokho konga izindleko zomthetho nesikhathi.
- Izibophezelo zomzali nezivumelwano zamalungelo okubhaliswe kubaMmeli beMindeni kusebenza ngendlela efanayo nalokho okukhishwe ngomyalelo wenkantolo. Izinhlelo zomzali nazo zingabhaliswa kubaMmeli beMindeni.
- AbaMmeli beMindeni bangachibiyela noma baqede izibophezelo zomzali nezivumelwano zamalungelo okubhaliswe eHhovisi labaMmeli beMindeni. Lokhu kuchaza ukuthi asikho isidingo sokuba lezo zinhlangothi ziye enkantolo uma zifisa ukuchibiyela isivumelwano uma kunesidingo.
- AbaMmeli beMindeni basebenzisa amakhono omthetho namakhono okusombulula izingxabano ukusiza abazali ukuba bathole isisombululo esifanele engxabanweni futhi esamukelekile enkantolo.
- Izinkantolo kufanele ngokomthetho zibheke umbiko kanye/noma izincomo zabaMmeli beMindeni uma zithatha isinqumo sokuthi ngabe ikuphi okuzosiza umntwana osemncane.
- Udaba lungasonjululwa ngokushesha ngaphandle kokuba umntwana aye enkantolo.
- AbaMmeli beMindeni basebenzisa indlela engacwasi (evulelekile) noma ngabe ubani ofake isicelo futhi bavikele namalungelo omntwana.

UNGAHLANGANA NINI NABAMMELI BEMINDENI?

Izinhlangothi zingaxhumana nabaMmeli beMindeni uma kunengxabano ephathelene namalungelo omntwana osemncane isibonelo-

- Uma kunengxabano mayelana nokuqapha, ukuxhumana noma ukunakekela umntwana
- Uma befisa ukuhlongoza izibophezelo zabazali nezivumelwano zamalungelo noma ngezinhlelo zabazali
- Uma befisa ukubhalisa izibophezelo zabo zabantwana kanye nezivumelwano zabazali noma izinhlelo zabazali
- Uma befisa ukuchibiyela noma ukuqeda izibophezelo zabazali nezivumelwano zabazali noma izinhlelo zabazali ezibhaliswe kubaMmeli beMindeni
- Uma kunengxabano ngokuthi ngabe ubaba othole umntwana engashadile uyahambisana nezimfanelo ezenza athole izibophezelo zobuzali namalungelo ngokugcwele ngokwemigomo yoMthetho
- Emacaleni omhlaba jikelele okuntshontshwa kwezingane
- Ezinkantolo ezikhipha imiyalelo yokuba abaMmeli beMindeni baqhube uphenyo futhi benze izincomo azizovuna amalungelo omntwana.

UBANI OKHOKHELA ABAMMELI BEMINDENI?

AbaMmeli beMindeni baqashwe uMnyango wezoBulungiswa nokuThuthukiswa koMthethosisekelo futhi basiza umphakathi mahhala bakhokhelwa uMbuso. Izinhlangothi ezichaphazeleka engxabanweni kungadingeka ukuba zikhokhele eminye imibiko yochwepheshe, isibonelo njengokuvivinya okuqhutshwa isazi esisebenza ngengqondo nemicabango yomuntu, kanye nokunye ukuhlola okuhambisana nobulelesi uma kusemqoka ukuze kunqunywe amalungelo azovuna umntwana.

BATHOLAKALA KUPHI ABAMMELI BEMINDENI?

Isifundazwe ngasinye sinelalo ihhovisi/amahhovisi. Nayi imininingwane yokuxhumana nehhovisi eliseduze nawe uma uphenya leli bhukwana.

Ukuze uthole imininingwane ethe xaxa vakashela isizindalwazi sethu – www.justice.gov.za

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