

**IsiShwankathelo soMthetho
wolwaPhulo-mthetho**

Ama Tyala ezeSondo

uMthetho oneZilungiso 32 ka 2007

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Lo *Mthetho wolwaPhulo-mthetho uneZilungiso (Izenzo zolwaPhulo-mthetho ngokweSondo)* (obizwa 'lo Mthetho' kule ncwadana) uqale ukusebenza ukusukela ngomhla we16 kweyoMnga 2007 kwaye uchaphazela ukohlwaywa kwezenzo zolwaphulo-mthetho ngokwesondo ezenziwe emva kwalo mhla.

Lo Mthetho uthatha indawo yezikhokelo ezithile zomthetho owaziwayo ophunyezwe yinkundla ezinxulumene nezenzo zolwaphulo-mthetho ngokwesondo neziqendu ezithile zomthetho omdala, u*Mthetho ongeZenzo zolwaPhulo-mthetho ngokweSondo 23 ka 1957*. Lo Mthetho ukwabumba izenzo zolwaphulo-mthetho ngokwesondo ezitsha.

Ezona njongo zingundoqo zalo Mthetho mtsha zezi:

1. Kukuquka zonke izenzo zolwaphulo-mthetho ngokwesondo kumthetho omnye;
2. Kukuchaza lonke ulwaphulo-mthetho ngokwesondo;
3. Kukwenza zonke iintlobo zempathombi okanye zokuxhatshazwa ngokwesondo zibe lityala;
4. Kukuqinisekisa ukuba amadoda nabasetyhini bangawusebenzisa lo mthetho ngokubhekisele kulwaphulo-mthetho ngokwesondo;
5. Kukuqinisekisa ukuba amasebe karhulumente ayasebenzisana ukukhusela abammangali kwimpatho engalunganga okanye ungcungcutheko;
6. Kukuphucula indlela esebenza ngayo inkqubo yobulungisa bolwaphulo-mthetho (iinkundla namapolisa);
7. Kukwenza ubudala angathi amadoda nabafazi anikezele ngemvume (ukuvuma) yokwabelana ngesondo, ibe yiminyaka eli16;
8. Kukuqinisekisa ukuba abasindileyo emva kokudlwengulwa bafumana ukhuselo kwizifo emva kokuba sesichengeni sosuleleko olulunyangano ngamayeza (PEP) olunokunciphisa amathuba okufumana intsholongwane kagawulayo (HIV) kudlwengulo
9. Kukuvumela ukuba abasindileyo emva kokudlwengulwa babe nokufumanisa ukuba ingaba umntu obadlwenguleyo uneHIV kusini na; kunye
10. Nokumisela iRejista yeSizwe (uluhlu lwamagama) yabaPhuli-mthetho ngokweSondo.

Le ncwadana ishwankathela izikhokelo ezingundoqo kulo Mthetho umtsha nemithetho enxulumene nawo. Le ncwadana ayihlalutyi kusebenza kwezi zikhokelo.

Amanqaku ngesigama:

Ummangali maxawambi ubizwa ngokuba ngu'Mpho', umenzi wobubi okanye ummangalelwa abizwe njengo'Lee' aze umntu wesithathu abizwe njengo'Jabu'.

Lo Mthetho namanye amaxwebhu eSebe lezoBulungisa athetha nge'xhoba' okanye 'abamangali' hayi 'abasindileyo' – le ncwadana ibonakalisa isigama esisetyenziswe kulo Mthetho.

Xa apha kule ncwadana kubhekiswa 'kubuduna' okanye 'ubukhomokazi' oku makufundwe njengokubandakanya nasiphi na isini.

Izenzo zolwaPhulo-mthetho ngokweSondo

Iimfuneko ezimbini ezingundoqo zezenzo zolwaphulo-mthetho kwesi siqendu zezi:

- Injongo zomenzi wobubi (Lee) ekwenzeni ulwaphulo-mthetho kunye
- Ukungabikho kokuvuma kukammangali (Mpho).

'injongo' – ngabom okanye ngenjongo, ukugqiba kunye nokuzimisela ukwenza ulwaphulo-mthetho

'ukunyanzela' – ukusebenzisa amandla okanye igunya ukwenza umntu enze into

Izenzo zesondo lulwaphulo-mthetho (izenzo zolwaphulo-mthetho) ukuba zenziwa ngaphandle kokuvuma (imvume) komnye wabo babandakanyekayo kwisenzo sesondo. Kufuneka inkundla igqibe ukuba uMpho usivumele na isenzo sesondo.

'Ukuvuma' kuthetha ukuvisisana ngokuzithandela okanye unganyanzelwanga. Oku kuthetha ukuba uMpho kufuneka ngokukhululekileyo, ngokuthanda kwakhe asivume isenzo sesondo; kwaye uMpho kufuneka akuqonde avumelana nako.

Lo Mthetho wenza imizekelo yethuba apho uMpho engenakuvuma (kuvumelana) isenzo sesondo:

- Xa uMpho elulamela (enikezela) isenzo sesondo ngenxa yokuba uLee emnyanzelisile, emoyikisile okanye emsongele uMpho okanye uJabu okanye esongele ukwenakalisa ipropati kaMpho okanye uJabu
 - Umzekelo: uLee uthi uyakumbulala umntwana kaMpho ukuba akabelani ngesondo kunye naye. Ngoko ke, uMpho, uyoyika kwaye akaxhathisi kwisondo ngenxa yesi sisongelo.
- Xa uLee esebenzisa gwenxa amandla okanye igunya lakhe kwaye uMpho akakwazi ukubonakalisa ukuba akavumelani nesenzo sesondo
 - Masithi: ULee ngutishala kaMpho. ULee uthi uMpho makabelane ngesondo naye. UMpho woyika okuzakwenzeka esikolweni ukuba uyala ukwabelana ngesondo noLee, mhlawumbi angamenza angaphumeleli ezifundweni.
- Xa Umpho eqathiwe ekuvumeni isenzo sokwabelana ngesondo

- Masithi: ULee ngugqirha kaMpho. ULee uxelela uMpho ukuba kufuneka ephulule amalungu obuni bakaMpho njengenxalenye yenkqubo yonyango. UMpho uyavuma kodwa akazi ukuba uLee umphululela ukuzanelisa yena ngokwezesondo.
- Apho uMpho engakwazi ukucinga ngendlela eyiyo okanye aqonde imeko yesenzo sesondo ngelo thuba ngoba uMpho –
 - ulele,
 - akakho zingqondweni,
 - akakwazi ukucinga ngendlela eyiyo ngenxa yeziyobisi okanye utywala
 - ngumntwana ongaphantsi kweminyaka eli12, okanye
 - ngumntu onokhubazeko ngengqondo.

Oku kuthetha ukuthi nokuba umpho uvumelene nesenzo sesondo, ebengenakwazi ukuvuma ngendlela eyiyo ngenxa yezi meko zingentla.

Umzekelo apho ukuvuma kungekhoyo

UEgglestone v UMbuso, Inkundla Ephakamileyo yeziBheno, 2008

UEgglestone wabonelela uN ngomsebenzi njengomamkeli kwishishini lakhe lokukhapha. Njengenxalenye yoqeqesho, wabamba-bamba amabele nobuni bakhe waze wabelana naye ngesondo. Kuqala uN walile ukwabelana ngesondo kodwa kamva wanikezela ngoba waxelelwa ukuba akukho ndlela yimbi yokuba angafumana umsebenzi njengomamkeli kushishino lokukhapha. Inkundla yathi, ngenxa yokuba uEgglestone wayemdala kunoN kwaye ekwisikhundla segunya kuye ngoba wayewufuna umsebenzi lo, uN wayengenakho ukuvuma ngendlela eyiyo kwizenzo ezo zesondo.

Udlwengulo (isiqendu sesi3)

Udlwengulo luqhubeka xa uLee ethe wenza ngenjongo isenzo sokungena ngokwesondo uMpho, ngaphandle kokuvuma kukaMpho.

'Ukungena ngokwesondo' kuquka nasiphi na isenzo esidala ukungena –

- Ngamalungu kaLee obuni kumalungu obuni, kumngxuma wokukhupha ilindle okanye umlomo kaMpho;
- Nangaliphi na elinye ilungu lomzimba kaLee okanye, nayiphi na into, kumalungu obuni okanye kumngxuma wokukhupha ilindle kaMpho; okanye
- Ngamalungu obuni esilwanyana emlonyeni kaMpho.

Umzekelo, uLee wenza ulwaphulo-mthetho ngokudlwengula ukuba uLee ungena uMpho ngokwesondo ngokufaka ilungu lobudoda bakhe kwilungu lobufazi likaMpho, kumngxuma wokukhupha ilindle okanye umlomo, ngaphandle kwemvume kaMpho.

UMthetho lo ubumba ulwaphulo-mthetho olutsha ekuthiwa 'ludlwengulo olunyanzelweyo' (isiqendu esi4). Oku kuxa uJabu enyanzelwe nguLee ukuba angene uMpho ngokwesondo ngaphandle kokuvuma kukaMpho okanye uJabu.

'ukungena' – ukufaka into

'ukunyanzela' – ukunyanzela umntu enze into

Uhlasele Ngokwesondo (isiqendu sesi5)

Olu lwaphulo-mthetho luthatha indawo yolwaphulo-mthetho lwangaphambili *Uhlasele Ngokuphatha-phatha Okungenantlonipho*.

Uhlasele ngokwesondo luqhubeka xa uLee *ehlukumeza ngokwesondo* uMpho ngenjongo ngaphandle kokuvuma kukaMpho.

Uhlasele Ngokwesondo luqhubeka kwakho xa uLee esoyikisa uMpho ngokudlwengula ngokwesondo.

'Ukuhlukunyezwa Ngokwesondo' kuquka nasiphi isenzo esidala –

- Ukudibana okuthe ngqo okanye okungathanga ngqo phakathi
 - Kwamalungu obuni, umngxuma wokukhupha ilindle okanye amabele omnye umntu ongumfazi, nelinye naliphi nan elinye ilungu lomzimba lomnye umntu, isilwanyana, okanye into;
- Komlomo womnye umntu kunye-
 - Namalungu obuni, umngxuma wokukhupha ilindle okanye amabele omnye;
 - Nomlomo womnye umntu;
 - Naliphi na elinye ilungu lomzimba lomnye umntu okudala ukuvukelwa ngokwesondo;
 - Nayiphi na into efana namalungu obuni, umngxuma wokukhupha ilindle okanye amabele;
 - Komlomo kaMpho kunye namalungu obuni okanye umngxuma wokukhupha ilindle wesilwanyana;
 - Ukwaneziswa ngokwesondo ngokudlalwa ngomzimba womnye umntu ngomnye; okanye

- Ukufakwa kwento efana namalungu obuni omntu okanye isilwanyane emlonyeni okanye ukugqitha emlonyeni kaMpho.

Umzekelo, xa uLee ephatha amabele kaMpho okanye ephuza uMpho, ngaphandle kwemvume kaMpho.

'amalungu obuni' – kuquka ngokupheleleyo okanye inxalenye yamalungu obuni bendoda okanye umfazi kunye nenziwe ngokwenzululwazi yokutyanda okanye amalungu obuni enziwe ngokutsha.

Ulwaphulo-mthetho olunxulumeneyo luhlaselo ngokwesondo oluNyanzelweyo (lwenkani) (isiqendu sesi6) kunye nokuzihlasela ngokwesondo okuNyanzelisiweyo (kwenkani) (isiqendu sesi7).

Ukuhlasela ngokwesondo okunyanzelisiweyo kuqhubeka xa uLee enyanzela uJabu ukuba makahlukumeze uMpho ngokwesondo ngaphandle kwemvume kaMpho okanye uJabu.

Ukuzihlukumeza ngokwesondo okunyanzelisiweyo kuqhubeka xa uLee enyanzelisa okanye enyanzela uMpho –

1. ukuba makazibandakanye ekuzaneliseni ngokwesondo ngokudlala ngamalungu omzimba,
2. ukuba makenze isenzo esivukelisayo ngokwesondo okanye esithoba isidima, okanye
3. ukuba azingene ngokwesondo kumalungu akhe obuni okanye kumngxuma wokukhupha ilindle, ngaphandle kokuvuma kukaMpho.

Qaphela:

ULee akanakusebenzisa umtshato wakhe noMpho njengesizathu zokuzigwebela ukudlwengula okanye ukuhlasela ngokwesondo uMpho (isiqendu sama56).

Ezinye izenzo zolwaphulo-mthetho ngokwesondo ngokubhekisele kubantu abadala

- Ukunyanzelisa/ukunyanzela/ukwenza umntu omdala abone (abukele) isenzo solwaphulo-mthetho ngokwesondo, izenzo zesondo okanye ukuzanelisa ngokwesondo ngokuphatha-phatha amalungu omzimba (isiqendu sesi8)
- Ukutyhilwa okanye ukuboniswa kwamalungu obuni, umngxuma wokukhupha ilindle okanye amabele kubantu abadala (ukukraqulisa) ngaphandle kwemvume (isiqendu se9). Inkqubo yenkcubeko esemthethweni ingalukhuselo lolu lwaphulo-mthetho.

Ulwaphulo-mthetho olufanayo luyenzeka xa izezo ezilolu hlobo zisenziwa ngokubhekisele ebantwaneni okanye ebantwini abanokhubazeko ngokwengqondo.

Lo Mthetho uyazichitha izezo zolwaphulo-mthetho zomthetho oqhelekileyo ophunyezwe yinkundla zombulo, ukwabelana ngesondo nesilwanyana kunye nokuhlukunyezwa ngokwesondo kwesidumbu ze ubeke endaweni yazo izibonelelo ezitsha ezimiswe ngokomthetho.

'umbulo' - ukulalana kwabantu abazalana kakhulu ukuba bangatshata
'ukwabelana ngesondo nesilwanyana' – inkqaleqhu yesondo phakathi komntu nesilwanyana

UMBULO (isiqendu se12)

Abantu ababelana ngesondo *ngokuvumelana* bakube besenza izezo solwaphulo-mthetho ukuba bazalana ngokuba:

- Bezalana ngegazi
 - Imilowo (izinyanya) okanye inzala (abantwana) ngokungqamene ngqo (umzekelo umzali nomntwana, umawomkhulu nomzukulwana);
 - Izalamane ngegazi, ukuba omnye wabo walamene nesinyanya ngokokuzalwa okukwiqondo lokuqala (isizukulwana esinye) [umzekelo umntakwabo nodade, umalume nomtshana]. Oku akusebenzi kubazala ngoba abazalani kwiqondo lokuqala.
- Belamene (abakhozi)
 - Ukuzalana ngomtshato owamnkekileyo ngokokhokho okanye isizukulwana xa umtshato uphelela kuqhawulo-mtshato okanye ukufa (umzekelo indoda kunye nowayesakuba ngumazala wayo okanye umolokazana). Oku akusebenzi kwisizalwana sowayesakuba ngumyeni okanye inkosikazi.
- Bezalana ngokwamkelwa njengomntwana
 - Umzali akanakwabelana ngesondo nomntwana owamkelweyo kodwa umntwana owamkelweyo angabelana ngesondo nesizalwana ngegazi somzali owamkelelo.

Kumatyala ombulo, bobabini ababandakanyekayo bangabekwa ityala lombulo kodwa ukuba omnye wabo ungaphantsi kweminyaka eli18, isimangalo esinjalo ngokubhekisele kuloo mntwana kufuneka sigunyaziswe liCandelo leSizwe loTshutshiso.

Ukwabelana ngesondo nesilwanyana (isiqendu se13)

ULee wenza isenzo solwaphulo-mthetho sokwabelana ngesondo nesilwanyana ukuba –

- ULee ufaka amalungu akhe obuni emlonyeni, kumalungu obuni okanye kumngxuma wokukhupha ilindle wesilwanyana;
- ULee ufaka amalungu obuni esilwanyana emlonyeni wakhe, kumalungu obuni esilwanyana okanye kumngxuma wokukhupha ilindle okanye
- ULee wanezisa isilwanyana ngokwesondo ngokudlala ngamalungu aso omzimba. Oku akuthathwa njengesenzo solwaphulo-mthetho ukuba ukwanelisa ngokwesondo ngokudlala ngamalungu omzimba esilwanyana kwenziwa ngenjongo zokudala inzala yohlobo oluthile lwemfuyo okanye inzululwazi.

Isenzo sesondo nesidumbu (isiqendu se14)

Akukho mntu uvunyelweyo ukuba angenza isenzo sesondo nesidumbu somntu (umzimba ofileyo). Ukanti lulwaphulo-mthetho ukuhlukumeza isidumbu okanye ingcwaba (umzekelo ukukhaba isidumbu okanye ukutshabalalisa ilitye lesikhumbuzo).

Izenzo zolwaphulo-mthetho ngokubhekisele kubantwana

Umntwana ongaphantsi keminyaka eli12 mncinane kakhulu ukuba anganikeza ngemvume yesenzo sesondo (isiqendu sama57). Ngaphandle kwamathandabuzo isenzo sesondo nomntwana ongaphantsi kwe12 lulwaphulo-mthetho kwaye sichazwa njengodlwengulo okanye uhlaselo ngokwesondo.

Ubudala apho ubani anganika imvume kwisenzo sesondo yiminyaka eli16 kuquka amantombazana namakhwenkwe. Oku kuthetha ukuba umntwana oneminyaka eli16 okanye ngaphezulu, anganika imvume kwisenzo sesondo. Apho bathe abanika mvume, ityala lokudlwengula okanye ukuhlaselwa ngokwesondo malivulwe.

Kwimeko yabantwana abaphakathi kobudala beminyaka eli12 ne16, kukho iindlela ezimbini zokukhawulelana noku:

1. Ukuba umntwana unike imvume ngokuthanda kwakhe kwisenzo sesondo eso, omnye lo ubandakanyekayo angabekwa ityala lokungena umntwana ngokwesondo ngemvumelwano okanye ukuhlasela umntwana ngokwesondo ngemvumelwano.
2. Ukuba umntwana akavumanga kwisenzo sesondo eso, umenzi wobubi uzabekwa ityala lokudlwengula okanye ukuhlasela ngokwesondo.

Ukungena ngokwesondo ngemvumelwano nomntwana ophakathi kweminyaka eli12 neli16 (Isiqendu se15) (ekwachazwa njengolwaphulo-mthetho lodlwengulo ngokumiswe ngokoMthetho)

Olu lwaphulo-mthetho lwenziwa xa uLee esenza isenzo sokungena ngokwesondo nomntwana ophakathi kweminyaka eli12 ne16 (uMpho), apho lo mntwana enike 'imvume' kodwa usemncinci kakhulu ukuba angazibandakanya kulwabelwano ngesondo ngokuvumelana.

Esi siqendu salo mthetho sithatha indawo yesiqendu 14(1) *soMthetho weZenzo zolwaPhulo-mthetho* omdala, udibanisa amadoda namabhinqa uze ususe ubudala bokuvuma obahlukeneyo bamakhwenkwe namantombazana.

Ukuba ababandakanyekayo bobabini ngabantwana, bobabini bangabekwa ityala lolwaphulo-mthetho – isityholo esilolu hlobo kufune ka sigunyaziswe liCandelo leSizwe loTshutshiso. Apho ababandakanyekayo ingabantwana bobabini, akufuneki babanjwe koko ndaweni yoko kufuneka benikwe isamani yokuba bavele enkundleni emveni kokuba ityala liphandisisiwe neCandelo leSizwe loTshutshiso lithe ityala maliqhube.

Inkcazelo engakho okanye ukuzikhusela kolu lwaphulo-mthetho ingakukuba uMpho umqhathile uLee kwaye ngesizathu uye wakhlelwa ukuba uMpho ungaphezulu kweminyaka eli16.

Qaphela:

Nokuba uMpho angaba uvumelene nesenzo sokwabelana ngesondo, ukuvuma kungangabikho ngenxa yenkcazelo ende yokunika imvume yesenzo sesondo (bona iphepha4). Kumatyala anje, uLee kufuneka abekwe ityala lokudlwengula hayi ulwaphulo-mthetho lokwabelana ngesondo ngokuvumelana nomntwana ophakathi kweminyaka eli12 ne16.

Ukuhlasela ngokwesondo ngemvumelwano nomntwana ophakathi kweminyaka eli12 ne16 (isiqendu se16)

Olu lwaphulo-mthetho olutsha. Olu lwaphulo-mthetho lwenziwa xa uLee esenza isenzo sokuhlukumeza ngokwesondo nomntwana (uMpho) 'ngemvume' yaloo mntwana.

Ngenxa yenkcazo ebanzi yokuhlukunyezwa ngokwesondo (bona iphepha6), esi sikhokelo sibizwa ngokuba "ngumthetho wokuncamisa". Ngokwenkcazo eyingcingane, abantwana ababini abangaphantsi kweminyaka eyi16 abancamisana ngokuvumelana bangabekwa ityala phantsi kwesi siqendu.

Apho bobabini ababandakanyekayo ingabantwana, bangabekwa ityala kuphela xa oku kugunyaziswe liCandelo leSizwe loTshutshiso, likhokelwa yiMigaqo yeSizwe

Inkcazelo engakho okanye ukuzikhusela kolu lwaphulo-mthetho kukuba:

- UMpho uqathe uLee kwaye ngokwesizathu uye wakholelwa ukuba uMpho wayengaphaya kweminyaka eli16 okanye
- Bobabini aba babandakanyekayo ngabantwana kwaye umahluko kubudala babo ungaphantsi kweminyaka emi2.

Qaphela:

ISebe lezoBulungisa litshilo ukuba iziqendu 15 no 16 zijoliswe ekwenzeni izenzo ezingesondo ezenziwa ngabantu abadala nabantwana zibe lulwaphulo-mthetho. ISebe liyakutsho ukuba ezi ziqendu zijoliswe ekukhetheni imphathombi ngokwesondo, azijoliswanga ekwenzeni ukulinga ngokwesondo kwabantwana abaphakathi kweminyaka elishumi elinambini nengamshumi amabini ulwaphulo-mthetho.

Ukuxhatshazwa kwabantwana ngokwesondo (isiqendu se17)

Olu lwaphulo-mthetho olutsha kwaye lusebenza kubo bonke abantwana abangaphantsi kwiminyaka eli18. Akunamsebenzi nokuba umntwana (uMpho) uvumile kwisenzo sesondo okanye hayi.

ukuxhatshazwa' – usetyenziso-gwenxa okanye ukuhlukunyezwa komntu ngenjongo zokwenza ingeniso njengesiqu.

"yembuyekezo ngokwasezimalini okanye olunye uhlobo lwembuyekezo, isisa okanye imbuyiselo" – ukwenza into ukuze ufumane imali, izipho okanye enye inzuzo

'Olu lwaphulo-mthetho lwenziwa phantsi kwemeko ezahlukuleyo:

Ukuxhatshazwa ngokwesondo komntwana: Ukuba uLee **usebenzisa** ngenjongo **iinkonzo zomntwana** (uMpho) ukuze afumane imbuyekezo ngokwezimali okanye imbuyekezo yolunye uhlobo, isisa okanye imbuyiselo kuMpho okanye uJabu ukuze enze isenzo sezesondo noMpho.

Umzekelo: ULee ufuna ukwabelana ngesondo nomntwana (uMpho) aze abhatale uMpho okanye umntu omgcinayo (uJabu) imali yale nto.

3. Ukuba yinxalenye ekuxhatshazweni ngokwesondo komntwana: ULee **ubonelela ngeenkonzomntwana** (uMpho) ngenjongo komnye umntu (uJabu) ukuze axhatshazwe ngokwesondo ngembuyekezo yezezimali okanye imbuyekezo engenye, isisa okanye imbuyiselo kuLee, uMpho okanye omnye umntu:

- Ngenjongo zokuthenga isondo noMpho, uJabu ubhatala imali kuLee.
- Ngokuba uLee ameme okanye acenge uMpho ukuba avumele uJabu enze isenzo sezesondo noMpho;
- Ngokuba uLee athabathe inxaxheba, ekukhuthazeni okanye ekuxhaseni kukaJabu isenzo sezesondo noMpho;
- Ngokuba uLee enze uMpho abenokufumaneka, amnikezele okanye atsale umdla kaMpho ngenjongo zokwenziwa kwesenzo sezesondo noMpho nguJabu okanye

- Ukuvalela uMpho, ngokusebenzisa izoyikiso, inkani, ukunyanzela, ubuxoki, ukusetyenziswa gwenxa kwamandla, ukuze uJabu abenokwenza isenzo sezesondo noMpho.

Umzekelo: ULee uyasela ebharini. Uthi nabani na angabelana ngesondo nomntwana wakhe (uMpho) ngemali. Aze uLee ayalele uMpho ukuba makabelane ngesondo noJabu.

4. Ukuncedisa ukuxhatshazwa ngokwesondo komntwana: Umntu –
 - Ovumela ngabom ukwenziwa kwesenzo sezesondo nguJabu noMpho ngeli lixa engumgcini, umzali okanye umlondolozzi kaMpho;
 - Onepropati, oqeshisa okanye ongumhlali kwipropati aze avume ngabom ukuba ipropati isetyenziswe ekubeni uJabu enze ulwaphulo-mthetho ngokwezesondo noMpho.

Umzekelo: ULee akaphangeli kwaye ufumana imali yeemfuno zakhe ezisisiseko kwisithandwa sakhe esiyindoda. Uyazi ukuba isithandwa sakhe sabelana ngesondo nomntwana wakhe kodwa akenzi nto ukusinqanda.

5. Ukufumana inzuzo ekuxhatshazweni komntwana ngokwesondo:

Ngenjongo uLee ufumana ukubuyekwezwa ngemali, isisa okanye imbuyiselo xa uJabu esenza isenzo sezesondo noMpho.

Umzekelo: ULee uyazi ukuba umntwana wakhe wabelana ngesondo noJabu aze afumane imali. ULee uyayikhuthaza le nto kuba uyayifumana inxalenye yale mali emntwaneni wakhe.

6. Ukuxhasa ukhenketho lwezesondo lwabantwana: Umntu okanye inkampani –
 - Eyenza amalungiselelo okuhamba isenzela uJabu ngenjongo zokwenza kube lula kuJabu ukwenza isenzo sezesondo noMpho okanye
 - Eshicilela okanye ipapashe ulwazi oluxhasa izenzo sezesondo noMpho.

Ukuqeqeshwa ngokwesondo kwabantwana (isiqendu se18)

1. Olu lwaphulo-mthetho olutsha kwaye lujolise ekukhuseleni abantwana abangaphantsi kweminyaka eli18 kuxhatshazo ngokwesondo.

Ukuqeqeshwa ngokwesondo kubhekisele kwinkqubo yokulungisa okanye ukwenza umntwana alungele ukuthabatha inxaxheba kwisenzo esingesondo. Ngokwesiqhelo uqeqesho lwenzeka kwithuba elide. Maxawambi, umenzi wobubi uqale azame ukuba ngumhlobo womntwana adlale imidlalo elihlebo nomntwana ukubona ukuba ingaba umntwana uyakuluchaza kusini na ulwaphulo-mthetho. Emva koko ubuhlobo bunganothando oluthe chatha, lugqithele kwizenzo zesondo. Ngamanye amaxesha ukuqeqesha kuquka ukubonisa umntwana izinto zoburheletya nokuthengela umntwana izipho.

2. Ukuxhasa ukuqeqeshwa ngokwesondo komntwana: Apho uLee -

- Enza, avelise, abe ngumnini okanye asasaze inqaku, ushicelelo okanye ifilimu enjongo zikukuxhasa isenzo sesondo noMpho;
- Ubonelela okanye ubonisa izinto zoburheletya kubantwana okanye ifilimu okanye ushicelelo kuJabu ngenjongo zokunceda uJabu enze isenzo sesondo noMpho; okanye
- Ulungiselela nangayiphina indlela indibano okanye unxibelelwano phakathi kukaJabu noMpho ngenjongo zokuba uJabu uyakwenza isenzo sesondo noMpho.

Umzekelo: ULee ungumnini wesiza sika-intanethi apho abantu abadala bangadibana nabantwana ze babalungiselele ulwalamano ngesondo.

3. Ukuqeqeshelwa ezesondo komntwana: Apho uLee -

- Ubonelela okanye ubonisa umntwana (uMpho) –
 - Inqaku elijoliswe ekusetyenzisweni kwisenzo sesondo;
 - Izinto zoburheletya kubantwana okanye uburheletya;
 - Ushicelelo okanye ifilimu ngenjongo zokukhuthaza uMpho ukuba enze isenzo sesondo.
- Wenza okanye uchaza isenzo noMpho okanye phambi kukaMpho ngenjongo zokukhuthaza okanye ukucenga uMpho ukuba –
 - Enze isenzo sesondo noLee okanye uJabu;
 - Enze isenzo sokuzanelisa ngokwesondo ngokudlala ngamalungu omzimba phambi kuka Lee okanye uJabu;
 - Abekho xa uLee okanye uJabu besenza isenzo sesondo okanye bezanelisa ngokwesondo ngokudlala ngamalungu omzimba;
 - Abesesichengeni lwezenzo zoburheletya kubantwana okanye uburheletya;
 - Asetyenziswe kwizenzo zoburheletya;
 - Atyhile umzimba wakhe kuLee okanye uJabu ngendlela ekhubekisa isidima sikaMpho.
- Ulungiselela indibano okanye unxibelelwano noMpho, nagayiphina indlela, naphina kwihlabathi, ngenjongo zokuba uLee uyakwenza isenzo sesondo noMpho.
- Umema, uhenda okanye unyanzela uMpho ukuba athabathe uhambo ukuze adibane noLee ngenjongo yokwenza isenzo sesondo noMpho.

Ukunyanzelisa okanye ukwenza abantwana babukele izenzo zesondo (section 21)

Lulwaphulo-mthetho ukuyeka ngabom ukuba umntwana abukele izenzo zesondo ngaphandle kwemvume yakhe. Olu lulwaphulo-mthetho nokuba izenzo besingenzelwanga ulonwabo ngokwesondo lukaLee.

Ukutyhilelwa kwabantwana amalungu obuni, umngxuma wokukhupha ilindle okanye amabele (isiqendu sama22)

ULee waphula umthetho ukuba ubhenca okanye utyhila amalungu obuni, umngxuma wokukhupha ilindle okanye amabele wakhe yena Lee okanye uJabu emntwaneni (uMpho).

Olu lulwaphulo-mthetho nokuba izenzo eso besingenzelwa ulonwabo ngokwesondo lukaLee okanye uJabu.

Lukhuselo lwesi senzo solwaphulo-mthetho okanye uzathuzo ukuba esi senzo senziwe ukuphumeza inkqubo yenkcubeko esemthethweni.

Ulwaphulo-mthetho ngokwezesondo ngokubhekisele kubantu abakhubazeke ngengqondo

Lo mthetho uzama ukukhusela abantu abakhubazeke ngengqondo njengeqela elisesichengeni ngakumbi kuxhatshazo ngokwesondo.

Ngokubhekisele kulo Mthetho, **umntu okhubazeke ngengqondo** ngumntu ochatshazelwe nakokuphina ukukhubazeka ngengqondo, kudibanisa naluphina uphazamiseko okanye ukungazinzi kwengqondo, kangangokuba, ngethuba lolwaphulo-mthetho, –

- Ebengenakho ukukuqonda ubume neziphumo zesenzo sesondo eso;
- Ebenakho ukusiqonda isenzo sesondo kodwa engenakho ukwenza isigqibo esisiso esisekwe phezu kokuqonda;
- Ebengenakho ukusilwa esi senzo sesondo; okanye
- Ebengenakho ukubonakalisa ukuba akafuni kuthabatha nxaxheba kwesi senzo sesondo.

Ngokubhekisele kulo Mthetho, abantu abakhubazeke ngengqondo abakwazi kuvuma izenzo zesondo (isiqendu sama57). Esi siqendu sisebenza kubantu abakhubazeke ngengqondo njengoko kuchaziwe kulo Mthetho. Abantu abaninzi banokuba nesigulo ngengqondo okanye ukukhubazeka kodwa babenako futhi ukuqonda ubume neziphumo zesenzo sesondo ngoko ke basenakho ukugqiba ukuba bavume kwisenzo sesondo. Kufuneka kuhlontshiwe ukuba abantu abakhubazeke ngengqondo bangavuma kwaye bayavuma kwinkquleqhu yesondo – iyakuba lulwaphulo-mthetho ngokwesondo ukuba umntu lowo akavumi ngokuzithandela nangaphandle kokunyanzelwa kwisenzo sesondo.

Ezi zenzo zolwaphulo-mthetho zilandelayo zisebenza kubantu abakhubazeke ngengqondo ziyafana neziya zisebenza ebantwaneni:

- Ukuxhatshazwa ngokwesondo kwabantu abakhubazeke ngengqondo (isiqendu sama23)
- Ukuqeqeshelwa ezesondo kwabantu abakhubazeke ngokwengqondo (isiqendu sama24)

Kuyakufuneka ukuba kuboniswe ukuba ummangali ukhubazekile ngokwengqondo ukuze olu lwaphulo-mthetho lusebenze. Oku kuthetha ukuba kufuneka kufunyenwe ingxelo kwingcali (unontlalo-ntle, igcisa lenzululwazi ngengqondo okanye ugqirha wezifo zengqondo) kwaye kufuneka ichaze ubume nobungakanani bokhubazeko ngengqondo nokuba ingaba ummangali angavuma kusini na.

Izinto zoburheletya

'Izinto zoburheletya' nguwo nawuphina umfanekiso ongesondo ngokuthe gca okanye ingcaciso ebhaliweyo yesenzo okanye umntu ojoliswe ukuvukeliseni ngokwesondo.

'Izinto zoburheletya ezingabantwana' nguwo nawuphina umfanekiso ongesondo ngokuthe gca okanye ingcaciso ebhaliweyo yesenzo okanye umntu apho umntu engaphantsi kweminyaka eli18. Akubalulekanga ukuba umfanekiso wenzelwe ukuba ukhuthaze ngokwesondo.

Izinto zoburheletya ziquka nawuphi na umfanekiso okanye inkcazo yomntu –

- Ethatha inxaxheba kulwaphulo-mthetho ngokwesondo;
- Ethatha inxaxheba kwisenzo sokungena ngokwesondo okanye ukuhlasela ngokwesondo;
- Ethatha inxaxheba kwisenzo sokuzanelisa ngokwesondo ngokudlala ngamalungu omzimba;
- Ekuvezeni amalungu omzimba okanye amabele omntu lowo ekubume bokuvukelwa okanye ukukhuthazeka ngokwesondo;
- Ekuvezeni ngokungafanelekanga amalungu obuni okanye umngxunya wokukhupha ilindle lo mntu lowo;
- Ethatha inxaxheba kwizenzo ezinembonakalo okanye uburheletya;
- Ethatha inxaxheba okanye ezaneza ngokuvisa iintlungu (ukuvisa omnye umntu ubuhlungu ngabom) okanye engumvi weentlungu (ukuvumela ukuviswa ubuhlungu ngabom) kwizenzo ezikumila kwesondo;
- Ukubonisa okanye ukuchaza, ngokwaloo meko, umzimba waloo mntu ngendlela ehlukumeza okanye ekhubekisa ubulungisa okanye isidima saloo mntu okanye omnye umntu.

Ukuzanelisa ngokuhlungisa omnye' – ukufumana ulonwabo okanye ukwaneliseka ngokwesondo ngokwenza iintlungu komnye

'Ukuzanelisa ngokuviswa iintlungu' - ukufumana ulonwabo okanye ukwaneliseka ngokwesondo ngokuxhatshazwa okanye ukonganyelwa

Lo Mthetho uyila izenzo zolwaphulo-mthetho ezinxulumene nesondo ezahlukileyo:

- Ukutyhilwa okanye ukuboniswa kwezenzo zoburheletya kubantwana kumntu omdala ngemvume okanye ngaphandle kwemvume (isiqendu se10)
- Ukutyhilwa okanye ukuboniswa kwabantwana izenzo zoburheletya, ngemvume okanye ngaphandle kwemvume (isiqendu se19)
- Ukusebenzisa abantwana okanye ukufumana inzuzo kwizenzo zoburheletya kubantwana (isiqendu sama20)
- Ukuthatha inxaxheba okanye ukubonisa izenzo zoburheletya kubantu abakhubazeke ngengqondo (isiqendu sama25)
- Ukusebenzisa abantu abakhubazeke ngengqondo kwiinjongo zezenzo zoburheletya okanye ukwenza inzuzo ekusetyenzisweni kwabo (isiqendu sama26).

UMthetho weFilimu noShicilelo (no. 65 ka 1996) uchaza '**uburheletya kubantwana**' kuquke nawuphina umfanekiso okanye inkcazo yomntu ongaphantsi kwe18 leminyaka -

1. Ethatha inxaxheba kwisenzo sezesondo;
2. Ethatha inxaxheba, okanye encedisa omnye umntu ekuthatheni inxaxheba, kwisenzo sezesondo; okanye
3. Ebonisa okanye echaza umzimba okanye amalungu omzimba, omntu lowo ngendlela okanye kwiimeko, efikelela kuxhatshazo ngokwesondo.

Lulwaphulo-mthetho ukuba ngumnini, ukwenza, ukungenisa elizweni, ukusasaza okanye ukufumana ifilimu okanye ushicilelo olunezenzo zoburheletya kubantwana okanye olupapasha uburheletya kubantwana okanye ukuxhatshazwa ngokwesondo kwabantwana. Wonke ubani owaziyo, okanye orhanela olu lwaphulo-mthetho unoxanduva lokuxela emapoliseni (isiqendu sama27 *soMthetho weFilimu noShicilelo*).

Qaphela:

Ungabuxela uburheletya kubantwana kwi-intanethi:
<http://www.fpbprochild.org.za/ReportAbuse.aspx>

Umsebenzi wesondo wabantu abadala

Uninzi lwemithetho enxulumene nomsebenzi wesondo wabantu abadala luqulathwe *kuMthetho weZenzo zolwaPhulo-mthetho ngokweSondo* wama23 ka 1957 oshiywe lixesha ozenza zibe lulwaphulo-mthetho indawo apho kuthengiswa isondo, ukufunelwa kwehenyukazi indoda nesenzo sokwabelana ngesondo ngenjongo zenzuzo ngokwezimali. Amapolisa ayababamba abasebenzi ngesondo ngokusekwe kummiselo womthetho kamasipala, umzekelo ukuvatshula.

UMthetho wolwaPhulo-mthetho oneZilungiso (iZenzo zolwaPhulo-mthetho) omtsha wenza babe ngabaphuli-mthetho abathengi besondo. Uquka ezi zenzo zolwaphulo-mthetho zilandelayo:

- Ukuba nendawo yokuthengisa isondo (isiqendu sesi2) neenkquleqhu eziyinxalenye yoko
- Ukufunela ihenyukazi indoda (isiqendu se10)
- ULee wenza uMpho abelane ngesondo naye nawuphina umntu, okanye wenza ukuba abe ngumsebenzi ngesondo okanye ilungu lendawo ethengisa ngesondo.
- Ukuvallelwa ngeenjongo zesondo ezingekho mthethweni (isiqendu se12)
- ULee uvalela uMpho ngokuchasene nokufuna kwakhe kwindawo ethengisa ngesond okanye indawo ukuze indoda ibenokwabelana ngesondo naye.
- Ukuncedisa umsebenzi wesondo (isiqendu se12A)
 - Umntu onceda umntu, ngenjongo zembuyekezo, ekunxibelelaneni nomnye umntu ukuze babenokwabelana ngesondo okanye benze isenzo samanyala ukuze bafumane imbuyekezo.
- Ukulukuhlela kwizenzo ezingendawo (isiqendu se19)
 - Umntu olukuhla okanye ondinda kwindawo kawonke-wonke ngenjongo ezingendawo.
 - Umntu oma ngendlela enokuzimisela enxibe isinxibo esingafanelekanga okanye ngandlela ithile nakowuphi umnyango okanye ifesitile okanye kwindawo enemboniselo kwindawo kawonke-wonke okanye indawo apho uwonke-wonke anokufikelela khona.

- Abantu abaphila ngengeniso yomsebenzi wesondo (uKuhenyuza) okanye ukuncedisa ekuthengiseni izenzo zamanyala (isiqendu sama20)
 - Nabani na ophila ngengeniso yokuhenyuza esazi.
 - Nabani na othiancedise nangayiphi na indlela okanye afumane imbuyekezo ngokwenziwa kwesenzo samanyala nasiphi na nangabanina nomnye umntu.
 - Nabani na oneminyaka eli18 nangaphezulu owabelana ngesondo okanye enze isenzo samanyala nomnye umntu ngenjongo zembuyekezo.
 - Nabani na oneminyaka eli18 nangaphezulu othi enze isenzo samanyala nomnye umntu kwindawo kawonke-wonke.

Ezi zibonelelo zingentla kufuneka zisetyenziswe kubantu abasini sinduna nabasetyhini.

Ukusebenzisa iinkonzo zesondo zabantu abadala (isiqendi se11)

Ngokubhekisele *kuMthetho wolwaPhulo-mthetho oneZilungiso (izenzo zalwaPhulo-mthetho)*, kuthathwa njengolwaphulo-mthetho ngoku ukuba umntu asebenzise iinkonzo zesondo zomntu ominyaka ili18 nangaphezulu ngenjongo yokufumana imbuyekezo ngokwezimali okanye enye imbuyekezo, isisa okanye imbuyiselo emntwini okanye umntu wesithathu ngenjongo zokuthatha inxaxheba kwisenzo sesondo nalo mntu.

Qaphela:

IKomishoni yoHlaziyo-Mthetho yaseMzantsi Afrika iyawuhlola lo mthetho ukhoyo unokusebenza ngesondo. Ukuze ufumane ulwazi olungaphezulu ndwendwela isiza se-intanethi sabo:
<http://salawreform.justice.gov.za>.

URhwebo ngabantu

Umzantsi Afrika utyikitye UMgaqo wokuThintela uRhwebo ngaBantu weZizwe eziManyeneyo kwaye imimiselo yalo mgaqo wezizwe ezimanyeneyo iyawubophelela uMzantsi Africa ngokomthetho.¹ Oku kuthetha ukuba uMzantsi Afrika unoxanduva lokunyanzelisa le migaqo yamazwe ngamazwe mayela norhwebo ngabantu (uthengiso lwabantu phakathi kwezizwe ngezizwe).

Ngalo eli thuba, iKomishoni yoHlaziyo-Mthetho yaseMzantsi Afrika iqwalasela iindlela ezahlukileyo zokuhlaziya umthetho ojongene nokurhweba ngabantu. Okwakaloku nje, *uMthetho wolwaPhulo-mthetho oneZilungiso (iZenzo zolwaPhulo-mthetho)* unezibonelelo zobambiso ngokubhekise ncakasana kurhwebo ngabantu ngenjongo zesondo. Urhwebo ngokubhekisele kubantwana lushukuxwa kwisahluko se 18 *soMthetho waBantwana (no. 38 ka 2005)*.

Urhwebo ngabantu ngenjongo zesondo

Eli licandelo lobambiso *kuMthetho wolwaPhulo-mthetho oneZilungiso (iZenzo zolwaPhulo-mthetho)* onika igunya okwethutyana kuMgaqo weUN de kupasiswe umthetho obanzi woMzantsi Afrika.

'urhwebo ngabantu' kwesi siqendu, kuquka ukubonelela, ukurhwebesha, ukuphathela indoda ihenyukazi, ukubamba, ukususa, ukuthutha, ukusa kwenye indawo, ukufihla, ukuthengisa, ukulahla okanye ukwamnkela umntu, ngaphakathi okanye ngaphaya kwemida yeRiphabhliki –

4. Ngokusongela okanye ukwenzakalisa;
5. Ngokusongela okanye ukusebenzisa amandla, ukoyikisa okanye ezinye iindlela zokunyanzelisa;
6. Ngokuthwala (ukuba komntu);
7. Ngobumenemene;
8. Ngokukhohlisa okanye amaqhinga;
9. Ngokusebenzisa gwenxa amandla okanye isikhundla yokubasesichengeni, kangangokuba ummangalelwa angakwazi ukubonakalisa ukungafuni kwakhe okanye ukuxhathisa ekubeni kurhwetywe ngaye;

¹ *UMgaqo wokuKhusela, ukuPhelisa nokoHlwaya uRhwebo ngaBantu, Ingakumbi abaseTyhini naBantwana, Wongeza kwiMvumelwano yoManyano laMazwe ngaMazwe Echasene noMfelandawonye wolwaPhulo-mthetho Phakathi kweMida yaMazwe, GS res 55.25, annex II, 55 UN GAOR Supp. (No 49) at 60, UN Doc A/45/49 (Vol I) (2001)*

10. Ngokunika okanye ukufumana intlawulo, imbuyiselo, imbuyekezo okanye umtyhi ngenjongo zalo naluphina uxhaphazo, ukuqeqesha okanye ukuhlukumeza okukumila kwesondo komntu lowo.

Umthetho lo uyakwala -

- Ukurhweba ngabantu ngeenjongo zezesondo [isiqendu sama71 (1)]
- Ukubandakanyeka kurhwebo ngabantu ngeenjongo zezesondo [isiqendu sama71 (2)]

Umntu owaphula umthetho kuba kurhwetywa ngaye akasayi kubekwa tyala [isiqendu sama71 (5)]. Umzekelo, ukuba uMpho kurhwetywa ngaye ngaphaya kwemida yoMzantsi Afrika kwaye akanazimpepha zokuhamba zisemthethweni, akasayi kubekwa tyala lolwaphulo-mthetho linxulumene nokufuduka.

Esi siqendu sikwachaphazela notshutshiso nezithuthi zorhwebo (iinqwelo-ntaka, amaphenyane) ezibandakanyeka kurhwebo ngabantu.

Urhwebo ngabantwana

Ngokuphathelele *kuMthetho waBantwana (no. 38 ka 2005)*,

- 'urhwebo ngokoxhatshazo ngesondo', ngokunxulumene nomntwana, kuthetha-
- Ukuphathela indoda umntwana okanye ukwenza umntwana enze izenzo zesondo ngenjongo zembuyekezo okanye enye imbuyekezo, kuquka izemzo zobuhenyukazi okanye izenzo zoburheletya, akukhathaliseki nokuba imbuyekezo yenziwe kumphatheli, emntwaneni, umgcini womntwana, okanye namphina omnye umntu; okanye
- Ukurhweba ngomntwana ngenjongo zokumsebenzisa kwiinkquleqhu zesondo, kuquka ukuhenyuza okanye izenzo zoburheletya.
- 'Ukurhweba', ngokubhekisele emntwaneni-
- Kuthetha ukurhwebesha, ukuthengisa, ukubonelela, ukuthutha, ukusa kwenye indawo, ukufihla okanye ukwamnkela abantwana, ngaphakathi okanye ngaphandle kweRiphabhliki
 - Nangayiphina indlela, kuquka ukusetyenziswa kwezoyikiso, amandla okanye naziphina iindlela zokunyanzelisa, ukuthwala, ubumenemene, ukulahlekisa, ukusebenzisa gwenxa amandla okanye ukunikeza okanye ukufumana intlawulo okanye inzuzo ze kufumaneke ukuvuma komntu onolawulo emntwaneni; okanye
 - ngenxa yemeko yokuba sesichengebeni, ngenjongo zokuxhaphaza; okanye

- kuquka ukwamkelwa komntwana ngeendlela ezingekho mthethweni.
- UMthetho waBantwana uyakuthintela (uyakwala) ukurhweba ngabantwana (isiqendu sama284) nezenzo ezikhuthaza ukurhweba ngabantwana (isiqendu sama285). Akukho mntu okanye inkampani enokurhweba ngomntwana okanye ivumele umntwana ukuba kurhwetywe ngaye.

Urhulumente unoxanduva lokunceda umntwana olixhoba lorhwebo ngabantu (isiqendu sama286). Namphina umzali oyinxalenye yokurhweba ngomntwana wabo angaphuncukana namalungelo ake obuzali kulo mntwana aze umntwana asuswe kunakekelo lwabo (isiqendu sama287).

UMthetho waBantwana ubeka uxanduva kumagosa okundwendwela, amapolisa, oonontlalo-ntle okanye amagcisa ezempilo adibana nexhoba lorhwebo ngabantu lokuba agqithisele umntwana lowo kunonlalo-ntle (isiqendu sama288).

Ukuxelwa okunyanzelekileyo kwezenzo zolwaphulo-mthetho ngokwesondo

Isiqendu sama54 salo Mthetho sithi nabani na onolwazi ngesenzo solwaphulo-mthetho ngokwesondo ngokubhekisele emntwaneni okanye umntu okhubazeke ngengqondo makasixele. Ukuxela okunyanzelekileyo kwesenzo solwaphulo-mthetho ngokwesondo kungatyhila izenzo zolwaphulo-mthetho ngokwesondo ezininzi ezifihlakeleyo ngeli thuba apho sihlala khona . Ukanti ukuxela okunyanzelekileyo kungatyhafisa abantwana nabanye ekufikeleleni kunakekelo ngokwempilo nezinye iinkonzo.

Kuxelwa xa kutheni?

Ukuba kukho ulwazi lokuba isenzo solwaphulo-mthetho ngokwesondo senziwa emntwaneni okanye umntu okhubazeke ngengqondo (njengoko kuchaziwe kulo Mthetho).

Ngubani omakaxele?

Nabanina.

Ingxelo mayenziwe kubani?

Emapoliseni.

Eminye iMithetho emibini inoxanduva olufanayo lokuxela uhlukumezo. Ezi ziqendu zingezantsi bezingekabikho kusetyenziso ngethuba kusiyiwa elubhalweni.

Isiqendu se10(1) soMthetho waBantwana

Kuxelwa xa kutheni?

Ukuba unesizathu sokukroka ukuba umntwana uhlukeyezwe ngendlela eyenza umonzakalo emzimbeni, uxhatshaziwe ngokwesondo okanye akahoywanga ngabom.

Ngubani omakaxele?

Igosa lezoluleko; umntu onyanga ngamayeza; igosa lokundwendwela; umhloli wezemisebenzi; igcisa lezomthetho; igcisa lezamayeza; ugqirha wamazinyo; umbelekisi; inesi; umfundisi wakwalizwi; inkokheli yenkolo; igcisa lokunyanga ngokwasemsebenzini; ingcali yokunyanga umzimba; ingcali yentetha; ingcali yengqondo; ingcali yeenkonzo zasekuhlaleni; unontlalo-ntle; utishala; ingcali yempilo ngokwamasiko; inkokheli ngokwamasiko; ilungu labasebenzi okanye umsebenzi ozithandelayo kwiziko lonakekelo olungagqibelelanga, indawo yokugcinisa ithutyana okanye indawo yokunakekela abantwana nolutsha.

Kufuneka yenziwe kubani ingxelo?

Umbutho wokugcina abantwana omiselweyo onjengeChild Line, unontlalo-ntle okanye ipolisa.

Isiqendu se10(2) soMthetho waBantwana

Kuxelwa xa kutheni?

Xa unesizathu sokukroka ukuba umntwana uhlukeyezwe okanye udinga unakekelo nokhuselo.

Ngubani omakaxele?

Nabani na.

Kufuneka yenziwe kubani ingxelo?

Unontlalo-ntle, umbutho wokugcina abantwana omiselweyo okanye ipolisa.

Isiqendu sama26 soMthetho waBantu abaDala 13 ka 2006

Kuxelwa xa kutheni?

Xa ukrorela ukuba umntu omdala uhlukeyezwe okanye uva ubuhlungu ngexa kokwenzakala okunxulumene nokuhlukeyezwa.

Ngubani omakaxele?

Nabani na.

Kufuneka yenziwe kubani ingxelo?

Kunontlalo-ntle okanye ipolisa.

Inkqubo yolwaphulo-mthetho kumatyala angolwaphulo-mthetho ngokwesondo

Kunganzima kakhulu ukungqina enkundleni kumaxhoba olwaphulo-mthetho ngokwesondo. *UMthetho weNkqubo yolwaPhulo-mthetho (CPA)* uyawavumela amaxhoba ukuba angqine esebenzisa ikhamera yevideo kwigumbi elibucala kwinkundla okanye angqine esebenzisa abanye abantu (ababizwa 'abathetheli') kwiimeko ezithile. Lo Mthetho ubonelela ngokuyilwa kwemiyalelo nguGunyaziwe woTshutshiso weSizwe (NPA) ejoliswe ekwenzeni mbalwa (ukunciphisa) uxhatshazo lodidi lwesibini okanye ukungcungcutheka, olwenzeka xa ixhoba kufuneka lixele ulwaphulo-mthetho nokwalehlayo ubunzima nongcungcutheko lokwenza oku.

Ubungqina ngomabonakude oqhaganyishelwe kwiikamera (CCTV)

Inkundla inakho, ngenyathelo elilelayo okanye ngokwesicelo sikamtshutshisi okanye ingqina, iyalele ukuba ingqina linganika ubungqina ngeCCTV (ikhamera yevideo) (isiqendu se158 seCPA). Inkundla kufuneka ijonge ukuba ingaba ukunika ubungqina enkundleni kunokwenza ubungozi na kwingqina. Lo Mthetho uthi ukuba inkundla iyasala isicelo somtshutshisi sokuba umntwana ongaphantsi kweminyaka eli14 anike ubungqina ngeCCTV, inkundla kufuneka kwangoko inike izezathu sokokwala.

Ukusetyenziswa kweCCTV okanye izinto zombane ezinjalo zokusasaza iindaba enkundleni kukholo ukunceda namphina ummangali ongcungcuthekisiweyo okanye ingqina ukunika ubungqina, nokuba bungakanani na ubudala balo. Abatshutshisi kufuneka bakucinge ukusebenzisa iCCTV kuwo onke amatyala olwaphulo-mthetho ngokwesondo.

Umthetheli

Inkqubo yenkundla ingangcungcuthekisa kwaye yoyikise, ingakumbi ebantwaneni. Ukuba kubonakala ukuba umntwana angaphantsi kokinzelelo olungafanelekanga ukuba anike ubungqina enkundleni, inkundla ingatyumba umntu onobuchule asebenze njengomthetheli phakathi komntwana nenkundla (isiqendu se170A seCPA). Abathetheli bangasetyenziswa kwigumbi

lenkundla okanye umthetheli nomntwana bangakwelinye igumbi baze banxibelelane nenkundla ngeCCTV.

Abatshutshisi kufuneka bamxelele ummangali okanye ingqina elingumntwana ukuba bangasebenzisa esi sicwangciso.

Ngaphambili ibingumntwana ongaphantsi kobudala obuyiminyaka eli18 kuphela obenokunika ubungqina ngokusebenzisa umthetheli. Lo Mthetho ngoku ulungisiwe ukuze uvumele nomntu ongaphezulu kweminyaka eli18 obudala bengqondo bungaphantsi kwe18, ukuba anike ubungqina esebenzisa umthetheli.

Umtshutshisi kufuneka afake enkundleni isicelo semvume yokusebenzisa umthetheli. Ukuba inkundla iyasala isicelo eso, inkundla kufuneka inike izizathu zokwala kwayo. Inkundla ingalimisa ityala ukuba umthetheli akakho.

Ubungqina kumatyala angolwaphulo-mthetho ngokwesondo

Akuzange kwalula kummangali ukunika ubungqina ngesenzo solwaphulo-mthetho kwityala lolwaphulo-mthetho ngokwesondo. Kudala, iinkundla namagqwetha angabameli bezibangcungcuthekisa abamangali maxawambi kwaye zingabuhoyi ubungqina babo ngaphandle kwezizathu ezibambekayo. Lo Mthetho wenze imiqathango ethile yokuba kufuneka buphathwe njani na ngoku ziinkundla ubungqina babamangali.

Ubungqina beentetha zokuqala ezingaguqukiyo (isiqendu sama58)

Ngaphambili umthetho wethu owaziyo ophunyezwe yinkundla ububuvumela ubungqina athe ummangali kwityala lolwaphulo-mthetho ngokwesondo waxelela umntu ngesenzo solwaphulo-mthetho ngokwesondo kwakamsinya emva kolwaphulo-mthetho (ingxelo yokuqala). Lo mqathango ubusekwe kwinkolo endala yokuba ukuba ummangali akathi kwangoko, emva kodlwengulo, axele uhlaselo olo emntwini, bayaxoka (umqathango wentlaba-mkhosi). Ngoku lo Mthetho uthi ubungqina beentetha zokuqala ezingaguqukiyo obenziwe ngummangali bamnkelekile, kodwa inkundla ayinakusuka iyithathe njengenyaniso into yokuba ummangali uyaxoka ukuba abukho ubungqina obulolu hlobo.

Ubungqina bokulibazisa ukuxela (isiqendu sama59)

Maxawambi iinkundla zibafingela iintshiyi abamangalelwa abangaluxeli kwangoko ulwaphulo-mthetho ngokwesondo, emva kokuba isenzo sesondo senzekile. Ngoku lo Mthetho uthi inkundla ayinakufikelela kwisigqibo ngokusekwe kubude bolibaziseko phakathi kwexesha lokwenzeka kolwaphulo-mthetho nexesha lokuxelwa kwalo ngummangali.

Ukutshitshiswa komqathango olumnkisayo (isiqendu sama60)

Ngaphambili, iinkundla bezisebenzisa ukulumnka kwityala lolwaphulo-mthetho ngokwesondo. Lo Mthetho ngokukodwa ngoku uthi ayinakuphatha

ngokulumka ubungqina bukammangali kwityala lolwaphulo-mthetho ngokwesondo ngenxa yokumila kolu lwaphulo-mthetho.

Ukanti, uMthetho lo, awuwushukuxi umqathango olumnkisayo ngokubhekisele kwingqina elilodwa nakubantwana.

Ubungqina besimilo kunye nembali yangaphambili ngokwezesondo

Lo Mthetho wenza izilungiso kwisiqendi sama227 seCPA. Akukho bungqina bembali yangaphambili ngokwesondo yommangali omabuvezwe enkundleni. Ukuba igqwetha lomangalelwa lifuna ukuzisa ubungqina ngezenzo zesondo zangaphambili zommangali, kufuneka afake isicelo enkundleni sokuveza ubungqina obunjalo. Inkundla iyalelwa ukuba ingabuvumeli ubungqina obunjalo ukuba bujoliswe ekuxhaseni uluvo lokuba ngenxa yobume bezenzo zezesondo zangaphambili zommangali, kungenzeka ukuba uvumile okanye akanakuthembakala. Kwakhona abatshutshisi bayalelwe ukuba bayiphikise imibuzo ngembali yezesondo okanye izenzo zesondo zommangali.

Ummiselo

Amatyala angamalungelo abemi

Ukongeza ekwenzeni izimangalo zolwaphulo-mthetho, kwakhona ummangali angafaka isimangalo sokonakaliselwa ngakumenzi wobubi (imbuyiselo). Eli nyathelo lomthetho kufuneka lenziwe kwisithuba seminyaka emi3 ukusukela mhla ukonzakala (ukunakaliselwa) kwenzeka. *Umthethi woMmiselo (no. 68 ka1969)* utshintshiwe ngoku ukuze ela thuba leminyaka emi3 lokubanga ukonakelwa kulwaphulo-mthetho ngokwesondo, lingaqali ngethuba ummangali engekabinakukwazi ukusungula ukuqhuba kwetyala ngenxa yobume okanye ukusebenza kwengqondo yakhe.

Umzekelo wommiselo

Van Zijl v Hoogenhout, Inkundla ePhakamileyo yeZibheno, 2004
Kweli tyala, ummangali waxhatshazwa ngokwesondo ngumalume wakhe ukusukela ngo1958 ukuya kuma ngo1967. Ngenxa yale mphatho-mpi, ummangalelwa zange akwazi ukumtyhola umalume wakhe ngakwenzileyo kuye. Ngo1997, emva konyango, wakwazi ukujongana nale mphatho-mpi waqonda ukuba umalume wakhe ufanele ukutyholwa. Wathabatha amanyathelo omthetho ngakuye ngo1999. Ngo2004 iInkundla ePhakamileyo yeZibheno yatsho ukuba ummiselo uqala kuphela xa osindileyo enokuqonda okupheleleyo kwemphatho-mpi nokuba ngubani na umenzi.

Amatyala olwaphulo-mthetho

Kumatyala olwaphulo-mthetho, ngaphandle kokuba kuchazwe ngolunye uhlobo emthethweni, utshutshiso ngolwaphulo-mthetho maluqhutywe ngaphakathi kwisithuba seminyaka engama20. Kulwaphulo-mthetho olunje ngokubulala, ukubiwa komntu nokubiwa komntwana, akukho mda unjalo.

Olu lwaphulo-mthetho lulandelayo longeziwe *kwiNkqubo yolwaPhulo-mthetho (no. 51 ka 1977)* apho utshutshiso lungasungulwa nanini na, nokuba kusemva kweminyaka engama20:

- Udlwengulo, udlwengulo olunyanzeliweyo, urhwebo ngabantu, ukusebenzisa umntwana okanye umntu okhubazeke ngengqondo kwinjongo zoburheletya.

Ukufunyanwa unetyala nokugwetywa

Ukuzama okanye ibhunga lokwenzaulwaphulo-mthetho ngokwesondo (isiqendu sama55)

Nabani na -

- ozama,
- obhunga nomnye okanye
- onceda, oncedisa ekwenzeni ububi, obangela, ofunza, ophembelela, oyalela, ofumana, oyalela ngegunya, ocebisa omnye umntu ukuba enze isenzo solwaphulo-mthetho, bona benze ulwaphulo-mthetho bangafumana isohlwayo esifanayo nalowo ugwetyiweyo (ufunyenwe enetyala) lelo lwaphulo-mthetho.

Izigwebo ezaneleyo (isiqendu sama261 soMthetho weNkqubo yolwaPhulo-mthetho)

Apho ummangalelwa abekwa ityala ngolwaphulo-mthetho oluthile, olungafunyaniswanga xa kuqhuba ityala, ngamathuba athile inkundla ingamfumanisa ummangalelwa enetyala lolwaphulo-mthetho elinobuncinane ukuba ulwaphulo-mthetho olo lufunyanisiwe. Oku kubizwa ngokuba njengesigwebo esaneleyo.

Ezi zilandelayo zizigwebo ezaneleyo okanye ulwaphulo-mthetho elinobuncinane okunokugwetyelwa lona, endaweni yodlwengulo, udlengulo olunyanzeliweyo, uhlaselo ngokwesondo, uhlaselo ngokwesondo olunyanzeliweyo okanye ukuzihlasela ngokwesondo:

- Uhlaselo ngenjongo zokwenza ukwenzakala okuhlungisayo emzimbeni (GBH);
- Uhlaselo nje;
- Uhlaselo ngokwesondo, uhlaselo ngokwesondo olunyanzeliweyo, ukuzihlasela ngokwesondo okunyanzeliweyo;
- Umbulo;
- Ukungena ngokwesondo kwemvumelwano okanye ukuhlukunyezwa ngokwesondo (isiqendu se15 & 16).

linkqubo zonyango njengesohlwayo kubephuli-mthetho ngokwesondo

Ngokwesiqendu sama276A soMthetho weNkqubo yolwaPhulo-mthetho, isohlwayo somntu ogwetyelwe ulwaphulo-mthetho ngokwesondo ngoku singaquka ukungenela nokuthabatha inxaxheba kwinkqubo engqamene nabophuli-mthetho ngokwesondo. Umntu ogwetyiweyo kufuneka akwazi ukubonakalisa unakho ukuzuza kunyango akwaye kufuneka azihlawule iindleko zenkqubo.

Umthetho Oyilwayo waBantwana, xa upasisiwe ngokusemthethweni, uyakuvumela ukuphanjukiwa kwabantwana abatyholwa ngamatyala olwaphulo-mthetho. Oku kuthetha ukuphambukisa abantwana kwinkqubo yobulungisa yolwaphulo-mthetho phantsi kweemeko ezithile kukhethwe ezinye iindlela ezingengawo amaziko oluleko neendawo zokuvalelwa.

Umthetho Oyilwayo waBantwana uyehlula phakathi kolwaphulo-mthetho lukaShedyuli 1 (olunjengohlukunyezo lwezilwanyana okanye ukungena ngokwesondo kwemvumelwano), ulwaphulo-mthetho lukaShedyuli 2 (olunjengohlaselo ngokwesondo ngaphandle kokwenzakalisa), nolwaphulo-mthetho lukaShedyuli 3 (olunjengodlwengulo, uhlaselo ngokwesondo apho kwenzeka okwenzakala komzimba okwenzakalisayo, ukuxhatshazwa ngokwesondo okanye ukuqeqeshwa). Impambuko mayela nolwaphulo-mthetho lukaShedyuli 3 yakuvunyelwa kuphela xa kukho iimeko ezinxahileyo kwaye nemvume yophambuko olo ibinikezwe nguMlawuli woTshutshiso likaWonke-wonke. Umthetho oyilwayo ubalula iindlela zempambuko ezibanzi, ukusukela ekungxengezeni kubantu abenzakalisiweyo ukuya ekungeneleni inkqubo yonyango nokuhlolwa ligosa elilinda abantu abalingwa ngaphandle kwentolongo. Xa umyalelo wempambuko ufezekisiwe, utshutshiso alukusungulwa ngokubhekisele emntwaneni.

Umthetho Oyilwayo waBantwana utsho ukuba iyakuba licebo lokugqibela ukuvalelwa entolongweni komntwana ongaphezu kweminyaka eli14 kwaye umntwana ongaphantsi kweminyaka eli14 ngethuba lesigwebo akanakugwetyelwa ukuvalelwa entolongweni. Umntwana ongaphezulu kweminyaka eli14 owenze ulwaphulo-mthetho lukaShedyuli 3 angagwetywa ukuvalelwa entolongweni.

Imbuyiselo

Ngokwesiqendu sama300 *soMthetho weNkqubo yolwaPhulo-mthetho* inkundla ingayalela umntu ogwetyiweyo ukuba abuyekeze (ahlawule) ummangali iindleko ezenzeke ngenxa yolwaphulo-mthetho olo, kubandakanya:

- Inkcitho yamayeza;
- lindleko zendawo yokuhlala engenye ukuba unyanzeleke ukuba alishiye ikhaya;
- lindleko zodliwano-ndlebe lokucebisa;
- lindleko zokutshintsha ipropati etshatyalalisiweyo; kunye
- Nomvuzo obeyilahleko ngenxa yokuhamba kwiinkqubo zenkundla.

Isicelo seendleko ezilolu hlobo kufuneka senziwe ekupheleni kwenkqubo yolwaphulo-mthetho kwaye siyakuba nempembelelo yesigwebo sobummi. Ummangali kufuneka akwazi ukubonakalisa omonakalo. Xa umyalelo onje uvunyelwe, ummangali akazukukwazi ukuya kwinkundla yabemmi ngomonakalo. Isiqendu sama300 sikhawulelana kuphela nomonakalo wezimali (ilahleko ngokwasezimalini), hayi umonakalo ngokweentlungu nokungcungcutheka ebezinokufumaneka ngokweenkqubo zabemmi.

Esi siqendu siyakuxhaswa ngeenkqubo zokuhlwayela ilwazi eluntwini liSebe lezoBulungisa njengenxalenye yokumilisela iPhepha laMalungelo aMaxhoba.

Qaphela:

Ngokubhekisele kwisiqendu8(a) *soMthetho wokuXhaswa kokuLingana noThintelo loCalucalulo olungenaBulungisa*, akukho mntu unokucalucalula namphina omnye umntu ngokungenabulungisa ngokusekwe kwisini kubandakanya nobundlobongela obusekwe kwisini. Isiqendu sama28(1) salo Mthetho sithi ukuba kubonakalisiwe kutshutshiso lwalo naluphina ulwaphulo-mthetho, ukuba ucalucalulo olungenabulungisa ngokusekwe kwibala, isini okanye ukukhubazeka ludlale indima kolo lwaphulo-mthetho, oku kufuneka kujongwe njengemeko eyenza mandundu ngokubhekise ekugwebeni.

Ezona zigwebo zincinane

Ezona zigwebo zincinane zaphakanyiswa *nguMthetho wolwaPhulo-mthetho oneZilungiso we105 ka 1997*. Lo Mthetho ubeka esona sigwebo sincinci sokudlwengula:

Ulwaphulo-mthetho lokuqala	Iminyaka eli10
Ulwaphulo-mthetho lwesibini	Iminyaka eli15
Ulwaphulo-mthetho lwesithathu	Iminyaka engama20

Phantsi kweemeko ezithile, udlwengulo lungakhokelela kwesona sigwebo sincinane sobomi (25 years). Umzekelo kulapho ummangali wadlwengulwa ngaphezu kwakanye; wadlwengulwa liqela labantu, apho wayengaphantsi kwe16 leminyaka, ekhubazeke ngokwasemzimbeni okanye engqondweni. Oku kwakusebenza kwakhona xa ummangalelwa wakhe wagwetyelwa ukudlwengula ngaphambili okanye ebesazi ukuba uneHIV ngethuba lokudlwengula.

Umthetho wezona zigwebo zincinane ukwasebenza kumntwana ongumangelelwa ophakathi kweminyaka eli16 ne18 leminyaka ubudala.

Iinkundla zivumelekile ukuba ziphambuke kwesona sincinane siyalelweyo ukuba kukho iimeko ezibambekayo nezinyanzelisayo ezikhokelela kwisigwebo esingaphantsi. Iinkundla zisitolike ngokwahlilikileyo esi sikhokelo.

Umthetho wolwaPhulo-mthetho oneZilungiso (Ukugweba) (no. 38 ka2007) uqale ukusebenza ukusuka ngomhla wama31 kweyoMnga 2008. Ubalula izinto ezithile iinkundla ezinokuzijonga njengeemeko ezibambekayo nezinyanzelisayo ezizivumela ukuba ziphambuke kwesona sigwebo sincinane siyalelweyo. Ezi meko zibandakanya:

- Imbali yezesondo yommangali;
- Ukungabikho kokwenzakala emzimbeni wommangali;
- Iinkolo zommangalelwa zamasiko nokukhonza ngodlwengulo; kunye
- Ukuba bekukho ulwalamano ngokokuthandana olukhoyo phakathi kukammangali nommangalelwa phambi kodlwengulo.

ULuhlu lweSizwe lwabaPhuli-mthetho ngokweSondo

Lo Mthetho kwiimeko ezithile awukuvumeli ukuqeshwa kwabantu abafunyenwe benetyala (abagwetyiweyo) lokwenza ulwaphulo-mthetho ngokwesondo ngokubhekisele emntwaneni okanye umntu okhubazeke ngengqondo. Umzekelo, abantu abanjalo bavumelekanga ukusebenza ngomntwana okanye umntu okhubazeke ngengqondo, okanye abengumzali womntwana ongengowakhe.

Lo Mthetho umilisele iRejista yeSizwe yaboPhuli-mthetho ngokweSondo, enokusefenziswa ngabaqashi ukuhlola abaqeshwa babo. Abaphuli-mthetho abanjalo bakufakwa kwiRejista yeSizwe kwaye abantu lokufaka isicelo sesiqinisekiso esobonisa ukuba ingaba igama lomntu likho kwirejista kusina na.

IRejista iyakugcinwa iyimfihlo. Isicelo sokukhupha igama lomntu kwirejista singafakwa emva kweminyaka emi5 okanye 10 ngaphandle kokuba umntu lowo wayegwetywe ukuvalelwa entilongweni ithuba elingaphezulu kweenyanga ezili18, meko leyo ethi igama lakhe alinakukhutshwa kwiRejista.

Ngokubhekisele kubantwana le rejista kukuphindwa kwesahluko B weRejista yoKhuseleko laBantwana ekubonelelwa ngayo *kuMthetho waBantwana*.

Iinkonzo zamaxhoba

Isahluko 5 salo Mthetho siqale ukusebenza ngomhla wama21 kuMatshi 2008 kwaye imiqathango yashicelelwa ngoMeyi ka2008.

Emva kodlwengulo, ixhoba kufuneka lidibane neziko lezonyango elibonelela ngeenkono kuhlaselo ngesondo:

- Ukuze kuhoywe ukwenzakala;
- Ukuze libe nokufumana amyeza ukukhusela iHIV, izifo ezosulela ngokwabelana ngesondo (STIs) nokukhulelwa;
- Ukuze libenokufumana iinkonzo zezempilo ezifunekayo eziquka udliwano ndlebe lokunika amacebo; kunye
- Nokulungiselela ukugcwaliswa kwefomu uJ88 nokuqokelela ubungqina bonyango nomthetho.

Unyango kwizifo emva kokuba sesichengeni sokusuleleka (PEP) lweHIV ngamachiza anqada ukusuleleka (ARVs) anikwe osindileyo emva kodlwengulo ukunciphisa okusuleleka yiHIV ngenxa yodlwengulo. IPEP ayincedi umntu osele enayo iHIV. IPEP iluncedo xa kubonelelwe ngayo ngokukhawuleza. IPEP kufuneka iqhutywe kangangeentsuku ezingama28 kwaye inganemiphumela engenye.

Lo Mthetho ujolise ekubonelelweni konyango emva kokuba sesichengeni sokusuleleka (PEP) kwabasinde emva kodlwengulo. IPEP ifumaneka mahala kwabasinde emva kodlwengulo abaxele kwisithuba seeyure ezingama 72 emva kodlwengulo. Ixhoba alinyanzelekanga ukuba livule ityala lolwaphulo-mthetho phambi kokuba linikwe iPEP. Ukuba ixhoba liya emapoliseni kuqala, ipolisa kufuneka lilazise ngokubaluleka kokufumaneka kwePEP kwaye amthumele kumaziko apho ikhoyo iPEP. Izitishi zamapolisa kufuneka zibe noluhlu lwamaziko ePEP kwisitishi samapolisa (efumaneka http://www.saps.gov.za/docs_pubs/legislation/sexual_offences.htm) kway kufuneka ibenesaziso esichaza amalungelo exhoba kwiPEP (iFomu 1 yeMiqathango).

Ukuba ixhoba liye kwiziko lezempilo, kufuneka lifumane iinkonzo ezahlukileyo ngokoMgaqo-nkqubo weSizwe woHlaselo ngokweSondo neMigaqo yeSizwe yokuLawula uNakekelo kuHlaselo ngokweSondo yeSebe leZempilo. (Qaphela: La maxwebhu asebenzisa 'uhlaselo ngokwesondo' xa abhekisa kungeno ngokwesondo (udlwengulo) – oku kwahlukile kulwaphulo-mthetho 'kuhlaselo ngokwesondo' kuMthetho wolwaPhulo-mthetho oneZilungiso (ulwaPhulo-mthetho ngokweSondo).

Ukuhlolwa kweHIV okuNyanzelekileyo koMmangalelwa

Lo Mthetho uvumela ixhoba, umntu onomdla okanye igosa eliphandayo ukuba lifake isicelo enkundleni sokuba umtyholwa kulwaphulo-mthetho ngokwesondo ahlolwe iHIV. Isicelo esinjalo kufuneka senziwe kwisithuba seentsuku ezingama90 emva kokwenzeka kodlwengulo. Esi sibonelelo sisebenza kuphela kwizenzo zolwaphulo-mthetho ngokwesondo apho ixhoba belinokuba belisesichengeni sencindi yomzimba yomtyholwa.

Isicelo kufuneka sigqithiswe kwigosa eliphandayo ekufuneka liqinisekise ukuba siyajongwa ngumantyi. Xa lo myalelo uvunyiwe, igosa eliphandayo lakuthatha umtyholwa limes kuhlolo lweHIV lize linike ixhoba imvulophu evaliweyo eneziphumo zohlolo lweHIV. Iziphumo zovavanyo ziyimfihlo kwaye azinakuchazwa kwabanye abantu.

Umkomishinala weSizwe wamoPolisa kufuneka aqinisekise ukuba amagosa aphantsi aziphatha njengemfihlo iziphumo zovavanyo kwaye kufuneka akunqande ukufikelela kula maxwebhu olungagunyaziswanga.

Ukuba ixhoba ligqiba ekufakeni isicelo sokuba ummangalelwa avavanyelwe iHIV, ixhoba kufuneka licityiswe ukuba lifikelele kwiPEP kwaye liqhubeka ukuyisebenzisa, nokuba iziphumo ziyabulandulo ubukho beHIV. Kwakho kufuneka acetyiswe ukuba abelane ngesondo ngokukhuselekileyo.

Zithetha ukuthini iziphumo zovavanyo?

Uvavanyo lweHIV lifumanisa ubukho beentsholongwane zeHIV egazini lomntu. Kungenzeka ukuba iziphumo zovavanyo zomtyholwa zithi akanayo intsholongwane yeHIV, nangona enayo intsholongwane yeHIV, ngenxa yokuba umzimba wakhe awukazivelisi izilwa-buhlungu zeHIV. Ukuba iziphumo zomtyholwa ziyabulandula ubukho beHIV, kungenzeka ukuba ebenayo intsholongwane iHIV ngethuba lesehlo ntonje usekwithuba lokulinda kuba ezakuphinda avavanywe.

“Indlela yokwazi ubume
bakho ngokubhekisele
kwiHIV kukuvavanya rhoqo”

Ukuba iziphumo zovavanyo zomtyholwa zithi uneHIV, loo nto ayithethi ukuba ixhoba losulelwe ngeHIV okanye liseemngciphekweni ophezulu wokwesuleleka yiHIV. Kubalulekile ukuba afune udlwano-ndlebe lwamacebiso necebiso lamayeza emva kokufumana iziphumo zomtyholwa zeHIV.

Apho kufunyanwa khona uncedo

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Apho kunokufunyanwa khona uncedo

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