



2022-2032 | INTERNATIONAL DECADE OF  
Indigenous Languages



**PanSALB**  
PAN SOUTH AFRICAN LANGUAGE BOARD

# CONSOLIDATED ANNUAL REPORT FOR LINGUISTIC HUMAN RIGHTS

APRIL 2021 – MARCH 2022 FINANCIAL YEAR





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## CONSOLIDATED ANNUAL REPORT FOR LINGUISTIC HUMAN RIGHTS: APRIL 2021 – MARCH 2022 FINANCIAL YEAR

The Pan South African Language Board (PanSALB) is a constitutional entity established by the Constitution of South African of 1996. PanSALB is envisioned in Section 6 of the Constitution and was created in terms of the PanSALB Act 59 of 1995 as amended in 1999. It was established to promote and ensure respect for multilingualism in general and foster respect for all languages spoken in the Republic, including languages other than the South African official languages.

### Objectives

The objectives of this focus area are as follows:

1. To facilitate investigations of linguistic human rights violations and publish the findings of the Hearing Committee
2. To raise public awareness in order to influence and promote multilingualism in all organs of society through effective protection and promotion of linguistic human rights.
3. To establish and maintain strategic partnerships with other constitutional bodies dealing with linguistic human rights.
4. To act as an agent of change by
  - Making language findings public; and
  - Approaching institutions that commit language rights violations with a view to assisting them with their practices and policies.
5. To commission
  - A comparative study on language rights complaints systems.
  - A language rights study on the prevention of the use of any language for the purpose of exploitation, domination or division;
  - A multi- disciplinary study on language and the law, alternative dispute resolution and related disciplines

Province						
<u>Gauteng</u>	KPI	Complaints Received	Nature of the case and its Assessment	Resolved/ Pending	Approach violator and consider response	Findings
	Percentage of linguistics human rights violations Resolved	<p><b>Natasha Parkins-Maliko</b> v/s <b>Fortune Madlala and Sarah Klaas</b></p> <p><b>Case Ref. No. 2021/04/06-001GP</b></p> <p>Case on SASL Interpreting</p>	<p>Linguistic Violation It was alleged that the SASL Interpreters did not interpret the message accurately during the President the address on Human Rights Day – Year of Charlotte Maxeke It was alleged that the quality constructs of a functional and effective interpretation was amiss in the target language. It was substandard.</p>	<p>Complaint on SASL Interpreting was lodged and <b>resolved</b>. A meeting of the SASL NLB TC was held to adjudicate over the matter.</p> <p>They had to listen to the recordings/video with the assistance of Sign Language Interpreters to verify the missing information, accuracy and proper signing. A letter of response was written to the complainant and a confirmation letter of intention to close the case was drafted</p>	<p>The violator was approached with the findings of the SASL NLB The violator was informed of the recommendations of the Committee</p>	<p>Please see the findings as attached herein in the letter to the complainant</p>

	Publications on linguistics human rights matters PanSALB websites and AR (Resolve and unresolved)	N/a	N/a	N/a	N/a	N/a
<b>Western Cape</b>	Percentage of linguistics human rights violations Resolved	<p><b>Clicks in Eikestad Mall in Stellenbosch vs Dr Mavela</b></p> <p><b>Ref no: 2021/04/16 – 001WC.</b></p> <p>Wrong translation of isiXhosa in the <b>COVID-19 Posters</b>”</p> <p><b>PanSALB (WC) vs uMhlobo Wenene FM,</b></p> <p><b>Ref no: 2021/05/24 - 001WC (PanSALB WC)</b></p> <p>Rama advert – wrong/degrading use of IsiXhosa”</p>	<p>Wrong translation of isiXhosa in the COVID - 19 Posters</p> <p>Rama advert – wrong/degrading use of IsiXhosa” ref</p>	<p><b>Two LHR cases were resolved:</b></p> <p>LHR process forms (complaint form, acknowledgement letter etc) Minutes: Adjudication meeting between PanSALB and Clicks was set on the <b>20/05/2021</b>.</p> <p>Clicks Response/Apology letter dated the <b>21/05/2021</b> Letter- intent to close the case</p>	<p>The WC Provincial office wrote a letter to Clicks and received a response letter from Clicks Eikestad Mall. On the mediation meeting Mr Gift Jeffrey (Clicks Area Manager) emailed the letter of apology and the letter was accepted by the LHR Subcommittee members.</p> <p>The WC Provincial Office sent an email to Mhlobo Wenene and the Station Manager Mr Phumzile Mnci in his response admitted that the isiXhosa advert is</p> <ul style="list-style-type: none"> <li>- degrading use of isiXhosa. He promised that as the Manager of uMhlobo Wenene</li> </ul>	<p>In addition, Clicks was asked to provide their language policy/ implementation plan of the company. A letter was drafted to intent to close the case</p> <p>On the Umhlobo Wenene FM response a letter of apology received dated 25/05/2021. The office drafted a letter intend to close the case dated 31/05/2021</p>

		<p>The gist of the complaint is reported as, "...the use of English language to disseminate government communication to the nation during public broadcast of events of national importance - given the diversity of our South African languages. This is a violation of Language Policy of the Government Communication &amp;</p>	<p>The language complaint it is education. UOLA states it clearly that all provincial and national department should have Language Unit. GCIS it is a government department.</p>	<p>dated the <b>31/05/2021</b>                  LHR processes forms (complaint content/ref number allocation request, acknowledgement letter/emails etc.)                  - Adjudication by emails with the LHR WCPLC convenor &amp; the WC office manager from the <b>21 - 25/05/2021</b></p> <p><b><u>Resolved</u></b></p>	<p>The Western Cape Provincial Manager Dr Nomfundo Mali wrote a formal letter to GCIS Provincial Manager on the 7 September 2021 refer to a Linguistic Human Right violation complaint letter dated 20 August 2021 with the case number reflected in the subject, for urgent attention within 5 (five) working days by (13/09/2021). On the 8 September 2021 Mr Mfeka was updated</p>	<p>The LHR complaint has been resolved as mitigation was conducted between both parties. It is because of the above that the case is closed.</p>
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		<p>Information System Section 9.1.1 and Constitution founding provision Section 6(4) that states the national government and provincial governments, by legislative and other measures must make sure all official languages must enjoy parity of esteem and must be treated equitably.” <b>REF. NO: 2021/08/31- 001WC.</b> Our Deaf student had symptoms. We took him to the Worcester Hospital testing center. An interpreter was not allowed to accompany the student inside. The student could not communicate with the staff. We had to resort to writing all the symptoms and possible relevant information on a piece of paper. the student had no linguistic rights while inside - communication was</p>	<p>Language complaint is education – Worcester Hospital it is a public hospital that accommodates community people who speaks different languages including SASL. An interpreter is needed for Hospital. There shouldn't be language barrier in the hospital.</p>		<p>about the letter sent to GCIS</p> <p>The WC provincial office engaged the Worcester Hospital concerning the complaint. They have since accepted our intervention for a workshop which will be held on the 27th of September 2021. Furthermore, they have issued apology and provided information which we requested.</p>	<p>The LHR complaint has been resolved as both parties reached an amicable resolution, the hospital took responsibility, and the complainant was satisfied. It is because of the above that the case is closed. Mr Andries Van Niekerk was part of the Deaf Awareness Month Celebration we hosted in Worcester Hospital.</p>
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		<p>limited. <b>REF. NO:</b> <b>2021/08/31- 002WC</b></p> <p><b>Mfeka v/s Presidency</b></p> <p><b>Ref No:</b> 2021/08/31 - 001WC</p>	<p>Linguistic Human Right Violation case lodged by Mr NK Mfeka regarding the language used by President in addressing the Public (family meetings of Health Regulations)</p>	<p><b>Case resolved</b></p>	<p>Letter was written to the Office of the President and the Office responded</p>	<p>The Office of the Presidency has an approved language policy coupled with implementation plan.</p> <p>The President indeed addressed the family meetings in English also code-switching to other languages. He tried to be multilingual as possible.</p> <p>GCIS will publish his speech in all official languages in its website as per the guidelines in the implementation plan</p> <p>No violation found in this case. Language policy of the Office of the President is in</p>
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						place as well as the implementation plan.  Case closed
	Publications on linguistics human rights matters PanSALB websites and AR (Resolve and unresolved)	N/a	N/a	N/a	N/a	N/a
<b>Mpumalanga</b>	Percentage of linguistics human rights violations Resolved	<b>Mr Nephtal Magagula</b>  <b>v/s</b> <b>Laerskool Badplaas</b>  <b>Case Ref. No. 2021/05/10-001MP</b>  Case on Siswati inclusion at Laerskool Badplaas		<b>Case Resolved</b>  Complaint on inclusion of Siswati at Laerskool Badplaas was lodge by Mr Magagula April 2021.  Mr Magagula and other parents of the learners at Laerskool Badplaas wanted the school to introduce Siswati. The school principal has been reluctant in implementing the request. The complainant also wrote to the district office as well as the Public protector.	The office had a meeting with the circuit manager of Badplaas as referred by the violator (The Principal of Badplaas). Virtual meeting was held on the 19 <sup>th</sup> August 2021.  The agreement during the meeting was to engage the SGB Chairperson of the school since language policy matters are within the powers of the SGB. The meeting with the SGB chairperson was held on the 23 September 2021  The SGB chairperson on behalf of the school indicated that the parents themselves	The SGB confirmed the fact that more than 60% of the learners are Siswati Home Language Speakers. While the SGB confirms that parents themselves are against the introduction of Siswati, the validity of this statement could not be validated. The general membership of parents could not be contacted. position on the matter.  The case could not be settled and had to be referred to the LHR coordination office for

				<p>The acknowledgement letter was written to the complainant and sent together with the complainant form.</p> <p>The case was referred to Mpumalanga Provincial Language Committee and it was discussed during the quarterly meeting May 2021. The MPLC decided to hold a meeting between with the school principal. The office wrote to the principal and requested a meeting; however the principal referred the office to the circuit manager.</p> <p>The case is awaiting the meeting between MPLC and the circuit manager which will take place during the second quarter.</p>	<p>stood against the introduction of Siswati as a subject in school. According to him the school did conduct a survey which reflected that parents themselves were against the learning of Siswati as subject</p> <p>The letter to the IEC was sent to the office on the 21 September 2021. The letter was then forwarded to Head Office, Communications Unit</p>	<p>adjudication. The matter was settled with the complainant and agreed to differ it to the Board of PanSALB as advice. PanSALB will continue to monitor the school and influence policy change</p>
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		<p><b>isiNdebele NLB v/s IEC</b></p>		<p><b>Case resolved</b></p> <p>The second case: IEC Violates isiNdebele. The IEC violation of isiNdebele was lodged by Mr Bafana Mtsweni and Mr Vincent Mahlangu, who are also isiNdebele NLB member and the Chairperson. The letter to IEC was sent to the office on the 21 September 2021.</p> <p>The IEC advert for the upcoming local government elections, the IEC used a language that is not consistent with the spelling and orthography of isiNdebele. The advert boards was written “ Tlolisa ukuvo uda”. The message was interpreted by complainant as misleading amaNdebele.</p>		
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				<b>Case registered in the previous quarter however it was resolved in the third quarter.</b>		
	Publications on linguistics human rights matters PanSALB websites and AR (Resolve and unresolved)	N/a	N/a	N/a	N/a	N/a
<b>Free State</b>	Percentage of linguistics human rights violations Resolved	Moses Lehlohonolo Matuba v/s Mahonono  <b>Ref: 2021/09/20 - 001FS</b>	Language use in the work place	<b>Case Resolved (Q4)</b>	A letter was sent to the violator and a subsequent meeting was held for mediation between the two parties.  The violation occurred at the district office of the Department of Correctional Services in Odendaalsrus. The Supervisor to both the violator and complainant sent PanSALB the institutional language policy.	The policy was not aligned with the provisions of the Constitution or the provincial language prescripts, it therefore needs to be revised.  The objection that the complainant was not supposed to use his mother tongue during a work parade was unfair because the policy provided does not articulately stipulate that English is the sole medium of communication.  The violator was of the understanding

						that English is the language of business at the Department of Correctional Services and preferred that it be used during parades to accommodate all employees because some are not Sesotho speaking.
	Publications on linguistics human rights matters PanSALB websites and AR (Resolve and unresolved)	N/a	N/a	N/a	N/a	N/a
<b>North West</b>	Percentage of linguistics human rights violations Resolved	<b>Vusi Ndlovu v/s Mafikeng Primary</b>  <b>Case Ref No:</b> (A reference number could not be generated as the matter was registered with PanSALB in the previous years)	Language Rights violation  The Mafikeng Primary school does not have Setswana in their curriculum and the complainant wanted it to be introduced.	<b>Resolved</b>	Letters were written to the Department of Education and SGB.  The complainant could not be reached in the email or telephone as he did not provide it.	The matter was previously attended by the NW Provincial Language Committee and the recommendations were made by both Department of Education and the SGB.  The Setswana could not be introduced at Mafikeng Primary however a new

						language for communication purposes was introduced.
	Publications on linguistics human rights matters PanSALB websites and AR (Resolve and unresolved)	N/a	N/a	N/a	N/a	N/a

**Overall summary:**

Nine (9) cases received and resolved = 100%

The additional cases received but still under investigation:

- Cultural Appropriation of the !Ora/onna Language by the Xirikuana/Griqua People
- Cllr of John Taolo Gaetsewe Municipality v/s Magistrate
- Moshe Molefe v/s Department of Education and Nquthu Municipality
- Mr Magagula v/s Laerskool Badplaas in language in education

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