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BOARD NOTICE 749 OF 2025

PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

REPORT

ON THE NATIONAL ORGANS OF STATES' READINESS FOR THE IMPLEMENTATION OF THE CONSTITUTION EIGHTEENTH AMENDMENT ACT, NO. 03 OF 2023

Date of Issue: January 2025

"One nation many languages"

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1. INTRODUCTION

1.1 The Pan South African Language Board (PanSALB) is a constitutional institution established in terms of Section 6(1)(5) of the Constitution of the Republic of South Africa to promote and create conditions for, the development and use of all official languages including the Khoi and San languages.

1.2 In terms of section 8(1)(a) of the PanSALB Act, PanSALB requested the national departments and their public entities and/or public enterprises to supply it with any legislative, executive, and/or administrative measures adopted by these departments and their public entities and enterprises relating to language policy and language practice (use) in terms of Use of Official Languages Act No. 12 of 2012 (UOLA).

1.3 PanSALB requested, in terms of section 8(1)(j) of the PanSALB Act, that the national organs of state to supply it with executive and administrative measures that they adopted to implement the Constitution Eighteenth Amendment Act 3 of 2023 which recognizes South African Sign Language as one of the official languages of the Republic of South Africa.

1.4 This recognition mandated the inclusion of SASL in government communications, ensuring equitable access to information and services for the Deaf community.

1.5 Further noting that section 14(c) of the PanSALB Act makes its recommendations binding.

2. BACKGROUND

2.1 The Constitutional Eighteenth Amendment Bill was signed into law by Mr President Cyril Ramaphosa on the 19th of July 2023. The Act has effected a change in the Constitution in that the Constitution now lists South African Sign Language (SASL) as an official language of South Africa. It is hoped that the official recognition of SASL will redress issues of access to quality education, socioeconomic opportunities, and public participation for Deaf South Africans.

2.2 The Use of Official Languages Act No. 12 of 2012 requires government institutions to promote and use all official languages, including newly recognized languages like SASL. In the first quarter of the 2024/2025 budget year, notice letters were sent to all national departments, public entities, and enterprises to report on their compliance on the administrative measures adopted to implement the Constitution Eighteenth Amendment Act. No. 3 of 2023.

2.3 The 2023/2024 Annual Report on the Use of Languages and national department's, public entities, or public enterprise's readiness to implement South African Sign Language as an official must submit reports to PanSALB not later than 30 June 2024. The narrative below and graphs indicate the state of readiness for the submission of SASL.

3. OBJECTIVE

3.1 The objective of this report is to assess the measures adopted by national department, public entity, and enterprise in implementing the provisions of the Constitution Eighteenth Amendment Act 3 of 2023.

3.2 The report aims to identify challenges, evaluate the current state of readiness, and provide recommendations to ensure comprehensive integration of SASL across the public sector.

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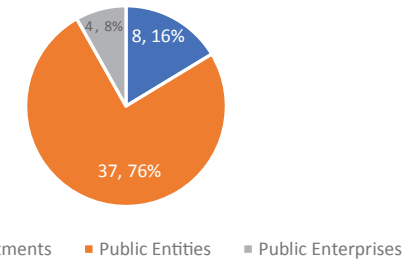
4. OVERALL DATA ANALYSIS

4.1 As illustrated in *Figure 1*, data was collected from a total of forty-nine (49) submissions categorized as follows: (i) eight (8) National Departments which makes about 16% of the total submissions. National public entities were the largest category to submit, 37 of them making about 76% of the total submissions. Only four (4) national public enterprises stated their readiness which makes it about 8% of the total submissions.

4.2 The following excerpts were extracted from the reports indicating whether these national organs of state are ready to implement the Constitution Eighteenth Amendment Act.

5. NATIONAL DEPARTMENTS

Figure 1: National Organs of State



5.1 **Department of Forestry, Fisheries & Environment**

The Department of Forestry, Fisheries and Environment's language sub-directorate makes provision for Braille and SASL by outsourcing the language service required. SANParks, one of the departments' entities hosts events at the Kruger National Park and with the assistance of the Mpumalanga Department of Social Development, provides sign language interpreting at these events.

5.2 **National Treasury**

National Treasury reports that Braille and Sign Language are currently not provided for publications due to budgetary and capability constraints, however, in the feedback response letter submitted along with the report, the Treasury states that Braille and SASL services will be outsourced, as necessary.

5.3 **Department of Tourism**

The department has already utilized SASL at flagship events such as the National Tourism Career Expo. However, they acknowledge challenges in procuring Sign Language interpreters, especially in rural areas where most departmental events are hosted. To address these issues, the department plans to review its language policy to include SASL, thereby supporting its implementation and use in official communications and public services. Additionally, they intend to raise awareness through internal communication channels to inform staff about the inclusion of SASL as one of the official languages. To further support this initiative, the department is scheduling SASL training sessions for staff to ensure effective communication and service delivery.

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5.4 **Department of Public Services and Administration**

The DPSA's language policy was renewed and approved by the Director-General, encompassing all twelve official languages, including South African Sign language. Furthermore, South African Sign Language was included in the list of the DPSA's language policy.

5.5 **Department of Science and Innovation**

The department submitted its language policy, language unit operation, the language policy's execution, and additional multilingualism promotion initiatives which also include SASL. In the language policy, it was stated that every effort would be made to accommodate the SASL members. However, the required action to support and promote South African Sign Language was not mentioned in their report.

5.6 **Department of Public Works and Infrastructure**

The department has acknowledged its inclusion of South African Sign Language in its language policy and acknowledges the lack of resources and finances to find adequate interpreters for South African Sign Language. It suggested outsourcing interpreters until further notice.

5.7 **Department of Sports, Arts and Culture**

The department submitted a report that highlighted the activities of DSAC's language unit, the implementation of its language policy, and other activities aimed at the promotion of multilingualism. The report made mention of the necessary initiatives that are aimed at the promotion and support of the South African Sign Language. It has one full-time sign language interpreter and is recruiting the second one to meet the demand.

The department is also engaged through REAH Sign in the project of digitalizing the South African Sign Language. The project aims to develop a Sign Language Interpreter System and Online SASL Dictionary. Furthermore, the department is advancing South African Sign Language (SASL) for 4IR Technological Development Using Place Names with the University of Free State. The project aims to develop a usable computer-readable data repository for SASL toponomy so that technologies for the SASL can be created and developed. The developed resources will be publicly accessible to researchers, stakeholders in the Deaf community, government agencies, and the public of South Africa.

The department sought advice from the department's legal services on the amendment of the Use of Official Languages Act (Act 12) of 2012, which will affect national government institutions when reviewing their language policies. The Amendment Bill is in the process of being drafted.

5.8 **Department of Mineral Resources**

5.8.1 The Department of Mineral Resources and Energy stated that it had a sign language interpreter in its establishment. However, the person resigned and attempts to fill the post were unsuccessful as suitable candidates preferred to freelance rather than taking up a full-time post.

6. <u>NATIONAL DEPARTMENTS DATA ANALYSIS</u>

The data depicts a story that there are efforts undertaken by the national departments to implement the Constitution Eighteenth Amendment Act even before its promulgated. Using the simple random sampling methodology where each national department may be chosen for participation, the eight national departments that responded project 20% of the total number of national departments which becomes a fair representation of the national government's efforts to include the

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SASL within a year from the date of promulgation. This percentage may even increase if one would consider the National Department of Basic Education which made SASL official in schools since 2012.

7. PUBLIC ENTITIES DATA ANALYSIS

There are forty-one (41) public entities and enterprises that submitted their UOLA reports. The evaluations of the reports reveal a mixed landscape regarding the inclusion of South African Sign Language (SASL). As SASL has been formally recognized as an official language, there is an increasing awareness among some entities of the necessity to incorporate it into their communication strategies.

Analyzing the public entities and enterprises reports, the picture becomes blur as only about ten (10) out of forty-one (41) public entities indicated their efforts to provide SASL. This represents about 24% of the total number of reports submitted by the national public entities and enterprises. These figures project a fraction when compared to almost 190 national public entities and public enterprises.

8. FINDINGS

8.1 The reports received reveal mixed measures regarding the implementation of the Constitution Eighteenth Amendment Act 3 of 2023. A few national organs of state have made commendable efforts to incorporate SASL into their language policies and practices.

8.2 Non-compliance with the Use of Official Languages Act presents difficulty to determine whether there are adequate measures implemented to the language provisions of the Constitution and the related-language legislation.

8.3 Funding of the language related-programmes and projects in compliance with the Constitution and UOLA is cited as the biggest stumbling block to implementation. The national organs of state always report a lack of funding to implement these language provisions.

8.4 The lack of funding has ripple effect on the number of skilled and professional personnel, establishment of the departmental or institutional language units as prescribed by UOLA and section 6(4) of the Constitution, the development and use of previously marginalized languages in compliance with section 6(4) of the Constitution, redress of the past injustices which are colonialization, linguicism, and Apartheid.

8.5 Positive measures highlighted in the reports include digitization and digitalization of the SASL to enhance SASL accessibility through online SASL dictionaries and interpreter systems, training frontline public servants on the basics of SASL and provision of interpreting in most public engagements by the national government.

9. RECOMMENDATIONS

PanSALB hereby gives a recommendation in terms of section 8(1) of the PanSALB Act based on the following:

9.1 That the state is deemed to be taking positive measures such the amendment of UOLA to include the development and use of SASL.

9.2 That the national organs of state have adopted while some are revising their language policies to include SASL as an official language.

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Thus, the Constitution Eighteenth Amendment Act 3 of 2023 which makes SASL an official language must proclaim its implementation to ensure:

a. **That the law is put into effect.**

b. **That budgets are allocated by organs of state to improve the implementation and then compliance.**

OFFICIAL SIGN OFF

By signing this document, I am acknowledging having read and accepted the content(s) of the report.

COMPILED BY CO-ORDINATOR LANGUAGES	**RECOMMENDED BY EXECUTIVE HEAD OF LANGUAGES**
Name: Nonkululeko W. Mkhize	**Name:** Julius Jabavu Dantile
Signature:	**Signature:**
Date: 21 January 2025	**Date:** 21 January 2025
APPROVED BY THE CHIEF EXECUTIVE OFFICER & INTERIM ACCOUNTING AUTHORITY	
Name: Mr Lance Schultz	**Comment:**
Signature:	
Date: 21 January 2025	