
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

OFFICE OF THE CHIEF OF JUSTICE**NO. 194****26 FEBRUARY 2016****OFFICE OF THE CHIEF JUSTICE**

**POLICY ON USE OF OFFICIAL LANGUAGES: THE OFFICE OF THE
CHIEF JUSTICE**

VERSION	EFFECTIVE DATE	PARAGRAPHS AFFECTED	REVIEW DATE
1		Initial Document	

OCJ/LANGUAGE POLICY

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OCJ/LANGUAGE POLICY

2. DECLARATION OF INTENT

2.1. The Use of Official Languages Act, 2012 (Act No 12 of 2012) requires that every national department must adopt a language policy and establish a Language Unit;

2.2. Prior to the advent of democracy in 1994, English and Afrikaans were the only official languages of South Africa and their exclusive official recognition resulted in the alienation of speakers of the indigenous languages from the justice system;

2.3. With the dawn of democracy, the Constitution of the Republic of South Africa provided for the principle of multilingualism with 11 languages being granted official language status.

2.4. Section 6 of the Constitution recognises the following languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu, as the official languages of the country.

2.5. The Use of Official Languages Act seeks to give effect to section 6 of the Constitution.

2.6. In order to provide a policy to redress the linguistic inequality and imbalances of the past and embrace the country's linguistic diversity; to ensure that the value underpinning the Constitution are embraced; the Office of the Chief Justice has adopted the Policy on the Use of Languages in order to regulate and monitor the use of official languages for purposes of conducting its official business.

2. DEFINITIONS AND ACRONYMS

Constitution means the Constitution of the Republic of South Africa, 1996.

Functional multilingualism means an approach in which the demographic, economic and attitudinal factors contemplated in section 6(3) of the Constitution are taken into account in language planning and policy development so far as to ensure effective communication and participatory democracy

Interpreting in relation to oral utterances means the transposing of utterances of one language into utterances of another language and, in relation to signed utterances, means transposing of the sign language into spoken language and the other way round, with "interpret" having a corresponding meaning.

Language of record means an official language chosen for record keeping or archiving processes and documentation of the OCJ

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Language rights means the linguistic human rights that are established by legislation, which rights determine the situations in which personnel and clients can elect to use their predominantly spoken language;

MTEF means Medium Term Expenditure Framework;

Multilingualism means the use of several of the official languages of the country in the written and oral communication;

Official language means an official language in terms of section 6(1) of the Constitution.

PanSALB means Pan South African Language Board, established by the Pan South African Language Board Act, 1995;

Service points means points of customer service administered by the OCJ which excludes court proceedings and any court processes;

Translation means the transporting of text from one language into another

Working language means an official language chosen by the OCJ as the language most practicable to use in a particular circumstances and/or communication event.

ACRONYMS

DAC	Department of Arts and culture
OCJ	Office of the Chief Justice
PAIA	Promotion of Access to Information Act, 2000
PanSALB	Pan South African Language Board
SASL	South African Sign Language

3. PURPOSE

3.1. The purpose of this policy is to:

- (a) Regulate and monitor the use of official languages for the department;
- (b) Promote and develop the use of indigenous languages within the Office of the Chief Justice; and
- (c) Address issues of promoting parity of all languages by effecting the legislative requirements of the Act.

4. LEGAL FRAMEWORK

The drafting of the OCJ Language Policy is guided by the following legal instruments:

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- 4.1. The Constitution of the Republic of South Africa, 1996;
- 4.2 The Promotion of Access to Information Act, 2000
- 4.2 Use of Official Languages Act, 2012
- 4.3. Regulations in terms of section 13 of the Use of Official Languages Act, 2012

5. OBJECTIVES OF THE POLICY

The policy seeks to achieve the following objectives:

- 5.1. Promotion of the equitable use of the 11 official languages;
- 5.2. Facilitation of equitable access to the services offered by the Office of the Chief Justice;
- 5.3. Promotion of good language management in the OCJ for efficient public service administration and service delivery;
- 5.4. Effective communication in the OCJ as well as access to services, resources, programs, information and knowledge for all South Africans; and
- 5.5. Redress the linguistic inequalities of the past which resulted in the underdevelopment of the indigenous languages and discrimination against speakers of those languages.

6. GUIDING VALUES AND CONSTITUTIONAL IMPERATIVES

The drafting of this policy is guided by the following values and constitutional imperatives:

- 6.1. Parity of use;
- 6.2. Development of languages;
- 6.3. Fairness
- 6.4. Equality;
- 6.5. Redress;
- 6.6. Transparency;
- 6.7. Openness

7. SCOPE OF APPLICATION

The policy is applicable to all employees of the OCJ; and all services offered by the OCJ at all its offices and service points but excluding court proceedings.

8. POLICY PRINCIPLES

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8.1. Guiding Principles for use of Official Languages by the OCJ.

In determining the language policy as contemplated by section 4 of the Use of Official Languages Act, (the Act) the OCJ is guided by the following considerations:

- (a) The recognition that English has become the general language of usage nationally and internationally;
- (b) Prevailing language usage in the service points and sites;
- (c) The acknowledgement that Afrikaans, despite the fact that it does not enjoy popular usage in certain provinces, is an indigenous language that has enjoyed official status in the past and has therefore become a second language to many communities. For this reason Afrikaans shall be retained as an additional language despite it being the least spoken language in other provinces so as not to diminish its official status.
- (d) The historical demographics of the country in terms of human settlement caused by the apartheid policies and the establishment of ethnically based self-governing states prior to 1994. This is reflected in the following instances, in particular,
 - (i) Mpumalanga Province incorporates the old KwaNdebele homeland where isiNdebele was the official language of the self-governing territory. It is therefore recommended that despite the fact that isiZulu is mostly spoken than isiNdebele in the Province, the latter should be recognised as an official language in that area as the Ndebele community is largely concentrated in Mpumalanga. The isiNdebele language is the least spoken language in all other provinces and failure to recognise the language in the Mpumalanga Province will result in the exclusion of the language from the recognised official languages;
 - (ii) With regard to the North West Province, Sesotho is preferred over isiXhosa language due to the influence of the old QwaQwa homeland and Free State which border North West.

8.2. Recommended Use of Official Languages by the OCJ

8.2.1 As informed by the factors mentioned in paragraph 8.1 above, the OCJ has adopted the languages to be used in its offices and service points as shown in the table below:

Provinces and National Sphere	Languages Adopted
National and Gauteng Province	IsiZulu, Sesotho, Sepedi, English and Afrikaans
Eastern Cape	IsiXhosa, English, Afrikaans and Sesotho
Free State	Sesotho, Afrikaans, English and isiXhosa
KZN	IsiZulu, English, isiXhosa and Afrikaans
Limpopo	Sepedi, Xitsonga, Tshivenda, Afrikaans and English
Mpumalanga	SiSwati, isiNdebele, Afrikaans and English
Northern Cap	Afrikaans, Setswana, isiXhosa and English
North West	Setswana, Afrikaans, Sesotho and English
Western Cape	Afrikaans, isiXhosa and English

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8.2. 2 Section 4 of the Act requires national departments to identify at least three official languages that the national department will use for government purposes and the table above captures the preferences of the OCJ in this regard.

8.3. Languages for People with Disabilities

8.3. 1. In recognition of the historically marginalised languages used by people with disabilities the department will strive to also promote the usage of braille and sign languages.

8.3. 2. In all public events hosted by the OCJ efforts will be made to ensure that sign language interpreting is available subject to the availability of resources for this purpose.

8.4. Communication

8.4.1. The OCJ will for practical reasons, in general, use English to conduct its business and to provide services to all its citizens. However, in order to promote the use and development of all other official languages, especially the previously marginalised indigenous languages, the OCJ will, in addition to English, provide services in the indigenous official languages which are predominant in the province concerned subject to the availability of resources.

8.4. 2. Any person including juristic person who writes to the OCJ shall receive a response in the language in which such person has written.

8.4. 3. Interpretation services shall be provided where necessary, subject to the availability of resources.

9. LANGUAGE OF COURT PROCEEDINGS

9.1. The use of official languages in court including court interpretation services, court processes, documents and recording of court proceedings shall be regulated by the rules of court or any other applicable legislation.

10. COMPLAINTS MECHANISMS

10.1. Any person who is dissatisfied with a decision of the OCJ regarding its use of official languages may lodge an official complaint to be addressed to an official to be delegated this function.

10.2. A complaint must be delivered to the street address of the OCJ or by registered post to- Private bag 10 Marshalltown, 2107

10.3. The complaint should be;

- (a) In oral or writing;
- (b) In the official language that the complainant prefers;
- (c) State the name, address, and contact information of the person lodging the complaint;

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- (d) Provide full and detailed description of the complaint;
- (e) Contain any other information that may be necessary to consider the complaint and that that may be requested.

10.4. The delegated complaints official shall:

- (a) Consider the complaint;
- (b) Investigate the matter; and
- (c) Provide a response and redress within a reasonable time period.

11. IMPLEMENTATION STRATEGY

11.1. The OCJ will establish a fully capacitated Language Unit to promote the implementation of the Language Policy.

12. POLICY REVIEW

12.1. The Language Policy will be reviewed whenever required but at least every two years.

Submissions in relation to the draft language Policy of the OCJ may be sent on or before 15 march 2016 to the following address:

By hand or post:

Mr Sello Chiloane
Office of the Chief Justice
41 Fox Street, Eura Building, 14th Floor
Marshalltown
2107
Email: Chiloane@concourt.org.za

Or

OCJ/LANGUAGE POLICY

Office of the Chief Justice

Private Bag X10

Marshalltown

2107

Any enquiries in connection with the draft policy can be directed to the above email.