
 GENERAL NOTICES • ALGEMENE KENNISGEWINGS

BOARD / RAAD
NOTICE 244 OF 2017



 LANGUAGE POLICY

TERMS OF REFERENCE

Initiated By:	Approved By:	Date Approved:	Version Number:
Malebogo Mahape- Marimo: CE	Board	30 July 2016	Version 1
Janeske Botes: A/CE	Board	26 November 2016	Version 2



LEGAL AID SOUTH AFRICA: LANGUAGE POLICY

1. Introduction

- 1.1. South Africa is a multilingual country and Section 6 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) grants official language status to 11 languages, namely Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- 1.2. There is increased awareness of the need to intensify efforts to develop the previously marginalised indigenous languages and to promote multilingualism.
- 1.3. The Use of Official Languages Act, 2012 (Act No. 12 of 2012) strives to give effect to the constitutional obligation of multilingualism. This Act requires that every national department, national public entity and national public enterprise must adopt a language policy and establish language units.
- 1.4. Legal Aid South Africa has a constitutional mandate and a legislative mandate (Legal Aid South Africa Act (39 of 2014)) to provide legal representation to persons at state expense, to provide legal aid and legal advice and to provide education and information concerning legal rights and obligations. There is a need to provide a policy framework to promote linguistic diversity and ensure redress for those languages which were previously marginalised so that there is equitable access to services and information.
- 1.5. Legal Aid SA has adopted this Language Policy so as to standardise and monitor how we use official languages in the course of conducting our business.

2. Definitions/Acronyms

For the purpose of this policy, except where indicated otherwise, the words and expressions set out below have the following meaning:

“Braille”	English Braille, also known as Grade-2 Braille
“Constitution”	Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
"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 the transposing of the sign language into a spoken language and the other way round, with "interpret" having a corresponding meaning
"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
“Multilingualism”	The use of several or all official languages of the country in written and oral communication
“Official language”	Any of the 11 official languages as prescribed in Section 6(1) of the Constitution
“Previously marginalised languages”	Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu
“Sensory disabilities”	A visual, speech and/or hearing impairment
“Third party “	Includes service providers and prospective employees

3. Policy Principles and Objectives

The Legal Aid SA Language Policy is based on the following principles:

- i. Recognition of the linguistic and cultural diversity within Legal Aid SA as well as the multilingual nature of the people of SA
- ii. A commitment to the promotion of language equity and language rights as required by a democratic dispensation
- iii. The development and promotion of all official languages
- iv. Ensure redress for the previously marginalised official indigenous languages
- v. The right that members' of the public have to use the language of their choice in their communication and interaction with Legal Aid SA; and the right to access and/or receive information and services in the language of choice, where reasonably possible

- vi. The need to provide for the communication needs of people with language barriers, such as people who are hearing and/or visually impaired
- vii. The constitutional and legislative mandate to promote multilingualism to ensure that communication between Legal Aid SA and the public is effective
- viii. Promotion of effective language management in Legal Aid SA for efficient service delivery

4. Purpose and Scope

The purpose of this policy is:

- i. To regulate and monitor the use of official languages for Legal Aid SA
- ii. To promote the equitable treatment and use of the 11 official languages
- iii. To promote equality of all languages in the provision of services and information
- iv. To comply with the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the Use of Official Languages Act, 2012 (Act No. 12 of 2012)

This policy is applicable to all the personnel of Legal Aid South Africa and all services offered by the organisation at all its offices.

The Communication Department is the official custodian of this policy.

5. Legislative Basis

This policy is based on the following legal frameworks:

5.1. The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

Section 6(3)(a) sets out the various factors that government departments must take into account when determining which official languages to use for their purposes. The following are some of the factors to be taken into account:

- (a) Usage
- (b) Practicality
- (c) Expense
- (d) Regional circumstances, and
- (e) The balance of the needs and preferences of the population as a whole or in the province concerned.

Section 6(4) obliges the national and provincial government departments to regulate and monitor the use of official languages by legislative and other measures.

Section 9(3) and (4) prohibit amongst others, discrimination on the basis of language, ethnicity, race and culture.

Section 30 gives individuals the right to use a language of their choice, and

Section 31 protects the rights of linguistic communities to use their language.

5.2. Use of Official Languages Act, 2012 (Act No. 12 of 2012)

The Use of Official Languages Act, 2012 contains various regulatory mechanisms, which include:

- (a) Section 4, the obligation to adopt language policies, and
- (b) Section 7 the requirement that every national department, national public entity and national public enterprise must establish language units.

5.3. Promotion of Access to Information Act, 2000 (Act 2 of 2000)

Language of Access

Section 31 of this Act provides that a requester whose request for access to a record of a public body has been granted must, if the record—

- (a) Exists in the language that the requester prefers, be given access in that language; or,
- (b) Does not exist in the language so preferred or the requester has no preference or has not indicated a preference, be given access in any language the record exists in.

6. Legislative and other Mandates of Legal Aid SA

Legal Aid South Africa derives its mandate from the Constitution of the Republic of South Africa (Act 108 of 1996), the Legal Aid South Africa Act (39 of 2014) as read with the current Legal Aid Guide - which will be replaced by the Legal Aid Regulations (Policy Provisions) and Legal Aid Manual (Procedural Provisions) - as well as other national legislation which gives effect to the rights and obligations enshrined in the Constitution.

6.1. Constitutional Mandate

Our constitutional mandate relating to criminal trials and appeals, civil children's matters and civil matters derives mainly from the four specific provisions that are highlighted below. These rights are given content particularly in our enabling legislation but also in other national legislation that is reflected in the ensuing paragraphs:

The Constitution of RSA (Act 108 of 1996)

Section 35(2) *"Everyone who is detained, including every sentenced prisoner, has the right -*

(c) to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ..."

Section 35(3) *"Every accused person has a right to a fair trial, which includes the right -*

(g) to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ...

(o) of appeal to, or review by, a higher court."

Section 28(1) *"Every child has the right,*

(h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; ..."

Section 34 *"Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum."*

6.2. Legislative Mandate

Legal Aid South Africa Act 39 of 2014

(Assented on 9 December 2014; Date of Commencement 1 March 2015)

The Legal Aid South Africa Act (39 of 2014) (hereafter referred to as the Act) came into operation on 1 March 2015.

Section 26 of the Act makes provision for transitional arrangements and provides that any person who immediately before the commencement of the Act held an office in terms of the Legal Aid Act of 1969, shall be deemed to have been appointed in terms of the Act and remains in that office for a period of 12 months after the commencement of the Act.

The transitional period ended on 29 February 2016 and the final phase of the Act commenced on 1 March 2016. With effect from 1 March 2016, Board members were appointed in terms of Section 6 of the Act together with all its committees which were appointed in terms of Section 13.

The Legal Aid Guide in operation at the time of commencement of the Act also remains active in terms of Section 26(6) of the Act until withdrawn and replaced by regulations made under Section 23(1) and the Legal Aid Manual referred to in Section 24(1), which have to be promulgated by no later than 28 February 2017.

The mandate and objects of Legal Aid SA are aptly described and detailed in the preamble to the Legal Aid South Africa Act (39 of 2014), as follows:

“To ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa; ...”

The objects are defined as follows in the new Act:

3. *The objects of Legal Aid South Africa are to—* (a)
render or make available legal aid and legal advice;
(b) provide legal representation to persons at state expense; and
(c) provide education and information concerning legal rights and obligations, as envisaged in the Constitution and this Act.

7. Linguistic Profile of South Africa

Table 1: Census 2011 information on the population by first language spoken per province:

First Language	WC	EC	NC	FS	KZN	NW	GP	MP	LP	TOTAL
Afrikaans	2 820 643	683 410	606 225	340 490	161 876	309 867	1 502 940	289 446	140 185	6 855 082
English	1 149 049	362 502	37 842	78 782	1 337 606	120 041	1 603 464	124 646	78 692	4 892 624
IsiNdebele	15 238	14 854	6 023	10 008	111 657	43 988	380 494	403 678	104 283	1 090 223
IsiXhosa	1 403 233	5 092 152	60 187	201 145	340 832	190 601	796 841	48 993	20 275	8 154 259
IsiZulu	24 634	31 634	8 501	118 126	7 901 932	84 835	2 390 036	965 253	62 424	11 587 375
Sepedi	8 144	14 299	2 431	7 395	20 555	83 999	1 282 896	372 392	2 826 464	4 618 575
Sesotho	64 066	158 964	14 136	1 717 881	79 416	201 153	1 395 089	138 559	80 299	3 849 563
Setswana	24 534	12 607	373 086	140 228	52 229	2 191 230	1 094 599	71 713	107 021	4 067 247
SiSwati	3 208	2 020	648	2 246	8 347	12 091	136 550	1 106 588	25 346	1 297 044
Tshivenda	4 415	3 663	1 083	2 592	4 309	16 255	272 122	12 140	892 809	1 209 388
Xitsonga	9 152	3 092	1 201	8 039	8 936	127 146	796 511	416 746	906 325	2 277 148
Total	5 675 604	6 458 325	1 127 683	2 675 777	10 153 789	3 457 004	12 075 861	3 998 726	5 338 675	

Legend: 1. First predominant language: Green
 2. Second predominant language: Orange
 3. Third predominant language: Blue

Table 2: Census 2011 information on the population by first language spoken per province (percentage):

Language	WC	EC	NC	FS	KZN	NW	GP	MP	LP
Afrikaans	49.7	10.6	53.8	12.7	1.6	9	12.4	7.2	2.6
English	20.2	5.6	3.4	2.9	13.2	3.5	13.3	3.1	1.5
IsiNdebele	0.3	0.2	0.5	0.4	1.1	1.3	3.2	10.1	2
IsiXhosa	24.7	78.8	5.3	7.5	3.4	5.5	6.6	1.2	0.4
IsiZulu	0.4	0.5	0.8	4.4	77.8	2.5	19.8	24.1	1.2
Sepedi	0.1	0.2	0.2	0.3	0.2	2.4	10.6	9.3	52.9
Sesotho	1.1	2.5	1.3	64.2	0.8	5.8	11.6	3.5	1.5
Setswana	0.4	0.2	33.1	5.2	0.5	63.4	9.1	1.8	2
SiSwati	0.1	0	0.1	0.1	0.1	0.1	1.1	21.7	0.5
Tshivenda	0.1	0.1	0.1	0.1	0	0.5	2.3	0.3	16.7
Xitsonga	0.2	0	0.1	1.3	0.1	3.7	6,6	10.4	17

8. Policy Statement

8.1. Recommended use of official languages by Legal Aid SA

Bearing in mind the linguistic profile of the country, as per section 7 above, to determine the official languages that will be used by Legal Aid SA in its offices and where it provides its services, it is recommended in Table 3 that the following languages per province be used:

Table 3: Legal Aid SA's recommended usage of languages per province:

Province	Languages
National	isiZulu, Sesotho, Sepedi, Setswana, isiXhosa, Xitsonga, Tshivenda, siSwati, isiNdebele, English and Afrikaans
Eastern Cape	isiXhosa, English, Afrikaans and Sesotho
Free State	Sesotho, Afrikaans, English and isiXhosa
Gauteng	isiZulu, Sesotho, Sepedi, Setswana, English and Afrikaans

Table 3: Legal Aid SA's recommended usage of languages per province (Continued):

Province	Languages
KwaZulu-Natal	isiZulu, English, isiXhosa and Afrikaans
Limpopo	Sepedi, Xitsonga, Tshivenda, Afrikaans and English
Mpumalanga	isiZulu, siSwati, isiNdebele, Xitsonga, Afrikaans and English
Northern Cape	Afrikaans, Setswana, isiXhosa and English
North West	Setswana, Afrikaans, Sesotho and English
Western Cape	Afrikaans, isiXhosa and English

Following consultations with Legal Aid SA's external stakeholders (see list in Annexure B) and applicants for legal aid (see data in Annexure C) on their preferred language/s of communication with the organisation, Table 4 below compares Legal Aid SA's initial list of recommended usage of languages per province, the findings of consultations with external stakeholders and the findings of the application language survey:

Table 4: Comparison of recommended and preferred languages:

Province	Languages as per Table 3	Languages as per consultation with External Stakeholders	Languages as per Application Language Survey
National	isiZulu, Sesotho, Sepedi, Setswana, isiXhosa, Xitsonga, Tshivenda, siSwati, isiNdebele, English, Afrikaans (all)	English dominates	isiZulu, Afrikaans, isiXhosa, Sesotho, Setswana, English, Sepedi, Xitsonga, siSwati, Tshivenda, isiNdebele (all)
Eastern Cape	isiXhosa, English, Afrikaans, Sesotho	English, isiXhosa, Sesotho, isiZulu	isiXhosa, Afrikaans, Sesotho, English
Free State	Sesotho, Afrikaans, English, isiXhosa	English, Setswana, Sesotho, Afrikaans, isiXhosa	Sesotho, isiXhosa, isiZulu, Afrikaans, Setswana, English
Gauteng	isiZulu, Sesotho, Sepedi, Setswana, English, Afrikaans	English, isiZulu, Afrikaans, Sesotho	isiZulu, Sesotho, Setswana, Afrikaans, Sepedi, isiXhosa, English, Xitsonga, Tshivenda, siSwati, isiNdebele

KwaZulu-Natal	isiZulu, English, isiXhosa, Afrikaans	English, isiZulu, isiXhosa, Afrikaans, Sesotho, Setswana	isiZulu, English, isiXhosa, Sesotho
Limpopo	Sepedi, Xitsonga, Tshivenda, Afrikaans, English	English, Sepedi, Afrikaans, Tshivenda, isiNdebele, Xitsonga	Sepedi, Xitsonga, Tshivenda, Sesotho, Setswana, isiZulu, Afrikaans, isiXhosa, isiNdebele, Other
Mpumalanga	isiZulu, siSwati, isiNdebele, Xitsonga, Afrikaans, English	English, Sepedi, Afrikaans, Tshivenda, isiNdebele, Xitsonga	isiZulu, siSwati, Sepedi, isiNdebele, Sesotho, Afrikaans, Xitsonga, isiXhosa, Setswana, English, Other
Northern Cape	Afrikaans, Setswana, isiXhosa, English	English, Afrikaans, isiXhosa, Setswana, Sepedi, Ndebele	Afrikaans, Setswana, isiXhosa, isiZulu, Sesotho, English
North West	Setswana, Afrikaans, Sesotho, English	English, Setswana, Sesotho, Afrikaans, isiXhosa	Setswana, Sesotho, isiXhosa, Afrikaans, isiZulu, Sepedi, Xitsonga, English, Other
Western Cape	Afrikaans, isiXhosa, English	English, Afrikaans, isiXhosa, Setswana, Sepedi, Ndebele	Afrikaans, isiXhosa, English

The recommended languages, as per Table 3 above, aligns with clients' preferred languages and can remain as is, with the following slight amendments:

Table 5: Legal Aid SA's recommended usage of languages per province – revised:

Province	Languages
National	isiZulu, Sesotho, Sepedi, Setswana, isiXhosa, Xitsonga, Tshivenda, siSwati, isiNdebele, English and Afrikaans
Eastern Cape	isiXhosa, English, Afrikaans and Sesotho
Free State	Sesotho, Afrikaans, English, isiXhosa, isiZulu and Setswana
Gauteng	isiZulu, Sesotho, Sepedi, Setswana, English and Afrikaans
KwaZulu-Natal	isiZulu, English, isiXhosa, Afrikaans and Sesotho
Limpopo	Sepedi, Xitsonga, Tshivenda, Afrikaans, English, Sesotho and Setswana
Mpumalanga	isiZulu, siSwati, isiNdebele, Xitsonga, Afrikaans, English, Sepedi and Sesotho
Northern Cape	Afrikaans, Setswana, isiXhosa, English, isiZulu and Sesotho
North West	Setswana, Afrikaans, Sesotho, English, isiXhosa and isiZulu
Western Cape	Afrikaans, isiXhosa and English

External stakeholders prefer English, which has been taken into account in confirming Legal Aid SA's language of business below.

8.2. Official languages of Legal Aid SA

- 8.2.1. Legal Aid SA shall strive to communicate in all 11 official languages, where necessary and feasible.
- 8.2.2. As per Section 6 (3) (a) of the Constitution, Legal Aid SA will consider the *usage, practicality, expense, regional circumstances and the balance of the needs and preferences* of the people it serves when deciding on the official language/s to be used.
- 8.2.3. Noting the general language of business and the courts in South Africa is English, Legal Aid SA shall adopt English as its language of business unless otherwise stated in the policy.
- 8.2.4. Legal Aid SA shall publish all its legal documents in English. Additionally, Legal Aid SA will group the remaining ten official languages into the Nguni group (including: Siswati, isiXhosa and isiZulu), the Sotho group (including: Sepedi, Setswana and Sesotho), Afrikaans, Tshivhenda and Xitsonga languages. The language groupings will be used on a rotational basis when publications of Legal Aid SA are made. Nationwide, a maximum of four language groups at a time will be used. Publications and usage of relevant languages at local and provincial level will include English and the most spoken languages of the area.

8.3. Communication with the public

- 8.3.1. For practical reasons, Legal Aid SA will in general, use English to provide legal aid services to the public and conduct its business. Based on the importance of promoting the use and development of all other official languages, particularly indigenous languages which were previously marginalised, Legal Aid SA will, in addition to English, provide services in the indigenous official languages which are predominant in that particular province, bearing in mind the availability of resources. A Language Policy roster herewith attached as Annexure A outline the implementation process to be followed.
- 8.3.2. Written correspondence with Legal Aid SA's clients will be responded to in the language in which it is addressed to Legal Aid SA.
- 8.3.3. Where necessary, interpreting services will be provided, considering the availability of resources.

8.4. Communication with stakeholders (internal and other third parties)

- 8.4.1. The following communications will be conducted in English, unless there is a need and having regard to usage, practicality, affordability, regional circumstances and the balance of the needs and preferences of the public, the communication may be translated into the requested official languages/s and Braille:

8.4.1.1. All internal official oral, written and electronic communication within Legal Aid SA (official announcements, official addresses, meetings, documents, newsletters, notices and circulars, memoranda, posters, banners, brochures, advertisements, signage and branding etc.)

8.4.1.2. All official oral, written and electronic communication where third parties may be involved including meetings, presentations, training sessions, group discussions, disciplinary hearings, job interviews, documents and reports etc.

8.4.1.3. Legal Aid SA Annual Reports and other strategic documents

8.4.2. Staff members of Legal Aid SA shall engage in all written business communications in English and may engage in oral, written and electronic communication among themselves in the language of their choice, provided that all involved in the communication understand the languages/s.

8.5. Communication with people with sensory disabilities

8.5.1. Legal Aid SA shall endeavor to provide communication material in Braille or alternatively audio for the benefit of visually impaired people, upon request.

8.5.2. Legal Aid SA shall endeavor to provide sign language interpretation for the hearing impaired, where necessary.

8.6. Communication with people whose language of choice is not an official language

8.6.1. Legal Aid SA will endeavor to provide services in a requested language as far as is reasonable possible and within its resources.

8.7. Publication of and access to the Legal Aid SA Language Policy

8.7.1. This policy will be available in all official languages

8.7.2. It will also be available in Braille or alternatively in audio on request

8.7.3. It will be available on the Legal Aid SA website (www.legal-aid.co.za)

9. Record-keeping

9.1. All official documents shall be placed on record in English and, where applicable, filed with any other version, that is, translated or adapted versions.

10. Complaints Resolution

10.1. Any person who has a complaint regarding the use of official languages by Legal Aid SA may lodge an official complaint in writing, to be addressed to an official to be delegated this function.

10.2. The complaint must be delivered to Legal Aid SA in one of the following ways:

- 10.2.1. Physical delivery to the Legal Aid SA National Office situated at Legal Aid House, 29 De Beer Street, Braamfontein, Johannesburg, 2017
- 10.2.2. By way of registered mail addressed to: Legal Aid South Africa, Private Bag X76, Braamfontein, 2017
- 10.2.3. Oral complaints can be directed to the delegated complaints official
- 10.2.4. The complaint should adhere to the following:
 - 10.2.4.1. Be in writing or oral
 - 10.2.4.2. Be in the official language that the complainant prefers
 - 10.2.4.3. State the complainants full details – full name, address and contact details
 - 10.2.4.4. Provide a full and detailed description of the complaint
 - 10.2.4.5. Contain any other additional information that may be necessary to consider the complaint, or that may be requested
- 10.3. The delegated complaints official will within a reasonable time period, consider the complaint, investigate the matter and provide a response in writing to the complainant.
- 10.4. If the complainant is not satisfied with the decision of the delegated official, he or she may lodge an appeal to the Chief Executive Officer of Legal Aid SA in writing.

11. Implementation Strategy

- 11.1. Legal Aid SA plans to establish a language unit within the 2016/17 financial year to support the implementation of this language policy
- 11.2. This Language policy is submitted to the Board for its approval for further consultation with internal and external stakeholders.
- 11.3. Consultation with internal and external stakeholders of Legal Aid SA shall be undertaken by October 2016 and reported on to the Board at its meeting in November 2016.
- 11.4. The Board shall adopt its final language policy after consultation with internal and external stakeholders in November 2016.

12. Review of the Legal Aid SA Language Policy

- 12.1. In keeping with the review of Legal Aid SA policies, the policy will be reviewed annually.

Annexure A**LANGUAGE POLICY ROSTER****1. Background**

This Language Policy Roster response to the requirements of the Use of Official Languages Act, 2012 (Act No. 12 of 2012). South Africa is a uniquely diverse country with 11 official languages spoken across nine provinces. A language policy roster system is proposed to address a balance of use of languages in Legal Aid SA's official communications (including: print, electronic and verbal).

The roster is thus proposed as an operational tool to bring into effect the Language policy position of Legal Aid SA.

2. Implementation and Resources**2.1. Indigent groups**

In order to achieve maximum impact and remove language as a barrier to communication and to enable access to justice by the designated groups, Legal Aid South Africa will implement this in phases. Languages will be used on a rotational basis to achieve this desired outcome. The approval of the language policy will be followed by the requisite resources through the establishment of a Language Services Unit within Legal Aid South Africa. The requisite capacity level of such a unit is still to be determined.

2.2. Employee Language of Communication

In line with the Language policy, English will be the elected official language of conducting our business, however people may communicate in their language of preference provided no participant is excluded through a common language.

2.3. Roster of Languages

The implementation of a language policy for Legal Aid SA will also take cognisance of the following:

2.3.1. The poverty nodal areas which coincidentally have the largest concentration of commonly spoken languages.

2.3.2. The total population who speak a common language per province.

2.3.3. Below is the roster which will guide our roll-out timelines:

Table 6: Legal Aid SA's recommended roster of languages:

Language	Timetable	Provinces	Resources needed	Items
IsiZulu, isiXhosa, English and Afrikaans	isiZulu: January 2017 to June 2017 isiXhosa: January 2017 to June 2017 English: January 2017 to June 2017 Afrikaans: July 2017 to December 2017	KwaZulu-Natal	Nguni Group Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
IsiSwati, Xitsonga, Afrikaans and English	isiSwati: January 2017 to June 2017 Xitsonga: January 2017 to June 2017 isiNdebele: January 2017 to June 2017 Afrikaans: July 2017 to December 2017 English: July 2017 to December 2017	Mpumalanga	Nguni Group Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
isiXhosa, English, Afrikaans and Sesotho	isiXhosa: January 2017 to June 2017 Sesotho: January 2017 to June 2017 English: July 2017 to December 2017 Afrikaans: January 2017 to July 2017	Eastern Cape	Multi-Xhosa and Sesotho Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
Sepedi, Tshivhenda, Xitsonga, Afrikaans and English	Sepedi: January 2017 to June 2017 Tshivhenda: January 2017 to June 2017 Xitsonga: January 2017 to June 2017 Afrikaans: January 2017 to June 2017 English: July 2017 to December 2017	Limpopo	Sepedi Group Language Practitioner Tshivhenda Language Practitioner Xitsonga Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
Sesotho, isiXhosa,	Sesotho: January 2017 to June 2017	Free State	Sesotho Language Practitioner	Printed and information promotional

Afrikaans and English	isiXhosa: January 2017 to June 2017 Afrikaans: January 2017 to June 2017 English: July 2017 to December 2017		Xhosa Language Practitioner	material, Legal Aid South Africa Mandate, how to access justice and Acts material
Setswana, Afrikaans and English	Setswana: January 2017 to June 2017 Afrikaans: January 2017 to April 2017 Sesotho: January 2017 to April 2017 English: January 2017 to June 2017	North West	Setswana Language Practitioner Sesotho Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
Afrikaans, isiXhosa and English	Afrikaans: January 2017 to June 2017 isiXhosa: January 2017 to April 2017 English: January 2017 to April 2017	Western Cape	Afrikaans Language Practitioner isiXhosa Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
Sesotho, isiXhosa, Afrikaans, Sepedi, Setswana, English and Zulu	Xhosa: January 2017 to March 2017 Sesotho: April 2017 to June 2017 isiZulu: July 2017 to September 2017 Afrikaans: October 2017 to December 2017 Setswana: January 2018 to March 2018 Sepedi: April 2018 to June 2018 English: July 2018 to September 2018	Gauteng	Sesotho and Nguni Language Practitioner/s Afrikaans Language Practitioner In Gauteng it is possible to secure the services of a multi-lingual Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access justice and Acts material
Setswana, Afrikaans, Xhosa and English	Setswana: January 2017 to March 2017 Afrikaans: April 2017 to June 2017 Xhosa: July 2017 to September 2017	Northern Cape	Afrikaans and Setswana Language Practitioner	Printed and information promotional material, Legal Aid South Africa Mandate, how to access

	English: October 2017 to December 2017			justice and Acts material
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The following need also be noted:

- I. In terms of English information is already available and we have in-house resources that we will continue to utilise for this purpose.
- II. Each Justice Centre will not necessarily have a Language Practitioner but ideally every Justice Centre as a point of service delivery have employees who can talk the local language.
- III. Publications will be a centralised service resident at Head Office and catering for the use of languages, rotationally as suggested.
- IV. In terms of consultations, Call Centre queries and enquiries from members of the public will be engaged in the language they understand and are comfortable with.
- V. Legal Aid SA will continue to rely upon the courts to use their interpretation services when cases are being heard.
- VI. Since our Justice Centres and Satellite Offices are demarcated per province, below is a table detailing language prominence:

Table 7: National language prominence:

Provinces	Primary Languages	Secondary Languages	Language Trends and Precedence
Limpopo	Polokwane, Sekhukhune, Bolobedu, Botokwa and surrounds: Sepedi Giyani: Xitsonga Vhenda: Tshivhenda	English	An equal split of the three languages spoken per area
Eastern Cape	IsiXhosa, Afrikaans, Sesotho	English	An equal split of the three main languages
KwaZulu-Natal	isiZulu, English, isiXhosa in Umzimkhulo and areas bordering the Pondoland area	Afrikaans	Mostly bilingual in isiZulu and English
Northern Cape	Afrikaans, Setswana and Khoisan towards the post Upington	English	An equal split of all three primary languages
Mpumalanga	Witbank: Ndebele Middelburg: Ndebele Malelane, Nelspruit, Baberton: isiSwati Xitsonga in Bushbuckridge and post Malelane towards the Mozambique border post	English	An equal split of the three spoken and common per area listed

Free State	Sesotho, isiXhosa and Afrikaans	English	Bilingual and small pockets being multi-lingual
Western Cape	Afrikaans, isiXhosa	English	Bilingual and with some small pockets multi-lingual
North West	Setswana, Sesotho, and Afrikaans	English	Mostly multi-lingual in Setswana, Sesotho and English including and towards the Northern Cape border
Gauteng	Sesotho, Sepedi, Afrikaans, Setswana, isiZulu	English	Mostly multi-lingual

Annexure B

EXTERNAL STAKEHOLDERS CONSULTED

Table 8: External stakeholders consulted:

Region	Government Departments	Courts	Other public entities	NGOs	CBOs	FBOs	Law Clinics/ Law Society /Advice Offices	Schools/ Crèches	Other
Eastern Cape	X	X	X	X	X		X	X	X
Free State/North West	X	X	X	X	X	X	X		X
Gauteng	X	X	X	X	X				X
KwaZulu-Natal	X	X	X	X	X				X
Limpopo/Mpumalanga	X	X	X	X	X	X	X	X	X
Western Cape/Northern Cape	X	X	X	X	X		X	X	X

- *Government Departments* include the Department of Justice and Constitutional Development; Department of Correctional Services; Department of Social Development; Department of Home Affairs; Department of Arts and Culture; Department of Health; Department of Education.
- *Courts* include Magistrate's Courts; Regional Courts; District Courts; High Courts.
- *Other public entities* include government hospitals; the NPA; Municipalities; SAPS; SASSA; CGE; PP; SAHRC; Mayoral Offices, et cetera.

Annexure C

APPLICANT LANGUAGE SURVEY DATA

Table 9: Details of applicants surveyed:

Prov	SA Citizen					Foreign National					Total				
	Civil		Criminal		Total	Civil		Criminal		Total	Civil		Criminal		Total
	No	%	No	%		No	%	No	%		No	%	No	%	
EC	797	13%	5,392	87%	6,189	2	2%	90	98%	92	799	13%	5,482	87%	6,281
FS	480	13%	3,113	87%	3,593	4	1%	269	99%	273	484	13%	3,382	87%	3,866
GP	1,045	14%	6,278	86%	7,323	36	6%	569	94%	605	1,081	14%	6,847	86%	7,928
KZN	1,083	13%	7,031	87%	8,114	11	4%	244	96%	255	1,094	13%	7,275	87%	8,369
L	318	14%	1,988	86%	2,306	4	3%	150	97%	154	322	13%	2,138	87%	2,460
MP	313	11%	2,558	89%	2,871	3	1%	244	99%	247	316	10%	2,802	90%	3,118
NW	374	12%	2,631	88%	3,005	3	2%	181	98%	184	377	12%	2,812	88%	3,189
NC	188	8%	2,065	92%	2,253		0%	73	100%	73	188	8%	2,138	92%	2,326
WC	758	8%	9,302	92%	10,060	9	3%	267	97%	276	767	7%	9,569	93%	10,336
Total	5,356	12%	40,358	88%	45,714	72	3%	2,087	97%	2,159	5,428	11%	42,445	89%	47,873
%	95.5%					4.5%					100%				

Table 10: Primary spoken language - South African citizens (Criminal):

Province	No of Respondents	Zulu	Afrikaans	Xhosa	Sotho	Tswana	English	Pedi	Tsonga	Swati	Venda	Ndebele	Other
WC	9,302	0%	66%	26%	0%	0%	7%	0%	0%	0%	0%	0%	0%
KZN	7,031	85%	0%	3%	1%	0%	10%	0%	0%	0%	0%	0%	0%
GP	6,278	37%	8%	7%	15%	9%	7%	8%	5%	1%	2%	1%	0%
EC	5,392	0%	15%	82%	2%	0%	1%	0%	0%	0%	0%	0%	0%
FS	3,113	5%	5%	6%	74%	5%	3%	0%	0%	0%	0%	0%	0%
NW	2,631	4%	6%	7%	9%	69%	1%	2%	2%	0%	0%	0%	1%
MP	2,558	39%	3%	1%	4%	1%	1%	14%	3%	27%	0%	6%	1%
NC	2,065	2%	58%	6%	2%	31%	1%	0%	0%	0%	0%	0%	0%
L	1,988	1%	1%	1%	9%	3%	0%	48%	20%	0%	15%	1%	1%
Grand Total	40,358	24%	22%	20%	10%	8%	5%	5%	2%	2%	1%	1%	0%

Table 11: Primary spoken language - South African citizens (Civil):

Province	No of Respondents	Zulu	Afrikaans	Xhosa	English	Sotho	Tswana	Pedi	Tsonga	Venda	Ndebele	Swati	Other
KZN	1,083	68%	1%	1%	29%	0%	0%	0%	0%	0%	0%	0%	0%
GP	1,045	24%	12%	6%	11%	19%	9%	11%	4%	2%	1%	1%	1%
EC	797	0%	23%	67%	9%	1%	0%	0%	0%	0%	0%	0%	0%
WC	758	0%	63%	18%	18%	0%	0%	0%	0%	0%	0%	0%	1%
FS	480	1%	12%	8%	1%	70%	8%	0%	1%	0%	0%	0%	0%
NW	374	2%	20%	6%	3%	9%	58%	2%	1%	0%	0%	0%	0%
L	318	1%	8%	1%	1%	3%	2%	44%	19%	21%	0%	0%	0%
MP	313	31%	8%	1%	5%	4%	0%	26%	2%	0%	12%	11%	1%
NC	188	1%	59%	10%	5%	6%	20%	0%	0%	0%	0%	0%	0%
Grand Total	5,356	21%	20%	16%	12%	11%	7%	6%	2%	2%	1%	1%	0%

Table 12: Proficiency in use of the English language - South African citizens (Criminal):

Prov	Understand			Speak			Read/Write		
	Good	Satisfactory	Poor	Good	Satisfactory	Poor	Good	Satisfactory	Poor
EC	15.9%	27.7%	56.4%	14.2%	24.6%	61.2%	13.8%	23.6%	62.6%
FS	26.8%	39.7%	33.4%	24.0%	34.9%	41.1%	22.7%	33.1%	44.2%
GP	33.8%	41.7%	24.5%	30.7%	40.9%	28.4%	30.3%	38.5%	31.2%
KZN	21.9%	37.0%	41.0%	20.1%	33.4%	46.5%	18.8%	31.2%	50.0%
L	27.2%	36.3%	36.6%	21.1%	35.4%	43.5%	21.5%	31.9%	46.6%
MP	25.4%	38.2%	36.4%	21.4%	36.7%	41.9%	21.5%	35.1%	43.4%
NW	28.3%	40.4%	31.3%	24.0%	39.3%	36.7%	24.6%	37.3%	38.0%
NC	15.0%	42.4%	42.6%	12.3%	37.9%	49.8%	11.9%	33.2%	54.9%
WC	24.4%	43.5%	32.2%	21.4%	40.6%	38.1%	19.4%	37.7%	42.9%
Grand Total	24.4%	38.7%	36.8%	21.5%	36.1%	42.4%	20.7%	33.8%	45.6%

Table 13: Proficiency in use of the English language - South African citizens (Civil):

Prov	Understand			Speak			Read/Write		
	Good	Satisfactory	Poor	Good	Satisfactory	Poor	Good	Satisfactory	Poor
EC	44.8%	30.0%	25.2%	41.5%	30.4%	28.1%	43.4%	27.1%	29.5%
FS	46.9%	30.2%	22.9%	43.8%	32.1%	24.2%	44.2%	30.8%	25.0%
GP	52.6%	31.4%	16.0%	48.5%	34.4%	17.1%	49.6%	30.8%	19.6%
KZN	47.7%	29.8%	22.4%	44.1%	29.7%	26.1%	46.8%	25.5%	27.7%
L	35.2%	40.9%	23.9%	33.0%	40.6%	26.4%	35.2%	36.8%	28.0%
MP	37.4%	30.7%	31.9%	36.4%	28.8%	34.8%	35.5%	27.8%	36.7%
NW	48.1%	28.3%	23.5%	43.6%	28.6%	27.8%	47.3%	25.4%	27.3%
NC	32.4%	33.0%	34.6%	31.9%	32.4%	35.6%	31.9%	27.7%	40.4%
WC	39.7%	40.4%	19.9%	37.7%	38.0%	24.3%	37.9%	36.0%	26.1%
Grand Total	45.2%	32.4%	22.4%	42.1%	32.7%	25.2%	43.5%	29.6%	26.9%

Table 14: Proficiency in use of the English language – Foreign Nationals (Criminal):

Prov	Understand			Speak			Read/Write		
	Good	Satisfactory	Poor	Good	Satisfactory	Poor	Good	Satisfactory	Poor
EC	15.6%	12.2%	72.2%	14.4%	12.2%	73.3%	13.3%	10.0%	76.7%
FS	16.4%	18.2%	65.4%	15.6%	13.8%	70.6%	11.2%	13.0%	75.8%
GP	21.8%	34.1%	44.1%	19.2%	32.5%	48.3%	18.1%	30.2%	51.7%
KZN	18.4%	26.2%	55.3%	16.8%	25.0%	58.2%	15.6%	21.7%	62.7%
L	46.0%	29.3%	24.7%	40.0%	34.0%	26.0%	37.3%	30.7%	32.0%
MP	18.0%	20.5%	61.5%	17.2%	16.8%	66.0%	16.0%	16.8%	67.2%
NW	13.3%	23.8%	63.0%	8.8%	24.3%	66.9%	9.4%	20.4%	70.2%
NC	17.8%	35.6%	46.6%	17.8%	35.6%	46.6%	17.8%	35.6%	46.6%
WC	21.3%	43.1%	35.6%	18.0%	43.8%	38.2%	18.4%	38.2%	43.4%
Total	20.8%	28.6%	50.6%	18.4%	27.5%	54.1%	17.1%	25.0%	57.9%

Table 15: Proficiency in use of the English language – Foreign Nationals (Civil):

Prov	Understand			Speak			Read/Write		
	Good	Satisfactory	Poor	Good	Satisfactory	Poor	Good	Satisfactory	Poor
EC	50.0%	50.0%	0.0%	50.0%	50.0%	0.0%	50.0%	0.0%	50.0%
FS	50.0%	25.0%	25.0%	50.0%	50.0%	0.0%	50.0%	50.0%	0.0%
GP	52.8%	33.3%	13.9%	50.0%	33.3%	16.7%	44.4%	38.9%	16.7%
KZN	63.6%	27.3%	9.1%	63.6%	27.3%	9.1%	63.6%	27.3%	9.1%
L	75.0%	25.0%	0.0%	75.0%	25.0%	0.0%	75.0%	25.0%	0.0%
MP	33.3%	0.0%	66.7%	33.3%	0.0%	66.7%	33.3%	0.0%	66.7%
NW	66.7%	0.0%	33.3%	66.7%	0.0%	33.3%	33.3%	33.3%	33.3%
WC	77.8%	11.1%	11.1%	66.7%	11.1%	22.2%	66.7%	22.2%	11.1%
Total	58.3%	26.4%	15.3%	55.6%	27.8%	16.7%	51.4%	31.9%	16.7%

Table 16: Primary language spoken by province – Foreign Nationals:

Language	GP	FS	WC	MP	KZN	NW	L	EC	NC	Total
Shona	106	148	68	34	52	52	99	23	18	600
Shangaan	77	6	2	67	11	30	6	7	2	208
Sotho	47	74	2	13	6	52			4	198
Chichewa	32	4	20	26	73	8	1	3	9	176
Ndebele	125		3	4	1	3	5	3	2	146
Swahili	19	2	42	2	43	4	1	12	3	128
Igbo	57	2	19	4	14	9	3	3	13	124
Portuguese	9	20	8	24	5	4	1	3		74
Tsonga	15	4	5	20			10		1	55
Swati	5	1	1	33	4					44
French	11	1	25		4				2	43
English	11	2	10	1	3	1	2		9	39
Zulu	20				8	3	1			32
Afrikaans	5	1	20					1	1	28
Xhosa	1		6		1	2		15	1	26
Somali	4		14		4			2		24
Amhara	2	1	2	3	3	1	4	8		24
Pedi	6			1			11			18
Bangla	3	1	2	1	1	1		5	2	16
Urdu	1			6	3	3				13
Lingala	4		4	1	1				1	11
Arabic	2		2		1	1		2	3	11
Venda	2						5		1	8
Tswana	1	1				5			1	8
Oromo			2	1			1	3		7
Asante	2	1	2			1				6
Nyanja			2	2	1					5
Mandarin			4							4
Yao			1		2					3
Dagaare	2									2
Luganda			1		1					2
Chiwa				1						1
Punjabi					1					1
Hindi						1				1
Umaric					1					1
Total	569	269	267	244	244	181	150	90	73	2087

Table 17: Nationality by province – Foreign Nationals:

Language	GP	FS	WC	MP	KZN	NW	L	EC	NC	Total
Zimbabwe	258	136	66	34	65	57	113	26	23	778
Mozambique	95	43	13	119	15	36	15	11	5	352
Lesotho	41	73	1	9	5	53			4	186
Malawi	30	4	18	21	70	7	1	2	8	161
Nigeria	59	2	21	5	11	8	3	3	18	130
Somalia	23	3	41	5	13	3	11	16	3	118
DRC	15	1	41	1	11				5	74
Swaziland	10		7	31	6	2		5		61
Tanzania	13		16	1	16	1		5	2	54
Ethiopia	4	2	4	4	6	2	5	10	2	39
Kenya	2		16		15	1		4		38
Bangladesh	3	1	2	1	2	1		7	3	20
Pakistan	3			4	4	3				14
Uganda	5	1	2				1	1		10
Ghana	2	2	2	1		2				9
China			7	1						8
Burundi	1	1	3		3					8
Botswana	2			2		3				7
Zambia	1		2	2		1	1			7
Rwanda	1		2	1						4
India				2		1				3
Angola			2							2
Iraq	1				1					2
England					1					1
Cameroon			1							1
Total	569	269	267	244	244	181	150	90	73	2087