

BOARD NOTICE 994 OF 2026



2022-2032 | INTERNATIONAL DECADE OF
Indigenous Languages



PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

2025/2026 LINGUISTIC HUMAN RIGHTS REPORT

Language Rights are Human Rights



"One nation many languages"

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2025/2026 LINGUISTIC HUMAN RIGHTS REPORT

1. EXECUTIVE SUMMARY

The Annual Linguistic Human Rights (LHR) Cases Report for the 2025/26 financial year presents a comprehensive account of PanSALB's efforts to uphold and advance linguistic human rights in South Africa. Guided by its constitutional and legislative mandate, the organisation continues to promote multilingualism while investigating and resolving complaints related to language rights. The LHR Unit remains central to this mandate, using mediation, conciliation, and, where necessary, legal processes to address violations and ensure compliance.

During the reporting period, the LHR Unit recorded a total of sixteen complaints, of which thirteen were successfully resolved, while three remain outstanding. This represents a resolution rate of 81%, reflecting a strong level of performance and demonstrating the effectiveness of PanSALB's intervention strategies. Most cases were resolved through cooperative engagement with institutions, indicating a generally positive response to the organisation's oversight role and its emphasis on constructive, non-litigious resolution mechanisms.

The resolved cases span a wide range of sectors, including law enforcement, education, media, and the private sector. They largely involved issues of language policy compliance, equitable access to services in different languages, and the appropriate use and recognition of South African Sign Language (SASL). In many instances, institutions responded by revising policies, providing language alternatives, or correcting practices that were inconsistent with linguistic rights. These outcomes underscore the practical impact of PanSALB's engagements and highlight the value of dialogue and mediation in achieving meaningful change without resorting to protracted legal action.

Despite this progress, a small number of cases remain unresolved, primarily due to their complex and sensitive nature. These include disputes involving institutional policy positions, such as the Legal Practice Council's decision to limit professional examinations to English, as well as matters relating to inclusivity and equity in multilingual contexts, and cases involving the perceived misrepresentation or disrespect of SASL. Such matters extend beyond straightforward rights violations and often require deeper legal interpretation, sustained stakeholder engagement, and, in some cases, formal adjudicative processes. Their ongoing status reflects broader systemic challenges within the linguistic landscape rather than shortcomings in operational performance.

The report also identifies emerging trends, notably an increase in complaints related to SASL and broader concerns about language accessibility within institutions. These trends point to growing public awareness of linguistic rights, particularly among historically marginalised language communities, while also revealing areas where institutional practices have yet to fully align with

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constitutional and legislative expectations. At the same time, the relatively low number of complaints overall suggests that public awareness of linguistic human rights remains limited, indicating the need for continued advocacy and education initiatives.

Several challenges are highlighted, including resistance from some institutions on policy-related issues, the complexity of certain cases that require legal enforcement rather than mediation, and the ongoing need to strengthen public understanding of linguistic rights. These constraints have implications for both the pace and scope of interventions, particularly where voluntary compliance is not readily achieved.

In response, the report outlines a strategic way forward that emphasises strengthening enforcement mechanisms, expanding public awareness campaigns, and enhancing collaboration with key stakeholders such as government departments and the South African Human Rights Commission (SAHRC). These measures are intended to reinforce PanSALB's capacity to address more complex cases, while also promoting a culture of respect for linguistic diversity and inclusion.

Overall, the report concludes that the LHR Unit has performed effectively during the financial year, achieving a high-resolution rate and demonstrating the value of proactive engagement with institutions. At the same time, it recognises that unresolved cases and emerging trends signal the need for a more robust combination of enforcement, advocacy, and partnership-based approaches to fully realise linguistic human rights in South Africa.

2. LEGAL FRAMEWORK AND BACKGROUND

Section 6(5) of the Constitution provides for the establishment of the Pan South African Language Board (PanSALB). PanSALB is established by Pan South African Language Board Act, No. 59 of 1995, amended by Act 10 of 1999 (herein the PanSALB Act).

The PanSALB Act provides the Board with several powers and functions. The objects of PanSALB, among others, in Section 3(a)(i) of this legislation, are the creation of conditions for the development and for promotion of the equal use and enjoyment of all the official South African languages. Section 8(1)(i) of PanSALB Act provides that the Board may investigate, on its own initiative or on receipt of a written complaint, any alleged violation of a language right, language policy, or language practice.

The PanSALB Act further provides that the PanSALB shall, after an investigation of the alleged violation in terms of Section 11(4)(a), and if it is of the view that there is a substance in the allegation, by mediation or conciliation or negotiation endeavour to have the dispute resolved or take further appropriate action.

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Pursuant to its Constitutional and legislative mandates, PanSALB created the Linguistic Human Rights subprogramme to deal with alleged linguistic human rights and language rights violations. This report is hereby submitted as a quarterly progress report.

3. THE REPORT WILL COVER

- 3.1. The cases resolved
- 3.2. The unresolved cases

4. COMPLAINTS

4.1. Western Cape Provincial SAPS Commissioner's English-only instruction

A complaint was made against the WC SAPS position that all statements by police officials must be in English only. It was reported in the last report that the LDU division had already drafted the relevant documentation, as a decision was taken that a public hearing would be necessary to pursue this matter further. The relevant documents were served to the Office of the National Commissioner of SAPS and the WC Provincial Commissioner. The date of the hearing was confirmed for 18 September 2025. However, SAPS, through the Office of the State Attorney, submitted a revised position deviating from the previous language policy directive (the source of the complaint that necessitated the proposed public hearing). The complaint then became moot, and the hearing was discontinued. In addition, PanSALB concluded that its Western Cape Provincial Office would monitor compliance with the revised provincial language policy directive proposed by in the response of the State Attorney. The matter has been resolved.

4.2. Legal Practice Council withdraws Afrikaans as a language of Candidate Attorneys' Examination

The Legal Practice Council (LPC) decided that candidates who were to write their examinations to be admitted as attorneys, notaries, and conveyancers would only be allowed to do so in English. Previously, these examinations were conducted in both English and Afrikaans. PanSALB engaged with the LPC with the view to advising it to reverse this decision and to ensure that it took positive measures to accommodate the other previously marginalized official languages. The LPC took the position that English is its official language insofar as examinations are concerned. The status is that PanSALB is of the view that this matter should be proceeded with by enforcing its statutory powers and issuing a subpoena for the LPC to appear before the Board.

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4.3. MiWay refuses to offer insurance services in isiZulu

This is a complaint about the MiWay insurance company, which insisted that the official language of their business is English. The complainant sought assistance from the company in isiZulu. The Board's Legal and Governance Committee decided that a legal opinion be obtained on the matter. A legal opinion was obtained from a firm of legal practitioners who have an existing service level agreement with PanSALB. The legal opinion offered was that it would not be legally sound to proceed with a form of action against Miway Insurance Company, but it further proposed the necessary steps that would be relevant to the private sector regarding the issue of multilingualism. This case is considered resolved.

4.4. Limpopo Tshivenda Distortion by the SABC News and Current Affairs matter

A complaint was received by the Limpopo Provincial Office regarding the inaccurate and inconsistent use of Tshivenda in SABC broadcasts, including Phalaphala FM, Zwa Maramani, and Tshivenda news segments. The complainant, a Tshivenda-speaking individual, raised concerns about the omission of diacritical marks arguing that critical pronunciation and meaning were lost when diacritical marks were excluded in written and spoken Tshivenda. Mismatched written and spoken language meant that there were deviations from standard orthographic rules, leading to confusion among listeners and viewers. The SABC was required to review and rectify the language use in Tshivenda broadcasts, ensuring adherence to standard orthography in line with the SABC Language Policy and to also provide clarity on measures taken to prevent such errors in the future. A consensus was reached, and the matter was resolved.

4.5. Department of Science, Technology, and Innovation (DSTI) and South African Translator's Institute (SATI) Tender Requirements

A complaint by a member of the public was lodged with PanSALB against the Department of Science, Technology, and Innovation (DSTI). The complaint related to DSTI's requirements that South African Sign Language interpreters procured through their processes have SATI accreditation. The complainant alleged that SATI did not accredit any indigenous African languages into SASL, nor SASL into African languages – only English is supported for accreditation. The complainant argued that this disadvantaged SASL interpreters who competently interpreted between SASL and other indigenous languages but could not qualify for accreditation.

PanSALB issued a letter requesting an explanation of SATI's SASL interpreter accreditation process and its limitations. Furthermore, communication was directed to DSTI explaining that accreditation may not be included as a requirement in the appointment of SASL interpreters because SATI accreditation is voluntary, SATI is not a regulatory body, and this prerequisite may unfairly disadvantage other interpreters. DSTI responded positively to the advice and the matter has been resolved.

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4.6. Limpopo isiNdebele Multilingual Spelling Bee Competition matter

A complaint was received after a Grade 7–9 learner from Esther Maleka Comprehensive School was initially denied recognition in the Sekhukhune District Multilingual Spelling Bee for using isiNdebele, while the competition officially included only Sepedi, Xitsonga, and Tshivenda. The exclusion was based on learner numbers, not willful discrimination. When the learner was placed in the top three, a resolution was reached, allowing her to compete at a provincial level under the Sepedi category. She participated in the provincial competition on 4 September 2025. However, the parents expressed their dissatisfaction with the resolution; this matter is still ongoing.

4.7. SASL complaint regarding Setotolwane High School (Limpopo)

A complaint was received regarding a Deaf learner at Setotolwane High School who had been provided with learning materials intended for hearing students. The Limpopo Provincial Office conducted a site visit on 2 September 2025, collected samples of teaching materials, and had them assessed by the SASL Chief Language Practitioner. The assessment noted potential challenges with the use of American or British Sign Language in some materials and suggested reviewing curriculum implementation with the Limpopo Department of Basic Education. Based on the investigation, it was concluded that no linguistic human rights violation had occurred. The teaching and learning materials were deemed suitable and compliant with DBE standards, and the matter was resolved.

4.8. South African Sign Language (SASL) hate speech matter

A complaint that was received by the Gauteng Provincial Office against several public posts and private messages made by a profile under the name of Snenhlanhla Mkhize toward several Deaf organizations and individuals. The respondent had used derogatory words to describe Deaf people and had issued death threats toward Deaf individuals and the Deaf community. It was noted that the respondent was based in KwaZulu-Natal. While the incidents related to language, it was agreed that the matter was all-encompassing on human rights. The matter was referred to the South African Human Rights Commission (SAHRC) for further action and the matter is considered resolved.

4.9. Avianto Estate Private School matter

A complaint was lodged with PanSALB about Avianto Estate Private School's decision to discontinue isiZulu as a First Additional Language (FAL) from 2026, leaving only Afrikaans as a FAL option. PanSALB investigated, requesting the school's language policy, learner demographics, and evidence regarding isiZulu enrolment and parent preferences. The school explained that low enrolment (12 learners in Grades 4–8) and financial constraints made a full-time isiZulu teacher unsustainable. Alternative arrangements, including a part-time teacher, were not feasible. Some learners transferred to schools offering isiZulu. The school committed to reinstating isiZulu if

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sufficient demand arose. The matter has been resolved.

4.10 Trompsburg Primary School matter

A complaint was lodged by a dorm father at Trompsburg Primary School regarding the provision of disciplinary and accommodation policy documents in English rather than Afrikaans, despite the school being an Afrikaans institution. The complainant highlighted the unreasonably short 7-day response period and that some colleagues could only understand Afrikaans. After PanSALB's intervention, the school provided the requested documents in Afrikaans, and the matter was resolved.

4.11 Fildelfia SASL Interpreter matter

A complaint was received regarding a SASL interpreter at Fildelfia School, alleging poor voice-over interpreting, missed information, and undue religious influence on learners. The interpreter had served as an intern for three years with limited improvement. PanSALB reviewed all documentation, including responses from the school principal and the interpreter, and noted that the complaint had not followed internal grievance procedures. The allegations were found to be unsubstantiated, personal rather than professional, and insufficient to warrant disciplinary action. The matter has been resolved.

4.12 Mpho "Poppo" Modikoane and Ms Farieda Pharoafi – SASL mockery complaints

On 8 May 2025, a video was posted by Mr Mpho Poppo Modikoane on social media, featuring President Mantashe, and incorporating SASL in a mocking and disrespectful manner, with the signing performed by Ms Farieda Pharoafi. The Deputy Chairperson of the SASL National Language Body found the content deeply offensive, noting that it trivialized SASL, promoted harmful stereotypes, and reinforced stigma against the Deaf community. PanSALB emphasized that public figures must use their platforms responsibly to avoid marginalizing minority language communities. An allegation letter was issued to Ms Pharoafi, and both respondents were requested to address the concerns within seven days, including removing the offending content. The videos were subsequently removed, but the matter is still on-going as the respondents have not acknowledged the complaint.

4.13 The unavailability of content in 11 official languages on South African Revenue Services (SARS) website

A complaint was received regarding the unavailability of written official languages on the SARS website. The North-West Provincial Office requested confirmation of whether the website content was available in all eleven written official languages, a copy of SARS's approved language policy, and clarification on whether services could be provided in any official language upon request.

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PanSALB confirmed that SARS had adopted 5 official languages in their policy and all those languages were available on their website. The matter has been resolved.

4.14 Inconsistent provision of SASL interpreting services by Mahikeng Children's Court

A complaint was received about the SASL interpreting services at the Mahikeng Children's Court. Investigations revealed that the Department of Justice and Constitutional Development had an approved language policy aligned with the Use of Official Languages Act, 2012, and the North-West Provincial Languages Act, 2015. SASL services were provided upon request from the second court appearance onwards, with new dates scheduled if an interpreter was unavailable. The Court acknowledged the inconvenience caused, and recommendations were made. The matter has been resolved.

4.15 Complaint about Investec Bank/Sowetan

PanSALB investigated a complaint regarding an Investec Bank advertisement in the Sowetan that was written in Sesotho using Lesotho orthography. It was confirmed that the advertisement had been issued by Investec, not NERSA. Investec acknowledged that using Lesotho Sesotho was an error and committed to consulting PanSALB in the future to ensure that South African Sesotho was used correctly. PanSALB advised the bank to ensure accuracy in its language use, and the complaint was considered resolved.

5 CONCLUSION

The LHR Unit received 16 complaints, resolved 13, and three cases are ongoing. The LHR Unit has managed to resolve matters beyond the baseline requirements with an achievement percentage of 81%. This can be attributed to the diligent approach in endeavoring to have the alleged linguistic human rights violation resolved. This may also be because most of the complaints are straightforward, and that complainants have a clear understanding of the PanSALB mandate and its jurisdiction.

PanSALB is concerned about the low numbers of complaints lodged. However, alleged linguistic human rights violations compete with other rights which are of immediate concern to the people of this country. This may include socio-economic rights such as access to water, food, and housing. PanSALB will implement various innovative ways to ensure empowerment and awareness and that the public is educated about their linguistic human rights.

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