



2022-2032 | INTERNATIONAL DECADE OF
Indigenous Languages



PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

2022/23

LINGUISTIC HUMAN RIGHTS COMPLAINTS FINALISED



"One nation many languages"

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COMPLAINTS
FINALISED**

1. MULTICHOICE/MNET/KYKNET MATTER: CASE NO PANSALB 01-09-22 GP

This is PanSALB own initiative complaint. In terms of **Section 8(1)(i) of Pan South African Language Board Act, No 59 of 1995**, amended by **Act 10 of 1999**, PanSALB 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. It was against this background that PanSALB initiated this complaint. This complaint was picked up in the social media about the intended broadcasting of a “***Die Real Housewives van Pretoria - the first Afrikaans version of the popular franchise***”. This production was aired for the first time from 13 October 2022 at 20:00 in an Afrikaans medium pay channel **Kyknet Channel** under the **Multichoice Consortium**. PanSALB was concerned that this production which was for the Afrikaans speaking community around Pretoria only comprised exclusively of the White Afrikaans speaking cast. PanSALB reiterated that the official statistics in South Africa confirmed that there was a significant number of South Africans who are not white are Afrikaans speaking. It was against this background that PanSALB initiated this complaint to verify whether this production does go against the Constitutional framework of the Country which promotes equality and prohibits unfair discrimination. **Multichoice Consortium** was given an opportunity to address the concerns raised by PanSALB.

Multichoice submitted that the selection of the cast for the production included among others:

- a) *focuses on the lives of a group of larger-than-life women, each cast for their fabulous lifestyles, sparkling personalities.*
- b) *centres on the lives and lifestyles of these five interconnected women who are friends and enemies all at the same time*
- c) *the cast must “behave in over-the-top ways, and that’s fun to watch”;*
- d) *the cast “must not be afraid to be active participants in the scenes, and should be comfortable with themselves on camera”.*

Multichoice Consortium went further and argued eleven women of “**colour**” were shortlisted as potential cast members who met the above-mentioned requirements. However, despite being invited to do so, all eleven women chose not to participate in the programme. Due to MultiChoice’s extensive response explaining the processes followed, PanSALB could not pursue the matter any further. However, should there be evidence to the contrary, this matter will be pursued further within the framework of the Constitution of the RSA, 1996.

2. ISIXHOSA/AFRIKAANS EDUCATOR MATTER: CASE NO: PANSALB-01/02/2023 WP

PanSALB Western Cape Provincial office received a language complaint on the 21st of February 2023 from a Complainant who is an educator in the Western Cape. Her alleged linguistic human rights violation complaint was about being “forced” as an IsiXhosa teacher, to teach Afrikaans speaking - and IsiXhosa speaking learners the Afrikaans subject. Further investigation and after receipt of the necessary Educators recruit policy from the Western Cape Department of Education (WCED), PanSALB came to a conclusion that there was no linguistic human rights violation committed by the WCED. This was a matter which involves recruitment processes and internal arrangements between the School Management and the Educator. This matter can be dealt by the WCED within the framework of their education laws and their recruitment processes. The Complainant was accordingly, advised to refer her dispute with the WCED relevant authorities for further action and provide appropriate remedy.

3. BERGGRIVIER MUNICIPALITY MATTER CASE NO: PANSALB 01 -12- 2022 WP.

PanSALB Western Cape Provincial received a complaint from a job applicant (the Complainant) who alleged that she applied for an advertised position in Bergrivier Municipality. She was then invited for an assessment/interview and the proceedings were conducted in Afrikaans. After the intervention by PanSALB, the recruitment process was stopped, and no appointment was made. The Municipality gave the undertaking that the post will be re-advertised, and the Complainant was given an opportunity to re- apply and that the language issue will be rectified. PanSALB further advised the Complainant to lodge an unfair labour practice dispute with the local CCMA offices. However, the Complainant decided not to re-apply for the post. The matter was considered to be finalised as the Municipality conceded that practice was against the Language Policy of the Municipality. They undertook to start the recruitment process afresh. This is a classical case wherein there are perception that in certain areas people assume that everyone speaks and understand Afrikaans, in tis Municipality the language Policy provides that the official languages are English, Afrikaans and is Isixhosa. It is troubling that officials who are senior management members of the organisation could just insist that the job applicant who is Isixhosa speaking was expected to participate in her assessment in Afrikaans. The Municipality further alluded that investigations will be conducted and disciplinary proceedings will be instituted depending on the outcome and the recommendations of the investigation.

4. FAUNA CLINIC MATTER CASE NO. PANSALB 01-12-23FS

PanSALB Free State Provincial Office received a complaint about the incorrect translation of the medication package from Fauna Clinic. PanSALB then approached the clinic regarding the source of the translation and distributor of the pills. PanSALB was referred to the Pharmacy at the Psychiatric Complex. A Pharmacist then informed PanSALB that the packages came from the District Office. After the intervention by PanSALB the Free State Department of Health gave an undertaking that this issue will be attended to, and they will give correction of Sesotho translation in their medicine packaging. The District Office agreed that the translation was wrong, and they did not enlist services of qualified Sesotho translator and editor. The Free State Department of Health will rectify the translation and determine financial implications to reprint. The Department further confirmed that it will use the correct term on the next package going to the public. PanSALB will be following up on the matter. Going forward, the Department of Sport, Arts, Culture and Recreation: Language Services will be consulted by the Free State Department of Health regarding the correct terminology and translation and the District Office will also be provided with a database of qualified translators and editors.

5. KGOSI VS MANTONA MATTER CASE NO. PANSALB 01-10-23 LP

PanSALB Limpopo Provincial Office received a complaint from an association of Traditional Leaders in Limpopo province. The complainants are members of an association which serve and protect the interests of traditional leaders in Limpopo Province. The crux of the complaint was that the linguistic expression of the Kgoshi is reserved only to senior traditional leaders with the exclusion of the "Headmen" and "Headwomen". The Headmen and Headwomen are not allowed to use the title of Kgosi. The crux of the matter is that the complainants want to be addressed as "Kgosi" or "Kgosisgadi" and not as "Mantona". After an investigation by PanSALB it became apparent that these institutions are recognised by the applicable legislation dealing with traditional leadership institutions. The definitions are provided for in that legislation. In conclusion this is a complaint which must be dealt by Legislature. The traditional leadership is

recognised in terms of the legislation and regulated in terms of the legislation, Customary law and Practice. The complainants were represented by an Attorney and were advised that this matter does not fall within the jurisdiction of PanSALB. The essence of the complaint is about the wording in the legislative framework which recognised the traditional institution. The best possible way is for the complainants to engage the National House of Traditional Leaders or the Provincial Houses of Traditional Leaders. The house can then approach the law makers to address the issue. The current legal framework uses the names “headman” or “headwoman.”

6. IKWEKWEZI FM MATTER CASE NO: PANSALB 01-11-22MP

PanSALB Provincial Office received a complaint that **Ikwewezi FM** has standardised the isiNdebele terms/names/words and announced them on radio to enforce the Isindebele speakers to use them. The crux of the complaint was that **Ikwewezi FM** was acting in contrary to the SABC language policy. Subsequent to the intervention by PanSALB, SABC Mpumalanga reiterated its stance that engagements with internal and external stakeholders need to be conducted in a manner that is reflective of the values of the SABC and in line with the common goal sort by all parties. **Ikwewezi FM** reiterated its position that it was not acting in contrary to the SABC language policy. PanSALB came to a conclusion that it appreciates the SABC and Ikwewezi FM’s commitments and wish to have better and strengthened relations with critical stakeholders such as the NLB and PanSALB to advance isiNdebele as a language and amaNdebele as the people. In conclusion there was no sustainable evidence that **Inkwenkwezi FM** was acting in contrary to the SABC Language policy.

7. USE OF IMPROPER ISNDEBELE MATTER CASE NO. PANSALB 02-11-22MP

PanSALB Mpumalanga Provincial Office received a complaint about a member of the public, whom it is alleged to be using names and words in the social media that are in contrary to the Spelling and Orthography Rules. Subsequent to PanSALB’s intervention, it came to a conclusion that member of the public was using platform in developmental roles of coining out words in good faith. This will be good for the intellectualisation of Isindebele language than harming it. PanSALB acknowledges that the Constitution of the RSA further provides that everyone has the right to a freedom of expression. In handling these issues, PanSALB should not lose sight of respecting other people’s opinions as provided for in the Constitution that everyone has the right to freedom of belief and opinion. It should be noted that every speaker of a language has a right to that language regardless of the academic rules of the language. Standardised language is not emphasised to exclusion of dialects but to the inclusion of other forms of expression within the language concerned. In conclusion, PanSALB and its structures must engage positively with anyone who is involved in development of the any constitutionally recognised languages. Such engagement will always be constructive and progressive.

8. COMPLAINT BY ONE EDUCATOR AGAINST ANOTHER ON THE ABUSE OF SASL CASE NUMBER PANSALB 01-10-22 KZN

PanSALB KwaZulu-Natal Provincial Office received a complaint about one Educator alleging that another educator was violating his linguistic human rights. Both educators have the same academic qualifications and experience. However, after some investigations, PanSALB came to a conclusion that there were no linguistic human rights violation. PanSALB further came with recommendations that the KZN Department of Basic Education must address the matter of the two teachers and the process and procedure of the appointment of an HoD and that a

Workshop on a deaf Charter for teachers, parents and learners at the school should be organized.