



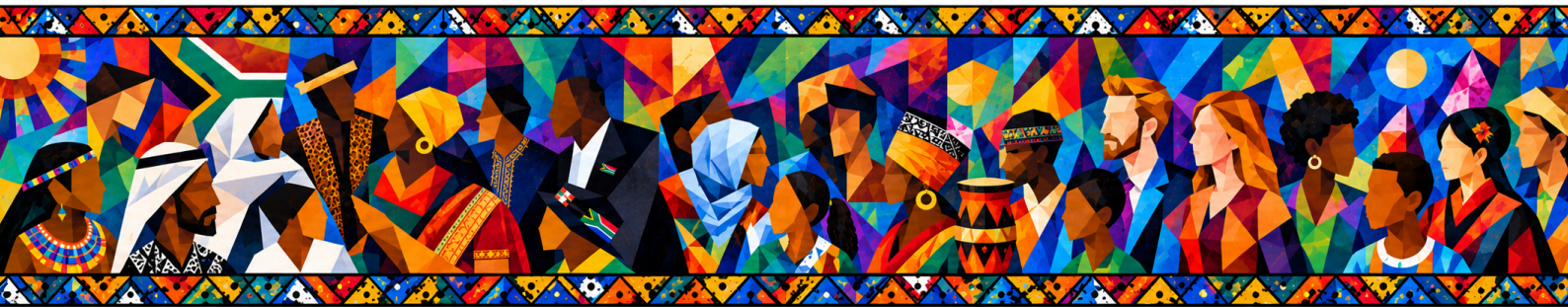
FW de Klerk
FOUNDATION

THE FW DE KLERK FOUNDATION'S

Cultural, Religious and Linguistic Rights Report Card 2026



Executive Summary



THE FW DE KLERK FOUNDATION'S Cultural, Religious and Linguistic Rights Report Card

Issued by Daniela Ellerbeck on behalf of the FW de Klerk Foundation on 16/09/2026

IN TRIBUTE TO THE DIVERSE CULTURES, beliefs and languages that make up South Africa, the FW de Klerk Foundation proudly presents this Cultural, Religious and Linguistic Rights Report Card. Released annually in celebration of Heritage Day, it assesses the degree to which the Constitution's various cultural, religious and linguistic rights ("CRL Rights") are enjoyed in practise. The Constitution also guarantees communities the rights to live their culture, speak their language, and practise their faith. The CRL Rights Report Card 2026 assesses the extent to which these rights were realised between September 2025 and September 2026, as well as the performance of the institutions entrusted with their protection. The FW de Klerk Foundation releases this report in a constructive spirit, trusting it will help the respective institutions to take steps to strengthen the enjoyment of these rights.

Protecting diversity is one of the key characteristics of a free and open society¹ and **the Constitution celebrates diversity** as one of South Africa's core assets.² The CRL Rights Report Card undertakes to gauge how far we have come (and how far we still must go), as a nation, in protecting and promoting our diversity, for "*South Africa belongs to all who live in it, united in our diversity.*"³

The period under review was marked by **meaningful, though uneven, progress.** Compared to the previous reporting period, the overall trend in rights enjoyment was mixed. Improvement was recorded in the enjoyment of four of the eleven rights assessed, while three rights showed a decline. The remaining four rights remained unchanged, indicating stability in their level of enjoyment over the reporting period.

While the Constitution, laws and judicial and administrative developments **strengthened the formal recognition of South Africa's diversity**, implementation continued to lag behind policy. Inadequate funding, limited institutional capacity, shortages of qualified personnel, inconsistent compliance and weak accountability remained significant obstacles. The central challenge is the **failure to translate constitutional commitments into accessible, properly resourced and consistently delivered services.**

The performance of the principal institutions responsible for these rights was also mixed: The Pan South African Language Board assumed a more visible role through monitoring, advocacy, public hearings and language-development initiatives, but remained constrained by funding pressures and widespread non-compliance. The CRL Rights Commission's Section 22 process was surrounded by controversy and weakened confidence in this Chapter Nine institution.

Overall, South Africa retains a strong constitutional foundation for cultural, religious and linguistic diversity, yet the enjoyment of these rights remains uneven and too often depends on geography, institutional capacity and access to resources. **The national priority must now be to move decisively from recognition to implementation.** This will require properly funded language and accessibility services, qualified personnel, reliable performance information, stronger accountability and sustained protection against discrimination.

South Africa's diversity must not be regarded as an administrative burden or a source of division. Properly respected and responsibly governed, it remains one of the nation's greatest strengths.

¹ *Prince v President, Cape Law Society, and Others* 2002 (2) SA 794 (CC) at paras 49 and 92.

² *MEC for Education, KwaZulu-Natal & others v N Pillay & Others* 2008 (1) SA 474 (CC) at para 65 read with *Prince v President, Cape Law Society, and Others* at para 49.

³ Preamble of the Constitution of the Republic of South Africa, 1996 ("the Constitution").

Principal Developments Affecting CRL Rights in 2026

1. South African Sign Language became the 12th official language

This constitutional reform created lasting obligations across government, education and the justice system. Thus, advancing Deaf South Africans' rights to dignity and equality and access to government services.

2. Mother Tongue-Based Bilingual Education expanded

The programme reached thousands of schools. It strengthened educational access and gave indigenous languages a greater role in teaching and learning.

3. Government proposed major reforms to the Use of Official Languages Act

The draft bill would require national institutions to identify and use at least seven official languages, including South African Sign Language. Its success will depend on enactment, funding and firm implementation.

4. The National Language Summit launched a unified policy process

The Summit produced a declaration and a National Task Team. It created a foundation for stronger coordination, clearer accountability and sustained action on multilingualism.

5. Controversy surrounding the CRL Rights Commission's Section 22 Committee

The CRL Rights Commission's initiative to develop a framework for regulating religious institutions faced strong opposition from faith communities and led to Parliament becoming involved.



Key Recommendations by The FW De Klerk Foundation

1. Harness Artificial Intelligence to Advance Multilingual Service Delivery

Municipalities should leverage artificial intelligence ("AI") technology to allow service delivery interactions to occur in the resident's language preference. Given South Africa's linguistic diversity and the resource constraints facing many municipalities, AI-driven solutions offer a practical and cost-effective means of expanding language access and promoting inclusive service delivery.

Municipalities are encouraged to explore:

- a. The use of [generative artificial intelligence](#) ("GenAI") to produce multilingual public service videos for diverse populations;
- b. [Live AI Translation](#) tools that provide real-time captioning and translation during council meetings, public consultations and community engagements;
- c. The use of [AI-Based Document Translation Platforms](#) that offer secure, large-scale translation of government documents (even including PDFs and scanned files) to ensure that critical information, e.g. tenders, bylaws, policies and public notices, are available in all official languages;
- d. [Real-Time Speech-to-Text and Speech Translation](#) that would enable multilingual communication in live interactions, such as service counters or call centres, public hearings and emergency hotlines; and
- e. [AI-Powered Multilingual Chatbots](#) to provide real-time, conversational support in multiple languages via websites, mobile apps and messaging platforms for routine queries.

These technologies have the potential to transform the relationship between government and citizens by making public services more accessible, responsive and inclusive. They also allow municipalities to adapt quickly and efficiently to changing demographic and linguistic needs.

2. Establish Dedicated Funding for Language Services

Without reliable funding, constitutional commitments to multilingualism and equal access will remain difficult to realise in practice. To this end, it is recommended that National Treasury should create dedicated budget line items for language services. Language-service budgets should be ringfenced to prevent them from being absorbed into broader administrative spending. Government entities should report annually on expenditure related to multilingualism, language development and accessibility and publish measurable performance indicators on language access and implementation. These measures would improve accountability, strengthen compliance and help ensure that language rights are supported by the resources needed to give effect to them.

3. Strengthen PanSALB's Enforcement Powers

The Pan South African Language Board ("PanSALB") plays a vital role in monitoring compliance with South Africa's language rights framework. However, its ability to secure meaningful compliance remains limited. To address this, PanSALB's empowering legislation should be amended to strengthen its oversight powers. PanSALB should be empowered to issue compliance notices to institutions that fail to meet their statutory language obligations. It should be able to require non-compliant institutions to submit remedial action plans within specified timeframes and to monitor the implementation of corrective measures. Where institutions repeatedly or seriously fail to comply, PanSALB should be able to refer such matters to Parliament for oversight and accountability. Strengthening PanSALB's enforcement powers would help bridge the gap between language policy and practical implementation.

4. Address Court Interpreter Shortage Urgently

Government should take urgent steps to address the shortage of court interpreters. It should finalise the appointment of the South African Language Practitioners' Council ("SALPC") Board so that accreditation processes can function effectively. It should also establish bursary and scholarship programmes to expand the pool of qualified interpreters. Dedicated recruitment and training pathways should be developed for indigenous-language and South African Sign Language ("SASL") interpreters. In addition, the justice system should make greater use of remote interpreting technologies to improve language access in underserved and rural courts. Together, these measures would strengthen access to justice and help ensure that language barriers do not prevent South Africans from fully participating in court proceedings.

Rights Considered

In this report the following cultural, religious and linguistic rights were assessed:

Languages:

- Section 6 (1) – Official Languages
- Section 6 (2) – Development of Indigenous Languages
- Section 6 (3) – Use of Official Languages by the State (i.e. Local, National and Provincial Governments)
- Section 6 (4) – Regulation of Official Languages and Parity of Esteem
- Section 6 (5) – The Pan-South African Language Board
- Section 29 (2) – Education in the Official Language of Choice

Religious Freedom:

- Section 15 - Freedom of Conscience, Religion, Thought, Belief and Opinion

Culture:

- Section 18 – Freedom of Association
- Section 30 – The Right to Use the Language and Participate in the Culture of Choice
- Section 31 – The Rights of Cultural, Religious and Linguistic Communities
- Section 185 – Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Grading

The CRL Report Card grades rights on a basis of A = excellent; B = good; C = moderate; D = poor; and E = very bad.

A	B	C	D	E
Excellent	Good	Moderate	Poor	Very bad

The allocation of an “=” sign indicates no change in the right, a “+” sign denotes an expected improvement and a “-” sign indicates a regression in the enjoyment of the right.

+	Improvement
=	No change
-	Deterioration

The grade allocation for each right is determined by examining the grade it received in the previous year and by assessing the impact of the current year's political, economic, legal and social developments on that right. For example, if the right to freedom of expression was graded a C in 2025 and developments in 2026 indicate a decline in the enjoyment of that right, it would be downgraded to a C- for 2026. This approach helps readers to understand how various factors positively or negatively affect the realisation of rights. These are not finite measures, but a tool to open discussions about the enjoyment of rights and freedoms in South Africa.

The Report Card places greatest weight on evidence that demonstrates actual, real-world impact, rather than simply being only a policy commitment. This approach recognises that constitutional rights must ultimately be enjoyed in the daily lives of South Africans, rather than just existing on paper. Evidence is weighted broadly as follows:

EVIDENCE TYPE	RELATIVE WEIGHT
Practical implementation outcomes	High
Court judgments	High
Institutional performance data	High
Legislation and policy reforms	Medium
Parliamentary oversight findings	Medium
Academic research	Medium
Stakeholder submissions and advocacy positions	Supporting evidence

CRL Rights Dashboard

CONSTITUTION SECTION	RIGHT	2025 GRADE	2026 GRADE	CHANGE IN PRACTICAL ENJOYMENT OF RIGHT
6(1)	Official Languages	C-	C=	Moderate. No change.
6(2)	Development of Indigenous Languages	C	C+	Moderate with improvement.
6(3)	Use of Official Languages by the state (Local; Provincial and National Governments)	D+	D=	Poor. No change.
6(4)	Regulation of Official Languages and Parity of Esteem	D=	D+	Poor with improvement.
6(5)	The Pan-South African Language Board	C+	C=	Moderate. No change.
15	Freedom of Conscience, Religion, Thought, Belief and Opinion	C-	C-	Moderate with deterioration.
18	Freedom of Association	C	C-	Moderate with deterioration.
29(2)	Education in the Official Language of Choice	C+	C+	Moderate with improvements.
30	The Right to Use the Language and Participate in the Culture of Choice	B=	B=	Good. No change.
31	The Rights of Cultural, Religious and Linguistic Communities	B-	B+	Good with improvements
185	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities	C-	C-	Moderate with signs of deterioration.

Language



Section 6(1)

South Africa's Official Languages

GRADE **C=**

Since 26 June 2026,⁴ the Constitution recognises 12 official languages: ***“Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, South African Sign Language, English, isiNdebele, isiXhosa and isiZulu”.***

The Constitution imposes duties in respect of these official languages, inter alia that national and provincial

governments must use at least two official languages when conducting government business;⁵ the Pan South African Language Board (“PanSALB”) must promote the development and use of all official languages (as well as the Khoi, Nama and San languages);⁶ and that the state must provide public schools in official languages where it is reasonably practical to do so⁷.



⁴ When the [Constitution Eighteenth Amendment Act 3 of 2023](#) came into effect as per [Proc 321, G. 54901](#) read with [Proc 324, G. 54933](#).

⁵ Section 6(3) of the Constitution.

⁶ Section 6(5)(a) of the Constitution as amended by the [Constitution Eighteenth Amendment Act](#).

⁷ Section 29(2) of the Constitution.

Positive Developments

1. South African Sign Language becomes the 12th official language

On 26 June 2026, the [Constitution Eighteenth Amendment Act, 2023](#)⁸ came into effect. The Act inserts South African Sign Language (“SASL”) as an official language.⁹ (As a result, it removed the requirement on the PanSALB to promote SASL in addition to the official languages.¹⁰) The [Act](#) was drafted with the objectives to advance the cultural acceptance of SASL and Deaf culture;¹¹ to realise the rights of Deaf and hard-of-hearing persons to equal protection and benefit of the law and human dignity;¹² and to promote inclusive and substantive equality and eliminate unfair discrimination on the ground of disability.¹³

Notably, the Act was assented to by President Ramaphosa on 19 July 2023. However, the President only proclaimed its commencement¹⁴ almost three (3) years later, after [PanSALB’s report](#) assessing the measures adopted by national departments, public entities and enterprises in implementing SASL.¹⁵

Said report was based on the submissions received by eight (8) national departments, 37 national public entity and four (4) national public enterprises.¹⁶ These submissions were made following PanSALB’s request¹⁷ that national organs of state supply it with their executive and administrative measures adopted to implement SASL as an official language.¹⁸ It is noteworthy that only eight out of the [42 national departments](#) (approximately 19%) responded to PanSALB.¹⁹



⁸ Act 3 of 2023.

⁹ Section 1(b) of the [Constitution Eighteenth Amendment Act](#).

¹⁰ Section 6(1) of the Constitution.

¹¹ [Memorandum on the Objects of the Constitution Eighteenth Amendment Bill](#) [B 1—2023] at para 1.2.

¹² Memorandum at para 1.3.

¹³ Memorandum at para 1.4.

¹⁴ [Proc 321, G. 54901](#) read with [Proc 324, G. 54933](#).

¹⁵ PanSALB “[Report on the National Organs of States’ Readiness for the Implementation of the Constitution Eighteenth Amendment Act, No. 03 of 2023](#)”, January 2025 (“PanSALB report”) at para 3.1.

¹⁶ PanSALB report at para 4.1.

¹⁷ Said request was made in terms of section 8(1)(j) of the [PanSALB Act 59 of 1995](#).

¹⁸ PanSALB report at para 1.3.

¹⁹ The departments that responded to PanSALB are:

1. Forestry, Fisheries & Environment
2. Mineral Resources and Energy
3. National Treasury
4. Public Service and Administration

5. Public Works and Infrastructure
6. Science and Innovation
7. Sports, Arts and Culture
8. Tourism

This means that the following departments did not respond to PanSALB’s request:

1. Agriculture
2. Basic Education
3. Civilian Secretariat for Police
4. Communications and Digital Technologies
5. Cooperative Governance and Traditional Affairs
6. Correctional Services
7. Defence
8. Electricity and Energy
9. Employment and Labour
10. Government Communication and Information System
11. Health
12. Higher Education and Training
13. Home Affairs
14. Human Settlements
15. Independent Police Investigative Directorate
16. International Relations and Cooperation

17. Justice and Constitutional Development
18. Land Reform and Rural Development
19. Military Veterans
20. National School of Government
21. Office of the Chief Justice
22. Planning, Monitoring and Evaluation
23. Public Service Commission
24. Small Business Development
25. Social Development
26. South African Police Service (SAPS)
27. South African Revenue Service (SARS)
28. State Security Agency
29. Statistics South Africa
30. The Presidency
31. Trade, Industry and Competition
32. Transport
33. Water and Sanitation
34. Women, Youth and Persons with Disabilities

The readiness of the eight (8) national departments that made submissions to PanSALB is reported as being as follows:

DEPARTMENT	SASL READINESS / MEASURES
Department of Forestry, Fisheries & Environment	Provides Braille and SASL services through outsourced language services; SANParks uses sign language interpreters at events. ²⁰
National Treasury	Does not currently provide Braille or SASL publications due to budget and capacity constraints; will outsource services, as necessary. ²¹
Department of Tourism	Uses SASL at major events, but notes the challenges in procuring Sign Language interpreters, especially in rural areas where most departmental events are hosted; plans to revise language policy to include SASL; and is planning staff SASL training sessions to ensure effective communication and service delivery. ²²
Department of Public Service and Administration	Updated and approved language policy to include SASL. ²³
Department of Science and Innovation	SASL included in language policy and multilingual initiatives; however, no specific implementation actions were reported. ²⁴
Department of Public Works and Infrastructure	SASL included in language policy; reports funding and resource shortages in finding SASL interpreters; intends to outsource interpreters. ²⁵
Department of Sports, Arts and Culture	Active SASL promotion and support initiatives; employs one interpreter and is recruiting another; working with REAH Sign to digitalise SASL, develop a SASL interpreter system and Online SASL Dictionary; working with the University of the Free State to build a digital database of place names for SASL that computers can use, enabling the development of maps, apps, and other SASL-related technologies. ²⁶
Department of Mineral Resources and Energy	Previously had a sign language interpreter, but the position became vacant after resignation; recruitment efforts have been unsuccessful as suitable candidates preferred to freelancing. ²⁷

From the above it is apparent that compliance at a policy level is progressing faster than actual service delivery. The bottlenecks are funding²⁸ and a shortage of qualified SASL professionals respectively.

Importantly, approximately [three quarters](#)²⁹ of state institutions do not have adequate budgets for language services. Only [three](#) out of the 42 national departments have dedicated senior officials responsible for language implementation as contemplated by the [Use of Official Languages Act, 2012](#).³⁰ This shows that despite important policy developments, implementation remains weak.

The report concludes that the [Constitution Eighteenth Amendment Act](#) should come into effect so that budgets are allocated by organs of state to improve the implementation and then compliance.³¹ It is submitted that the shortage of qualified SASL interpreters is likely to be resolved as soon as this becomes a financially sustainable career pathway and a viable means of stable employment. To this end, it is further submitted that unless the departments are required to prioritise accessibility measures, like SASL interpreters, and ringfence funding for such measures, there is the likelihood that such measures will not be prioritised, and the status quo will persist.

²⁰ PanSALB report at para 5.1.

²¹ PanSALB report at para 5.2.

²² PanSALB report at para 5.3.

²³ PanSALB report at para 5.4.

²⁴ PanSALB report at para 5.5.

²⁵ PanSALB report at para 5.6.

²⁶ PanSALB report at para 5.7.

²⁷ PanSALB report at para 5.8.1.

²⁸ Resulting in most departments have not established sustainable in-house SASL capacity and instead relying on outsourcing.

²⁹ 73% of state institutions.

³⁰ Act 12 of 2012.

³¹ PanSALB report at page 6.

2. National Language Summit

A [National Language Summit](#) was hosted in March 2026 by the Department of Sport, Arts and Culture (“DSAC”), together with the PanSALB and the South African Centre for Digital Language Resources (“SADiLaR”). Following the summit, DSAC Minister, Gayton McKenzie, [appointed](#) a National Task Team Towards a Unified National Language Action Plan. (See section 6(2) below for more detail.)

3. Robing of court interpreters

On 28 October 2025, the [Court Interpreters’ Robing Programme](#) was launched to professionalise court interpreting and strengthen equal access to justice for all language communities. As a result, court interpreters were formally robed for the first time. They will be trained by the Department’s Justice College and registered in terms of the [South African Language Practitioners’ Council Act, 2014](#)³².

4. Legal training

In June 2026, PanSALB [conducted](#) a public hearing into the language policy of the Legal Practice Council, specifically focusing on the use of indigenous official languages within the legal profession. The hearing was motivated by concerns regarding the dominance of English in professional legal training and assessment and formed part of PanSALB’s linguistic human-rights monitoring function.

Negative Developments

1. PanSALB Reporting Deadlines

As part of PanSALB’s role in monitoring language policy and practice, it [called](#)³³ on national departments, public entities and public enterprises to supply it with any legislative, executive, and/or administrative measures adopted in promoting multilingualism.³⁴ It also requests they submit their Annual Language Reports³⁵ for the 2025/26 financial year. **Importantly, PanSALB’s notice was published in the Government Gazette on Friday, 26 June 2026, but the deadline for the submission of the Annual Language Reports was Tuesday, 30 June 2026.** (I.e. two business days.) +

It is submitted that this is too short a timeframe for the compilation of a substantive report. PanSALB should allow for at least a calendar month notice before a reporting deadline.

2. Indigenous language rights in the courts: *In re Melani*

On 27 January 2026, the Bhisho High Court **held that speaking isiXhosa in court is not *per se* contempt of Court.**³⁶ The matter centred around whether a Legal Aid practitioner (Melani) had committed contempt of court by

addressing a magistrate in isiXhosa, instead of English, during bail proceedings. (See section 6(2) below for more detail.)

Despite the outcome in the High Court, this matter is recorded as a negative development, because a judicial officer treated the use of an official language as grounds for contempt of court.

3. Shortage of Court Interpreters

In [September 2025](#) PanSALB highlighted the shortage of court interpreters. The Minister of Justice and Constitutional Development admitted to [Parliament](#) that dozens of courts do not have an interpreter.³⁷ Minister Kubayi [attributed](#) part of the shortage to the requirement that interpreters be accredited through the South African Language Practitioners’ Council (“SALPC”).

The [South African Language Practitioners’ Council Act](#) (referred to under Court Interpreters above) commenced operation on 29 August 2025. However, the Board of the SALPC is yet to be appointed. The absence of a Board means that the Council cannot accredit court interpreters.³⁸ This exacerbates the shortage and undermines the right to access to courts³⁹.



Conclusion

In September 2025, this right was awarded a C- grade. Over the course of the last year, SASL became an official language, but the Board to the South African Language Practitioners’ Council is yet to be appointed. The Summit adopted a declaration providing for a national task team (appointed in June 2026) to drive the development of a new national language policy, though that policy still requires implementation. For these reasons, this right was awarded a C= grade.

³² Act 8 of 2014.

³³ Board Notice 948 of 2026, G. 54901.

³⁴ As per the [Pan South African Language Board Act](#) 59 of 1995.

³⁵ In compliance with the [Use of Official Languages Act](#) 12 of 2012.

³⁶ [In re Melani \(Review\)](#) (CA&R 46/2025) [2026] ZAECBHC 1.

³⁷ 69 remain vacant posts.

³⁸ Section 14(1) read with section 5 of the [South African Language Practitioners’ Council Act, 2014](#).

³⁹ Section 34 of the Constitution.

“Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.”

Positive Developments

1. Measures to Promote Indigenous Languages

The reporting period saw a renewed focus on the use and development of indigenous languages. This is reflected in the commemoration of International Mother Language Day and the observance of African Languages Week:

International Mother Languages Day was commemorated by the Department of Sport, Arts and Culture ("DSAC") and PanSALB respectively. DSAC's event on [21 February 2026](#) was themed "Youth Voices on Multilingual Education" and recognised the importance of youth participation in multilingual education. It encouraged the use of mother languages in education, information dissemination and digital spaces. DSAC [affirmed](#) that the right to use and speak one's language is fundamental, essential for dignity and inclusion and stated its commitment to the development, promotion and preservation of languages and strengthening language access in the country.

PanSALB's national event commemorated International Mother Language Day in Pietermaritzburg on [24 February 2026](#). Said event formed part of PanSALB's efforts to monitor the roll-out of Mother Tongue-based Bilingual Education ("MTbBE") in the country.

The Media Development and Diversity Agency ("MDDA") also [commemorated](#) International Mother Language Day. It highlighted the importance of indigenous languages for cultural identity and social cohesion and recognised the role of the media in promoting their use and development.

[African Languages Week](#) took place during the same period (21 to 28 February 2026). It further underscored the importance of the development, use and protection of African languages.

2. National Language Summit

In March 2026, the Department of Sport, Arts and Culture, together with the PanSALB and the South African Centre for Digital Language Resources ("SADiLaR"), hosted the [National Language Summit](#) to promote indigenous language preservation, revitalisation and development. The summit brought together key stakeholders to address multilingualism challenges and advance the equal use of South Africa's 12 official languages and produced the [Ilnwa \(Cikwa\) Declaration](#).

Following the summit, PanSALB [reported](#) that approximately 73% of state institutions lacked adequate budgets for language services. Only three government departments had dedicated senior officials responsible for language implementation, as contemplated in the Use of Official Languages Act, 2012. PanSALB stated that these shortcomings reflected a broader gap between language policy and implementation. At the same time, it [defended](#) the progress made in integrating African languages into South African society. Although progress had been slow, PanSALB stated that efforts to strengthen the use of African languages were continuing.

PanSALB [noted](#) that three decades after the signing of the Constitution, multilingualism remains largely unrealised, and that implementation has been uneven and, in many instances, inadequate. It also noted that a key outcome of the summit was the adoption of the formal declaration that committed stakeholders to advancing multilingualism through a new national language policy, a dedicated implementation task team and stronger accountability and resource allocation.

A National Task Team was [appointed](#) by DSAC Minister, Gayton McKenzie, after the summit to drive a unified language policy framework. [Academics](#) and [language specialists](#) are among those appointed to the Task Team.

3. Robing of Court interpreters

The [Court Interpreters' Robing Programme](#) was launched on 28 October 2025 to professionalise court interpretation services and strengthen equal access to justice for all language communities. As a result, court interpreters were formally robed for the first time. (See section 6(1) above for more detail.)

4. Progress towards amending the Use of Official Languages Act

The [Use of Official Languages Amendment Bill](#) was opened for comment in January 2026. The Bill seeks to amend the [Use of Official Languages Act, 2012](#) to expand practical multilingualism within government administration. It proposes that national departments and public entities identify and use at least [seven official languages](#) - including South African Sign Language ("SASL") - for government purposes, rather than the current minimum of three.⁴⁰ The Bill further seeks to align the legislative framework with the recognition of SASL as the 12th official language.⁴¹

In addition, the Bill [proposes](#) to easing the burden of reporting requirements on national department, national public entity and national public enterprises, by proposing

⁴⁰ Clause 2 of the Bill.

⁴¹ Clause 2 of the Bill.

these only be required to report annually to PanSALB only, as opposed to both the Minister and PanSALB.⁴²

The Bill is [currently](#) still with the Department and is yet to be submitted to Cabinet for approval for tabling in Parliament.

DSAC also [drew](#) attention to the Bill during International Mother Language Day. It stated that the proposed amendments were intended to strengthen language equity.

5. PanSALB's Annual Performance Plan 2026-2027

[PanSALB's Annual Performance Plan 2026-2027](#) recorded the national implementation of Mother Tongue-Based Bilingual Education ("MtbBE") by the Department of Basic Education as a major national policy development. PanSALB viewed this initiative as aiding the progress made in furthering [multilingualism and promoting inclusivity](#).

Of note is the completion of the N|uu audiovisual dictionary.⁴³ The project sought to preserve the endangered N|uu language. PanSALB also reported that terminology lists had been authenticated in several fields. These included Google Artificial Intelligence, mathematics and natural science terminology for the Department of Basic Education.⁴⁴

6. Development of indigenous languages in technology

Researchers at the University of Cape Town developed [MzansiLM](#), an AI language model trained specifically on South Africa's 11 official **written** languages. UCT has made MzansiLM publicly available. The project seeks to address the underrepresentation of South African languages in mainstream AI technologies. It also provides a foundation for technologies that support the use of these languages in digital applications.

Additionally, PanSALB [partnered](#) with Google in October 2025 on an AI glossary containing standard artificial-intelligence terminology in isiZulu, isiXhosa and Afrikaans. The initiative seeks to develop terminology that allows concepts associated with AI and emerging technologies to be expressed in South African languages. The development of terminology in indigenous languages may contribute to their continued use in new areas of communication and knowledge, rather than limiting those languages to informal or cultural settings.

The [iPendering Indigenous Language Imbizo](#) in December 2025 further highlighted the importance of indigenous languages in the digital age. Discussions focused on artificial intelligence, digital innovation, publishing, and multilingual communication, promoting the use of indigenous languages in technology, knowledge production, and creative industries rather than confining them to traditional cultural contexts.

7. Indigenous languages and access to justice

Andries Nel, Deputy Minister of Justice and Constitutional Development, argued that the constitutional [commitment to](#)

[multilingualism](#) should extend beyond courtroom interpretation. He argued to include the development of indigenous languages as **languages of legal education, adjudication and jurisprudence**.

Importantly, on 18 June 2026, PanSALB held a [public hearing](#) on the Legal Practice Council's ("LPC") language policy. The hearing concerned the LPC's policy that candidate attorney examinations would be conducted in [English](#).⁴⁵ The hearing considered the use of all official indigenous languages within the legal profession.

The hearing was significant, because legal education and professional qualification are high-status domains. Indigenous languages cannot fully develop if they remain excluded from professional training and assessment.

8. Home Affairs Removes a Barrier to the Registration of Khoi and San Names

On [26 February 2026](#), Home Affairs handed over the first Smart ID recognising a Khoisan traditional name. The recipient was Stellenbosch [student](#) !Khūboab Oedasoua Lawrence. His name had previously not been accepted by the system, because it contained special characters. The system was subsequently upgraded to accommodate these characters on official documents.

PanSALB [welcomed](#) the change in March 2026. It described the measure as a practical and restorative response to historical linguistic marginalisation. PanSALB also encouraged other indigenous language communities to ensure that names submitted to Home Affairs follow the correct spelling and orthography of the relevant language.

WEEKEND ARGUS

Khoisan teen's ID reflects cultural name in historic victory for indigenous identity

Tracy-Lynn Ruiters | Published 6 months ago

f X in v o [Ask AI](#) 4min



The minister of Home Affairs hands over the ID document to !Khūboab Lawrence, the first with special characters, while his mother Leslie Jansen and grandparents John and Mary Jansen look on.

Image: Ian Landsberg

⁴² Clause 3 of the Draft Use of Official Languages Amendment Bill, 2026.

⁴³ PanSALB Annual Performance Plan 2026-2027 at pages 5 and 42.

⁴⁴ PanSALB Annual Performance Plan 2026-2027 at page 42.

⁴⁵ Legal Practice Council Report 2025 at para 57.

9. Indigenous Languages and the Media

The Fourth Indigenous Languages and the Media Seminar was held in [August 2026](#) at the University of Fort Hare's East London Campus, KuGompo. It was [hosted](#) by the South African National Editor's Forum ("SANEF"), PanSALB, the University of Fort Hare and the Media Development and Diversity Agency ("MDDA").

The Seminar focused on indigenous languages in media, digital platforms and artificial intelligence. The [theme](#) was "*Rooted in Language: Indigenous Media as a Platform for Belonging and Cultural Continuity*". Participants discussed the need for stronger indigenous-language journalism and content creation. Several resolutions were adopted. The use of home languages on social media and digital platforms was encouraged and journalism and media studies institutions were encouraged to include African languages in journalism training.

Importantly, the Seminar also demonstrated a point advanced by the FW de Klerk Foundation, namely that language development has an economic dimension. Participants called for greater support for community and indigenous-language media organisations. Their sustainability and ability to produce content in indigenous languages were identified as important concerns. Although this was a positive development, the resolutions were largely calls for further action. Their long-term effect will depend on implementation.

It is submitted that the development of a language depends on its use in public communication and the media. Indigenous languages must be recognised as languages that should be used to report news, explain public policy and communicate information.

Negative Developments

1. Indigenous language rights in the courts:

In re Melani

In contrast to Deputy Minister Nel's position described above, a magistrate initiated contempt of court proceedings against a Legal Aid practitioner (Melani), for addressing her in isiXhosa, instead of English.⁴⁶

The facts were that Melani had been asked to speak up over a loud air conditioner by the magistrate and Melani, believing that the magistrate could not understand him because he was not speaking in his first language, responded in isiXhosa, asking to be assisted by an interpreter if she could not understand him. The magistrate warned Melani that he was bringing the court into disrepute, stating that the only official language in court is English, and initiated contempt proceedings. Melani was never convicted; the magistrate reserved judgment and referred the matter to the Bisho High Court as a special review.

The High Court acknowledged that English is the language of record, for reasons of practicality, consistency and accessibility, **but held that there are cases where recourse to the vernacular is justified, permitted and even encouraged, provided that a translation can be effected.** It held that the magistrate had overlooked the proviso to that directive. **The Court held that speaking isiXhosa in court is not per se contemptuous**, and that the magistrate should have asked why Melani found it necessary to speak isiXhosa, or had the interpreter translate.⁴⁷

2. PanSALB raises concern about linguistic discrimination

In July 2026, PanSALB [warned](#) against linguistic profiling during anti-illegal immigration protests. It reported concerns that individuals from different linguistic communities were experiencing discrimination on the basis of language. PanSALB emphasised that such conduct is particularly concerning in a multilingual country with twelve official languages.

This concern was also reflected by a 26 June 2026 [march](#) by members of the Vatsonga Machangani community to the South African Human Rights Commission ("SAHRC"). According to the memorandum submitted by the community, Tsonga-speaking South Africans had experienced harassment, intimidation and profiling during anti-immigration protests, including being accused of being undocumented because they spoke Tsonga. Some members reportedly became reluctant or afraid to speak their language in public. The community called for action against discrimination based on language, identity and cultural expression.

Conclusion

The reporting period reflected measurable progress towards the state taking practical and positive measures to advance indigenous languages. However, significant challenges remain, as illustrated by PanSALB reporting persistent implementation failures, inadequate funding for language services and uneven compliance with existing language obligations. While changes to the existing law are commendable, they will have to be implemented to have any impact. Additionally, the continued dominance of English in many high-status domains also limits progress. Nevertheless, the overall trajectory during the reporting period was positive, justifying an improvement in the assessment of this right from C in 2025 to C+ in 2026.

⁴⁶ [In re Melani \(Review\)](#) (CA&R 46/2025) [2026] ZAECHC 1.

⁴⁷ *In re Melani* at paras 45 and 46.

Section 6(3)

State Use of Official Languages

GRADE **D=**

Local Governments

[Section 6\(3\)\(a\)](#) of the Constitution states that ***“Municipalities must take into account the language usage and preferences of their residents.”***⁴⁸

Section 6(3) constitutionally mandates municipalities to align their communication and service delivery with the language needs and preferences of local communities. This obligation is further reinforced by section 18(2)(a) and (b) of the [Local Government: Municipal Systems Act, 2000](#), which requires municipalities to consider language usage, language preferences and the needs of persons who cannot read or write when communicating with the public.

Provincial and National Governments

[Section 6\(3\)\(b\)](#) of the Constitution, read with [section 6\(4\)](#), provides that provincial and national governments: ***“may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages... The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages.”***⁴⁹

The Use of Official Languages Act regulates national government’s use of official languages for government purposes. It requires all national departments, public entities and public enterprises to:

- Use at least three (3) official languages in its communication with the public;⁵⁰
- Have a language policy by 2 November 2014;⁵¹ and
- Establish Language Units⁵² who will ensure compliance with the language policy and report to the Minister of Arts and Culture and PanSALB annually on the language policy’s implementation.⁵³

Furthermore, the Use of Official Languages Regulations, 2013 sets out the content and form of a language policy;⁵⁴ timeframes for a national departments; public entities and

public enterprises to establish a language unit;⁵⁵ and the process for them to apply to the Minister of Arts and Culture for exemption from having to establish such a language unit⁵⁶.

Positive Developments – Local Governments

1. The City of Cape Town

The [City’s Language Services Unit](#) provides specialised translating, editing and interpreting services to the City, while South African Sign Language (“SASL”) is outsourced. SASL interpretation is available at all Council meetings, as well as at public meetings and other events upon request.

The City continued providing its services in the province’s three official languages - Afrikaans, English and isiXhosa - as per its [language policy](#).⁵⁷ Members of the Mayoral Committee have [reiterated](#) that to promote equal access to information and participation, and to promote multilingualism, any of these three languages can be used when communicating with the City. Furthermore, any person may request that an engagement happens in their preferred language and for the content to be translated.

The above proves that municipalities can use more than one official language effectively when communicating with residents.

2. Gauteng Councillor Training

In a municipal-level initiatives directly aimed at improving practical language accessibility, the Pan South African Language Board’s (“PanSALB”) Gauteng Provincial Office conducted a South African Sign Language (“SASL”) workshop [July 2026](#). The workshop was attended by councillors from 10 Gauteng municipalities,⁵⁸ including the City of Johannesburg, City of Tshwane and City of Ekurhuleni. The initiative sought to improve councillors’ ability to communicate with Deaf residents and increase awareness of language-access obligations.

⁴⁸ Own emphasis.

⁴⁹ Own emphasis.

⁵⁰ Section 4(2)(b) and 4(2)(c) of the Act.

⁵¹ Section 4(1) of the Act requires the policy to be adopted within 18 months of the Act’s commencement. The Act commenced on 2 May 2013.

⁵² Section 7 of the Act.

⁵³ Section 8 of the Act.

⁵⁴ Regulation 2.

⁵⁵ Regulation 4.

⁵⁶ Regulations 6 through 9.

⁵⁷ The [following information](#) is available in all three official languages: all by-laws, including draft versions that are used for public participation; a notice of motion or a formal motion in the Council or its committees; the subject headings and recommendations to all reports; notices of all meetings and indices to agendas; all official notices to be published in the Provincial Gazette; identification signage of and directions to municipal offices or facilities (if they are not in pictorials).

⁵⁸ Merafong City, Mogale City, Mid Vaal, City of Tshwane, Lesedi, City of Johannesburg, Sedibeng, Emfuleni, West Rand and City of Ekurhuleni.

Provincial Governments – Positive Developments

1. The Western Cape Province

The Western Cape Provincial Government continued to fund programmes that promote language access and multilingualism. Its [2026/27 budget](#) provides R1 million for the Indigenous and Sign Language Promotion Programme. The programme supports accessibility and the development of indigenous languages, including Kaaps⁵⁹. The province also plans to refresh multilingual library collections so that residents can access material in languages that reflect their communities. These measures show that language access remains part of the province's service delivery planning.

Furthermore, its [2026/27 arts and culture funding call](#) included “*Language Promotion and Preservation*” as a funding category. Any discipline or medium promoting the use of indigenous languages and South African Sign Language was eligible. This demonstrates provincial financial support for language development and inclusion.

2. The Eastern Cape Province

The Eastern Cape Department of Sport, Recreation, Arts and Culture has a dedicated [Language Services Directorate](#). It monitors language policy implementation and [promotes](#) multilingualism and indigenous languages. The Department [provides](#) language-development initiatives, translation, editing and stakeholder-engagement services, including support for other government departments.

Negative Developments – Provincial Governments

1. Continued failure to commence the Mpumalanga Provincial Languages Act

The [Mpumalanga Provincial Languages Act, 2014](#) has still [not commenced](#). The Act was assented to by the premier on 5 May 2014. It is meant to regulate and monitor the use of official languages⁶⁰ in the province and provides for language units and access to government services in a language of choice.

The Act's continued non-commencement illustrates the implementation gap that prevents legislation from having an impact.

Positive Developments - National Government

1. Government addresses the slow and inconsistent implementation

In September 2025, the government acknowledged that implementation of language policy remained inconsistent. Deputy Minister in the Presidency, Nonceba Mhlauli, [said](#) that South Africa already had a strong legal and policy framework for language rights, including the Use of Official Languages, 2012. **She stated that the main problem was not the absence of policy, but the slow and inconsistent implementation of existing measures.**



⁵⁹ A dialect of Afrikaans in the Western Cape. It is also known as “Afrikaaps”.

⁶⁰ Section 4(1) lists isiNdebele, siSwati, English and Afrikaans as the official languages of Mpumalanga.

On [15 October 2025](#), Cabinet approved the [Government Communication Policy 2025](#). The policy applies to all three spheres of government. It aims to make government communication accessible to the public and deals with the use of official languages in government communication. **It requires government communicators to consider the official languages used in the areas they serve.**

In [January 2026](#), the Department of Sport, Arts and Culture published a draft [Use of Official Languages Amendment Bill](#) for consultation. The Bill proposes changing the Use of Official Languages Act in several respects. Among the most [notable proposals](#) is that national departments, public entities and public enterprises must identify seven official languages in their language policies – a significant increase from the principal Act's three official languages. (See section 6(2) above for more detail.)

2. State compliance with Use of Official Languages Act, 2012

PanSALB's Annual Performance Plan for 2025/2026 noted a [marked improvement](#) in compliance with the Use of Official Languages Act. (See section 6(5) below for more detail.)

3. National Language Summit

The March 2026 [National Language Summit](#) resulted in the [Inwa \(Cikwa\) Declaration](#). In [May 2026](#), the Department of Sports, Arts and Culture ("DSAC") reported the establishment a National Task Team to drive a unified language policy framework. The Department also reported that four Human Language Technology projects were being supported across South Africa's official languages, including South African Sign Language. (See section 6(2) above for more detail.)

Negative Developments – National Government

1. State budget for language services

PanSALB [reported](#) that approximately 73% of state institutions lacked adequate budgets for language services. Only three government departments had dedicated senior officials responsible for language implementation, as contemplated in the Use of Official Languages Act, 2012. (See section 6(2) above for more detail.)

Conclusion

The developments during the reporting period present a mixed picture of state compliance with constitutional and legislative obligations relating to official languages. While there were several positive developments, persistent challenges include **weak enforcement of language policies, inadequate budget allocations for language services, limited institutional capacity, and insufficient accountability mechanisms**. These illustrates the gap between legislative commitments and practical implementation.

This gap affects people, particularly speakers of indigenous languages, Deaf persons and other language minorities. These South Africans may continue to face barriers in accessing government information, participating in public life and engaging with state services.

Overall, progress during the reporting period was incremental rather than transformative, with significant implementation challenges remaining across the state. This justifies retaining the enjoyment of this right at a D= grade in 2026.



Section 6(4)

Parity of Esteem for All Official Languages

GRADE **D+**

The Constitution provides that **“all official languages must enjoy parity of esteem and must be treated equitably.”** This is without detracting from the provisions recognising the historically diminished use and status of the indigenous languages which the state must take practical and positive measures to elevate the status and use of.

Meaning:

“parity of esteem”: to assign equal value to

“treated equitably”: to treat with equal consideration and respect, does not require identical outcomes

The Constitution, thus, gives all languages (and the linguistic communities that speak these languages) equal dignity. While it does not require identical treatment, it requires fair treatment. This is a massive break from South Africa's past where most indigenous languages (apart from Afrikaans) were not officially recognised and afforded dignity.⁶¹

Positive Developments

1. Constitution Eighteenth Amendment Act Comes into Force

The Constitution Eighteenth Amendment Act, 2023 came into effect on 26 June 2026 and added South African Sign Language (“SASL”) to the list of official languages in the Constitution. (See section 6(1) above for more detail.)

This development granted SASL parity of esteem with other official languages. In turn, this gives effect to Deaf South African's right to dignity and equality. It represents a major advance in recognising the linguistic identity, dignity and equality of Deaf South Africans, while broadening the constitutional understanding of multilingualism beyond spoken languages.

2. Use of Official Languages Amendment Bill

The Department of Sport, Arts and Culture [Use of Official Languages Amendment Bill](#) was opened for comment in January 2026. The proposed amendments would increase the minimum number of official languages that national government institutions must use from three to at least [seven](#).⁶² The amendments would also incorporate [SASL](#) as one of the choice of seven.⁶³ Meaning that government institutions would be obligated to adapt their policies, systems and services to accommodate SASL. (See section 6(2) above for more detail.)

Should the Bill become law, it will advance the equitable treatment of official languages.

Conclusion

The reporting period brought important advances in South Africa's official languages being treated equitably and with parity of esteem. However, effective implementation, adequate resources and sustained institutional commitment remain barriers that need to be overcome to achieve multilingual government practice and substantive equality. Until then, legislative measures will not have their intended impact. The practical enjoyment of this right, therefore, remains poor and a grade of D+ is awarded.



⁶¹ As per the Constitutional Court in *Ex parte Chairperson of the Constitutional Assembly: In re Certification of the Constitution of the Republic of South Africa, 1996 1996 (4) SA 744 (CC)*: “Language is a sensitive issue in South Africa. Prior to the [Interim Constitution] coming into operation there were two official languages in what was the then Republic of South Africa, Afrikaans and English.”

⁶² Clause 2 of the Draft Use of Official Languages Amendment Bill, 2026.

⁶³ Clause 2(c) of the Draft Use of Official Languages Amendment Bill, 2026.

“A Pan South African Language Board established by national legislation must (a) promote, and create conditions for, the development and use of (i) all official languages; and (ii) the Khoi, Nama and San languages; (b) promote and ensure respect for (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa.”

Section 6(5) entrusts the Pan South African Language Board (“PanSALB”) with the promotion and protection of South Africa’s rich linguistic diversity. Since 1 June 2026, [Dr Keaobaka Seshoka](#) is PanSALB’s new Chief Executive Officer, bringing institutional leadership and stability to this crucial entity.

Positive Developments

1. Reporting to PanSALB

PanSALB reported a significant improvement in overall compliance levels with the [Use of Official Languages Act, 2012](#) with [53 annual reports](#) submitted to PanSALB by national departments and public entities.⁶⁴ In contrast, during its Annual Performance Plan for the previous financial year, PanSALB was [contemplating](#) issuing subpoenas to force government agencies to submit their annual report.⁶⁵ Progress was likewise reported in relation to linguistic human rights. PanSALB indicated that 55 of 76 reported cases had been resolved, representing a 72% resolution rate.⁶⁶

PanSALB has [called](#) on public institutions to treat language policy as an operational obligation, rather than merely aspirational. It rightly [stated](#) that institutions should fulfil their legal obligations to promote access to information in the languages people prefer and should see non-compliance as both a governance and service delivery risk.

PanSALB also continued to strengthen its monitoring role, with its Chief Executive Officer [stating in July](#) that the Board was strengthening accountability systems and monitoring mechanisms relating to language legislation and language-policy implementation. Furthermore, it was collaborating with government departments, municipalities, state-owned entities, educational institutions, traditional leaders, civil society and the private sector to ensure effective implementation.

Importantly, as part of [PanSALB’s strategy](#),⁶⁷ it has asked for both the PanSALB Act and the Use of Official Languages Act, 2012 to be reviewed. Such review entail granting enforcement powers to the Board in order to enhance compliance.

2. Indigenous language rights in the justice system

In [September 2025](#), PanSALB highlighted the shortage of court interpreters in South Africa. It reported that approximately six provinces had shortages, which it said compromised access to justice. Although the shortage is a broader government problem, PanSALB’s intervention demonstrated its role in monitoring and raising concerns about the practical enjoyment of linguistic rights. (See section 6(1) for more detail.)

Furthermore, during March 2026, PanSALB [held](#) a Linguistic Human Rights Public Lecture in collaboration with Walter Sisulu University. Chief Justice Mandisa Maya [addressed](#) the relationship between language rights and access to justice. The event specifically considered the use of people’s own languages in court proceedings and judgments.

3. Promotion of SASL

PanSALB promoted SASL by, amongst other things, [working](#) with the Government Communication and Information System (“GCIS”), the Department of Sport, Arts and Culture (“DSAC”) and the Department of Women, Youth and Persons with Disabilities to mark [International Day of Sign Languages](#) which takes place on [23 September annually](#). The campaign focused on incorporating SASL into government language policies and communication practices.

PanSALB also expanded practical SASL work through its training of municipal councillors from ten Gauteng municipalities (see section 6(3) above for more detail). This is a practical step towards improving access to local government for Deaf South Africans.

4. Indigenous language dictionaries

PanSALB [launched](#) four Tshivenda-English bilingual dictionaries and three monolingual dictionaries on International Dictionary Day. The initiative also focused on using digital platforms to make dictionaries more accessible and to support language development.

5. Critique of Parliament

In October 2025, PanSALB [criticised](#) Parliament’s *Ad Hoc Committee to Investigate Allegations made by Lieutenant General Nhlanhla Mkhwanazi* for not providing adequate interpreting services illustrating how multilingualism continues to be treated as an afterthought on national platforms. It called for Parliament to make interpreters available and to engage with broadcasters to promote access to information. It stressed that the Madlanga Commission and the Ad Hoc Committee play vital roles in addressing

⁶⁴ PanSALB Annual Performance Plan 2026-2027 at page 5.

⁶⁵ PanSALB Annual Performance Plan 2025-2026 at page 45.

⁶⁶ PanSALB Annual Performance Plan at page 5.

⁶⁷ PanSALB’s Strategic Plan 2025-2030 at page 3.

matters of national importance, especially those affecting ordinary South Africans who cannot speak English.

Approximately three months later, [PanSALB again intervened](#), calling on Parliament to suspend the *Ad Hoc Committee's* proceedings until adequate interpreting services were implemented. This indicates PanSALB moving beyond awareness campaigns, to holding institutions to account.

6. Education

PanSALB [urged](#) the Minister of Basic Education and uMalusi to reinstate the 5% language compensation policy previously available to learners whose home language differed from the language of teaching and learning (“LoLT”). This policy was introduced in 2000 and intended as a measure to bridge gaps while broader language policies within the education sector evolved. It aimed to account for linguistic barriers without altering the raw exam performance by allowing for the addition of up to 5% marks in non-language subjects for qualifying learners.

PanSALB saw the policy’s withdrawal as premature, especially as indigenous African languages as LoLT were only introduced in 2025. These languages started in Grade 4 and are to be incrementally continued to higher grades each year. This issue illustrates the continuing gap between constitutional commitments to multilingualism and the lived experience of many learners. It also reinforces concerns that language remains a significant barrier to educational equality and academic achievement for some language communities.

7. National Language Activism Campaign

In February 2026, PanSALB launched a nationwide [Language Activism Campaign](#). The campaign ran throughout the month and culminated in African Languages Week and International Mother Language Day. PanSALB used the campaign to promote mother tongue languages, multilingualism and the objectives of the International Decade of Indigenous Languages.

8. Indigenous Names Appear on Official Documents

PanSALB [welcomed](#) the inclusion of Khoi and San indigenous names in the Department of Home Affairs' systems in March 2026. (See section 6(2) for more details.)

9. Events

PanSALB also co-hosted the [National Language Summit](#) with the Department of Sport, Arts and Culture (“DSAC”) in Cape Town during March 2026. The summit brought together government leaders, academics, language practitioners, business and civic society to address the country's continuing multilingualism challenges. Its focus included stronger accountability and enforcement, digitisation and language technology, linguistic human rights and the development of a sustainable digital environment for all official languages. (See section 6(1) for more information.)

In [August 2026](#), PanSALB and the South African National Editors' Forum held the 4th Indigenous Languages and the Media Seminar at the University of Fort Hare. The seminar considered the place of indigenous languages in the media in an environment increasingly shaped by artificial intelligence and digital platforms. It ended with a call for South Africans to use and promote their home languages across communication and media platforms

10. New isiXhosa translation of Bible

In April 2026, PanSALB and the Bible Society of South Africa's [isiXhosa Bible Review](#) Committee handed over a revised isiXhosa Bible for printing. PanSALB stated that its terminology verification and authentication work help ensure that standardised terminology, spelling and orthography are used across official languages.

11. Xenophobia and linguistic profiling

In [July 2026](#), PanSALB warned against linguistic profiling during anti-immigration protests. It stressed that language or accent cannot reliably establish nationality and that people should not face discrimination or violence because of the language they speak. (See section 6(2) above for more detail.)

Negative Developments

1. Funding

Concerns about PanSALB's funding continue: During a parliamentary debate in March 2026, concern was raised that PanSALB had not received a [budget increase](#) despite the adoption of South African Sign Language (“SASL”) as an official language in 2023.⁶⁸ A further parliamentary debate in May 2026 also called for PanSALB to be adequately and predictably funded.⁶⁹ There were concerns that changes to its allocation could undermine indigenous-language publication and promotion.

Conclusion

PanSALB was considerably more active during the reporting period. It undertook stronger monitoring and advocacy initiatives, convened public hearings and summits, strengthened engagement with state institutions, and supported the development and promotion of official languages, indigenous languages, Khoi and San languages and SASL.

Several developments demonstrated a more interventionist approach than in previous years. These included its repeated interventions regarding interpreting services in Parliament, advocacy concerning shortages of court interpreters, continued monitoring of compliance with language legislation, and practical initiatives aimed at expanding access to SASL and indigenous-language resources. It is submitted that the repeated need for PanSALB's intervention in Parliament, the legal profession and the justice system indicates that constitutional multilingualism is still not consistently reflected in institutional practice. The grade remains a C=.

⁶⁸ Parliament of the Republic of South Africa [Unrevised Hansard: National Council of Provinces, Thursday 19 March 2026](#) at page 142.

⁶⁹ Parliament of the Republic of South Africa [Unrevised Hansard Mini Plenary: National Assembly, Debate on Vote No 37 – Sport, Arts and Culture \(Appropriation Bill\), Tuesday 12 May 2026](#) (“Unrevised Hansard Mini Plenary”) at page 20.

“Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account (a) equity; (b) practicability; and (c) the need to redress the results of past racially discriminatory laws and practices.”

Positive Developments

1. Mother Tongue-Based Bilingual Education

The Department of Basic Education (“DBE”) hosted a national Mother Tongue-Based Bilingual Education (“MTbBE”) [Summit](#) themed *“Language First, Learning Forever: from Cradle throughout the System”*. The summit was a high-level national engagement to review progress in MTbBE’s implementation. The expansion of MTbBE beyond Grade 4 was also discussed. The DBE reported that nearly [12 000 schools](#) had access to MTbBE by the end of 2025. The Summit also considered the expansion of MTbBE from Early Childhood Development through the schooling system.

Importantly, the DBE’s [budget](#) provides for 296 subject specialists in MTbBE per Grades 5 through 7 2026/27.⁷¹ Home Language workbooks will also be provided to public schools in Grades 1 to 6 that have placed orders.⁷² The expansion of MTbBE helps extend the use of African languages beyond the Foundation Phase.

2. Multilingual learning materials

The DBE has also continued to develop learning materials in different languages. Its 2026 MTbBE resources include materials in [indigenous languages](#) for subjects such as Mathematics and Natural Sciences and Technology.

3. Changes in school language policies following parliamentary oversight

Parliamentary oversight has provided evidence of measurable changes in school language policies after the implementation of the BELA Act⁷³. On [2 December 2025](#), the Portfolio Committee on Basic Education was informed that 274 Afrikaans-medium schools had added English in response to demographic and parental demand, while 946 former Model C schools had introduced at least one African language. The Department also [reported](#) that 1 047 schools

had finalised revised language policies and that 1 080 schools had submitted revised admission policies.

4. South African Sign Language Education

The DBE took steps to strengthen education in South African Sign Language (“SASL”), running a national three-day capacitation programme for Intermediate Phase SASL Home Language teachers from [7 to 9 January 2026](#). The programme was intended to strengthen teachers’ skills in preparation for the 2026 academic year and 145 SASL teachers participated. This is important considering the recognition of SASL as an official language for purposes of learning at public schools.

SASL was also supported through curriculum and assessment planning. The Western Cape Department of Education (“WCEC”) issued [prescribed](#) literature for SASL Home Language for the October/November 2026 to May/June 2029 Grade 12 examinations. The approved literature was scheduled for implementation from January 2026. Schools offering SASL Home Language were required to prepare learners for the new literature from 2026.



⁷⁰ [Unrevised Hansard Mini Plenary](#) at page 20.

⁷¹ National Treasury Vote 16: [Basic Education in Estimates of National Expenditure 2026](#) at page 288.

⁷² National Treasury Vote 16: [Basic Education in Estimates of National Expenditure 2026](#) at page 288.

⁷³ Which came into effect in December 2024.



5. Read Aloud Month and multilingual reading materials

The DBE, together with the National Education Collaboration Trust and Nal'ibali, launched the 2026 [Read Aloud Month](#) campaign. For the first time, the campaign's World Read Aloud Day story was developed in SASL and then translated into the country's other 11 official languages. The story was produced and distributed in all 12 official languages. SASL was also integrated into the national Read Aloud Day and Read Aloud Month activities.

6. Higher education developments

Developments in universities also demonstrate attempts to strengthen multilingual education. Nelson Mandela University launched a [revised](#) Language Policy in March 2026. It positions isiXhosa, Afrikaans and English as languages of learning and teaching, research and engagement. It also makes provision for SASL. The policy specifically commits the University to advancing isiXhosa as a scientific language.

Stellenbosch University also commenced the scheduled [review](#) of its 2021 Language Policy. A first draft of the revised policy was made available for public consultation from 18 May to 8 June 2026. The [draft](#) places Afrikaans, English and isiXhosa at the centre of the University's institutional language practices. It provides for increasing support for

isiXhosa where reasonably practicable.⁷⁴ It also recognises African languages as languages of teaching, learning, assessment and scholarship.⁷⁵ However, the policy remains a draft and therefore does not constitute evidence of completed implementation. The University intends to submit the final policy through its governance structures for approval by Council later in 2026.

Negative Developments

1. Research on mother-tongue education

Research published in 2026 illustrates the continuing practical difficulties in implementing mother-tongue education. A [study](#) published in the South African Journal of Childhood Education examined teachers' experiences in two rural schools in the Eastern Cape.⁷⁶ It found, among other things, that teachers experienced difficulties with translation, because they had not been adequately trained to use their mother tongue as a teaching medium. Learners experienced difficulties with aspects of isiXhosa vocabulary, pronunciation, reading and spelling.

A separate 2026 systematic [review](#) similarly identified inadequate teacher preparation, limited teaching resources, insufficient institutional and policy support and curriculum-development gaps as continuing challenges to the implementation of MTbBE.⁷⁷

⁷⁴ Stellenbosch University 2026 review draft 1: *Language Policy of Stellenbosch University* at page 5.

⁷⁵ Stellenbosch University *Language Policy* at page 11.

⁷⁶ M. Cekiso "Mother tongue as a medium of instruction in the foundation phase: A comparison of classroom reality with the South African language-in-education policy" (2026) 16 SAJCE.

⁷⁷ ET Ngwenya and SP Ngubane "A systematic review of key challenges in implementing Mother Tongue-Based Bilingual Education in South African Schools" (2026) 7 EHASS 508.

2. Unequal access to education in the language of choice / literacy outcomes

Despite these developments, access to education in a learner's preferred language remains uneven. Data presented by the Right to Read Campaign showed that 15% of Grade 3 learners were [unable to read](#) a single word, with the proportion rising to approximately 25% among Sepedi- and Xitsonga-speaking learners. It was also found difference in reading performance according to the language in which learners were assessed, with learners assessed in English or Afrikaans [performing better](#) than those assessed in several African languages. These findings illustrate the continuing gap between the formal recognition of language rights and the practical ability of learners to receive effective education in their preferred language.

3. Swartruggens Gekombineerde Skool

The issue was also illustrated by the 2026 litigation concerning Swartruggens Gekombineerde Skool, an Afrikaans-medium public school. In [Swartruggens Gekombineerde Skool and Another v Head of Department for Education in the North West Province and Others](#)⁷⁸ the North West High Court considered the placement of 78 English-medium learners at the school in an Afrikaans-medium school. The school challenged the North West Department of Education's decision to place the learners at the school without prior consultation or additional resources. The court suspended the placement decision and ordered the Department to address safety, infrastructure and educational resource deficiencies.

4. Limpopo parliamentary oversight

The Portfolio Committee on Basic Education conducted an [oversight visit](#) to Limpopo from 26 to 30 January 2026. The visit covered schools in the Mopani, Sekhukhune and Capricorn districts.⁷⁹ The Committee raised concerns about school language and admission policies. The Committee followed up on the Limpopo findings on [4 August 2026](#). The Limpopo Department of Education reported that schools had been instructed to review their language and admission policies. Training on the implementation of the BELA Act had also been conducted across the province.

The Committee also monitored language access for learners with disabilities. During the 2026 parliamentary oversight process, schools visited included Yingisani Special School for the Deaf⁸⁰, Bosele School for the Blind and Deaf,⁸¹ Setotolwane School, Kamagugu Inclusive School and Silindokuhle Special School.⁸² The schools reported shortages of specialised educators, therapists, psychologists, sign language interpreters and assistive devices. The Department reported further progress on SASL. On 7 to 9 January 2026, the SASL programme provided capacity building to more than 90 educators, 43 Deaf

teachers and assistants, and six provincial South African Sign Language coordinators.⁸³

5. Language Barriers in the BELA Regulations

Concerns were also raised about language barriers during the public participation process for the BELA regulations. The Portfolio Committee on Basic Education [noted](#) that the regulations had been translated only into English and Afrikaans. The Committee expressed concern that this could prevent communities from taking part meaningfully in the process. It was also noted that an extension had been granted for public comments, but requests for translation into other official languages had not been addressed. The Minister of Basic Education accepted that the criticism about language and exclusion was valid.

The Committee also questioned whether the use of guidelines from the Office of the Chief State Law Adviser could justify limiting the regulations to two languages. It noted that such guidelines could not override the Constitution. The Committee called for a more inclusive approach to language in the publication of regulations

6. Parliamentary concerns regarding multilingualism

Parliamentary questions in 2026 continued to highlight challenges in implementing multilingualism. A [question](#) to the Minister of Basic Education raised concerns about the continued marginalisation of African indigenous languages in education.⁸⁴ In response, the Department stated that it promotes additive multilingualism and the development of indigenous African languages as languages of learning, teaching and assessment.

A separate parliamentary [question](#) revealed that English remains the South African Police Service's primary working language, although indigenous languages are rotated according to the languages most commonly spoken in different provinces.⁸⁵ These responses demonstrate the continuing gap between the state's commitment to multilingualism and the use of indigenous languages in public institutions.

Conclusion

Progress was made in giving effect to section 29(2) in 2026. The expansion of MTbBE, multilingual learning materials and support for SASL improved access to education in different official languages. However, problems with teacher training, resources, language policies and unequal outcomes remain. The enjoyment of the right remains moderate, with signs of improvement. It is graded C+.

⁷⁸ 2026 (5) SA 190 (NWM).

⁷⁹ Parliament of the Republic of South Africa "Basic Education" in [Announcements, Tablings and Committee Reports No. 39](#), Third Session, Seventh Parliament, 5 March 2026 ("ATC") at page 28. [Parliament of the Republic of South Africa Announcements, Tablings and Committee Reports](#) at page 29.

⁸⁰ ATC at page 32.

⁸¹ ATC at page 48.

⁸² ATC at page 66.

⁸³ National Council of Provinces [Unrevised Hansard: Proceedings of the National Council of Provinces](#), 27 May 2026 at page 233.

⁸⁴ Question NW1759 to the Minister of Basic Education, 3 June 2026.

⁸⁵ Question NW1910 to the Acting Minister of Police, 19 June 2026

Religion



Section 15

Freedom of Religion, Belief and Opinion

GRADE **C-**

The Constitution provides that **“1. Everyone has the right to freedom of conscience, religion, thought, belief and opinion. 2. Religious observances may be conducted at state or state-aided institutions, provided that a. those observances follow rules made by the appropriate public authorities; b. they are conducted on an equitable basis; and c. attendance at them is free and voluntary. 3. a. This section does not prevent legislation recognising i. marriages concluded under any tradition, or a system of religious, personal or family law; or ii. systems of personal and family law under any tradition, or adhered to by persons professing a particular religion. b. Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution.”**

Scope:

This right protects all people (the religious and irreligious) and ensures that everyone has the freedom to not only believe (or not) internally, but to manifest their (even [irrational, illogical or bizarre](#)⁸⁶) beliefs externally.⁸⁷ This is fundamentally intertwined with other constitutional rights, such as dignity, equality, freedom of expression, freedom of association, etc.

Positive Developments

1. Constitutional Court clarifies limits of SAHRC powers

In [South African Human Rights Commission v Agro Data CC](#),⁸⁸ the Constitutional Court considered whether the South African Human Rights Commission (“SAHRC”), a Chapter 8 institution, could issue binding directives following an investigation into an alleged human-rights violation. The case concerned a dispute over access to borehole water on a farm. On 22 April 2026, the Constitutional Court held that the SAHRC does not have the power under section 184(2)(b) of

the Constitution to issue binding and legally enforceable directives following its investigations.⁸⁹

Although Agro Data does not directly determine the powers of the CRL Rights Commission, the judgment is relevant in the context of the ongoing Section 22 Committee dispute (discussed below). It reinforces the principle that Chapter 9 institutions, like the CRL Rights Commission, must exercise their powers within the limits conferred upon them by the Constitution and their enabling legislation. This provides important constitutional context while the lawfulness of the CRL Rights Commission’s Section 22 Committee process is being challenged.

2. Marriage Bill

[The Marriage Bill](#) remains under consideration by Parliament’s first house, the National Assembly. The Bill, seeks to consolidate South Africa’s fragmented marriage laws into a single statute, will give legal recognition and status to religious marriages in terms of section 15(3) of the Constitution. Such legal recognition will protect spouses in and children of such marriages in for example, the event of death or divorce. This protects and promotes their right to religious freedom. The Bill also explicitly protects the rights of religious marriage officers, i.e. pastors, priests, imams etc. who hold a licence as a marriage officer, but are not state employees, to not be compelled to solemnise any marriage which is against their conscience, religion or belief. This protection does not extend this protection to ex officio marriage officers.⁹⁰

Negative developments

1. The Section 22 Committee and the challenge to religious self-regulation

On 2 October 2025, the CRL Rights Commission established

⁸⁶ [Prince v President, Cape Law Society and Others 2002 \(2\) SA 794 \(CC\)](#) at para 42.

⁸⁷ [S v Lawrence, S v Negal; S v Solberg 1997 \(4\) SA 1176 \(CC\)](#) at para 92.

⁸⁸ 2026 (5) SA 1 (CC).

⁸⁹ At paras 60, 72 and 83.

⁹⁰ Clause 11(4) of the Bill.

the Section 22 [Ad Hoc Committee for the Christian Sector](#) ("the Section 22 Committee") in terms of section 22 of the CRL Rights Commission's empowering legislation.⁹¹ As per the Section 22 Committee's [Terms of Reference](#), it will focus on the Christian sector.⁹²

The Section 22 Committee must consult with all religious sectors and organisations and engage with government departments to facilitate the development of a legislative framework that provides for:

- a. The establishment of Religious Practice Council, representative of all religious sectors/denominations;
- b. Registration of religious institutions according to the diverse religious sectors/denominations;
- c. Registration of religious practitioners according to the diverse religious sectors/denominations; and
- d. Development of code of conduct/ethics for all religious practitioners.⁹³

As a result of the Terms of Reference, [those](#) who [oppose](#) the Section 22 Committee process say this is not self-regulation, but directed towards what is effectively state regulation. This is, because it is moving beyond voluntary self-regulation towards a legislative or regulatory framework.

Of particular note is that the Section 22 Committee's Chairperson, Reverend Professor Musa Xulu, [resigned](#) with immediate effect on 15 January 2026, [citing](#) amongst other things, that he "*can no longer serve as Chair of a Committee... which is being used as a front to disguise a predetermined agenda of State control of religion...*". Xulu also expressed concern about his inability to control the Section 22 Committee's processes and said that he could not endorse their outcomes. He furthermore raised concerns about the exclusion of significant Christian constituencies and the way the draft framework (see below) was being developed.

Significantly, CRL Rights Commission Chairperson, Thoko Mkhwanazi-Xaluva, stated in two separate TV interviews that "[there must be an act and a council formed out of that act](#)" and that it would be a leader's own "[peers who will say your freedom of religion starts here and ends there](#)". These statements contributed to concerns that the Section 22 Committee process may be moving towards a system of state regulation of religion, notwithstanding the Commission's characterisation of the proposed framework as voluntary and sector-led.

On 19 December 2025, the Section 22 Committee published its [Draft Self-Regulatory Framework](#) for the Christian Sector for national consultation. The draft describes itself as a voluntary initiative by the Christian community rather than a system of state regulation.⁹⁴ It proposes three principal areas of self-regulation:⁹⁵

- a. Internal governance and accountability;

- b. Ethical and professional conduct; and
- c. Legal and regulatory compliance.

It also proposes the establishment of an independent Christian Practice Council for Ethics and Accountability ("CPCEA"), which would support and certify participating organisations and issue a "Seal of Good Standing" to organisations meeting the proposed standards.⁹⁶ Importantly, the **CPCEA will have sanction powers**, including suspension of the Seal of Good Standing, **deregistration and public notification**.⁹⁷

The [Draft Self-Regulatory Framework](#) has been strongly contested: In November 2025, the South African Church Defenders ("SACD") and the [Muslim Lawyers Association](#) ("MLA") instituted separate court applications.

In particular, the SACD launched a review application in the Gauteng High Court, Johannesburg, [challenging](#) the establishment of the Section 22 Committee. The SACD alleges that the Committee was established without proper statutory authority, without a formal authorising resolution of the CRL Rights Commission, and that the process was undertaken without adequate consultation with affected religious organisations. It further alleges that the Section 22 Committee is being used to revive a broader regulatory agenda previously considered by the CRL Rights Commission, including measures affecting religious leadership, governance, training and doctrine. The SACD seeks an order declaring the Section 22 Committee unlawful and setting aside measures taken pursuant to it.

The SACD's challenge also raises concerns about the nature of the consultation process itself. The SACD alleges that regulatory proposals had already been developed before the consultations commenced, calling into question whether the process was genuinely intended to obtain input from the Christian sector or to secure support for a predetermined framework. It further disputes the CRL Rights Commission's characterisation of previous parliamentary processes concerning religious regulation and alleges that certain Christian traditions were inadequately represented in the establishment of the Section 22 Committee.

2. Parliament and the COGTA Committee's intervention

In November 2025, SACD [marched](#) to Parliament and handed over a memorandum calling on Parliament and its National Assembly's Portfolio Committee on Cooperative Governance and Traditional Affairs ("COGTA Portfolio Committee") to investigate the Commission's actions and statements concerning the Section 22 Committee process and to convene open hearings on proposals affecting religion. Following the march, the Speaker of the National Assembly [issued a clear instruction](#) that the matter needs to be given serious attention and Parliament subsequently [indicated](#) that the concerns raised by the religious sector would be considered by the COGTA Portfolio Committee.

⁹¹ CRL Rights Commission Act 19 of 2002.

⁹² Clause 5.2.

⁹³ Clause 6.1.

⁹⁴ Clause 7.1.

⁹⁵ Clause 5.

⁹⁶ Clause 6.

⁹⁷ Clause 6.3.2.

On 11 February 2026, the COGTA Portfolio Committee [met](#) with religious leaders amid continued concerns about the establishment and operation of the Section 22 Committee. The Committee reaffirmed that the right to freedom of religion is constitutionally protected, while also recognising the need to address abuse within religious institutions. It noted that it had sought legal advice concerning the Section 22 Committee process.

[On 26 March](#), the Speaker of the National Assembly noted that Parliament had received formal submissions, memoranda and representations from faith-based organisations concerning the constitutionality, inclusivity and conduct of the Section 22 process. [On 26 May](#), following the COGTA Portfolio Committee's separate engagements with the CRL Rights Commission and religious organisations, the COGTA Portfolio Committee stated that freedom of religion and accountability need not be mutually exclusive and sought to identify areas of agreement and outstanding issues between the parties.

Following these engagements, on [4 August 2026](#) the COGTA Portfolio Committee gave the CRL Rights Commission a week to present it with a plan on reforming the Section 22 Committee process. The COGTA Portfolio Committee directed the CRL Rights Commission and its Section 22 Committee to [submit](#) a clear, concrete proposal explaining how concerns about inclusivity and reform of the committee will be addressed. It further [stated](#) that the religious sector, rather than the CRL Rights Commission, must lead the substantive development of any code of ethical conduct. At the time of writing, these matters are still to be scheduled.

3. Religious intolerance

Religious intolerance continued to affect the practical enjoyment of freedom of religion, belief and opinion. Antisemitism remained a concern, although available [data](#) indicate a mixed picture rather than a general nationwide increase. By the end of May 2026, the South African Jewish Board of Deputies ("SAJBD") had [recorded](#) 32 antisemitic incidents nationally, averaging 6,4 incidents per month.

In Gauteng, the Community Security Organisation ("CSO") [reported](#) 15 aggravated antisemitic incidents during April and May 2026, compared with only two during the preceding two-month period. The incidents included verbal abuse, intimidation, threats, harassment in public spaces and, in a small number of cases, physical assault. In one incident, a Jewish person was physically assaulted at a nightclub, while another involved a group returning from synagogue who were subjected to antisemitic abuse and told to leave South Africa. The SAJBD has also [identified](#) less overt but increasingly significant forms of exclusion, describing a "closure of spaces" in which hostility towards Jews and Zionists has contributed to reduced participation in some academic and professional spaces. It has further [reported](#) an escalation in online hostility and has referred social media accounts to the SAHRC and the courts on grounds of hate speech.

Anti-Muslim hostility also occurred during the reporting period:

In February 2026, a Muslim worshipper in Tzaneen was [attacked](#) with acid while walking home after evening prayers during Ramadan. Although the motive for the attack had not been established, the incident raised concerns about the safety of Muslims attending religious services. In May, [Islamophobic messages](#) were painted on walls, public signs and near a mosque in Durban's North Beach area. This raised concerns about intimidation and incitement against the Muslim community. A [case](#) of incitement of violence, intimidation, and hate speech was opened with the police.

In July Yusuf Cassim faced [online hostility](#) because of his faith, following his appointment as Deputy Minister of Higher Education and Training. He was subjected to abuse and conspiracy theories questioning.

Balwin Properties also [terminated](#) all contractual relationships with Sebastian Brokmann after WhatsApp messaged containing *inter alia* anti-Muslim language came to light. Brokmann was a prominent figure in the South African padel industry and had previously served as Managing Director and Chief Of Padel of Balwin Properties' Padel Division.

These developments undermine tolerance and mutual respect, which are essential for the exercise of religious freedom. They also highlight the urgent need for proactive intervention by bodies like the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities ("CRL Rights Commission") to promote peace and dialogue. The CRL Rights Commission's constitutional mandate is to *inter alia* promote and develop peace, friendship, humanity, tolerance and national unity among different religious communities.⁹⁸ This is further expanded upon by its empowering legislation, which states that it promote and develop peace, friendship, humanity, tolerance and national unity among religious communities.⁹⁹ These incidents show an opportunity for the CRL Rights Commission to focus on fostering peace, friendship and unity amongst religious sectors as per its mandate.

Conclusion

The enjoyment of the right to freedom of conscience, religion, thought, belief and opinion (section 15) remained moderate during the reporting period. Parliament's increased oversight of the CRL Rights Commission and continued consideration of the Marriage Bill indicate some institutional progress. Yet, the underlying concerns about religious self-regulation remain unresolved. The continued occurrence of antisemitism, Islamophobia and other forms of religious intolerance also shows that constitutional protection does not always translate into equal and secure enjoyment of the right in practice. Taken together, the developments resulted in the practical enjoyment of the right receiving a grade of C-.

⁹⁸ Section 185(1)(b) of the Constitution.

⁹⁹ Section 4(b) and 4(c) of the CRL Rights Commission Act 19 of 2002.

Section 18

Freedom of Association

GRADE **C-**

“Everyone has the right to freedom of association.”

The Constitutional Court has historically been firm in its stance that “there are a number of constitutional provisions that underline the **constitutional value of acknowledging diversity and pluralism in our society**, and give a particular texture to the broadly phrased right to freedom of association contained in section 18. Taken together, they affirm the right of people to **self-expression without being forced to subordinate themselves to the cultural and religious norms of others**, and highlight the importance of individuals and communities being able to enjoy what has been called the **‘right to be different’**.”¹⁰⁰

The Court has [held](#) that associations are worthy of protection, from both the state and from external actors who may not share an association’s goals.¹⁰¹ Freedom of association enables citizens to organise around particular issues of concern, e.g. culture, religion or language. It provides them with the freedom to associate or disassociate. It, also, includes the ability of associations to be free from undue external interference.

Positive Developments

1. Proposal to amend section 18

In March 2026, Parliament published its Summary of Submissions received as part of its 2025 constitutional review (an annual process). Among the public submissions considered was a proposal to amend several rights in the Bill of Rights by replacing the word “Everyone” with “Every Citizen”. The proposal affects numerous rights,¹⁰² including the right to freedom of association, which currently extends to non-citizens and provides that “*Everyone has the right to freedom of association*”. The proposal would replace this with “*Every Citizen has the right to freedom of association*”. This would affect non-citizens’ ability to rely directly on section 18 when forming or participating in associations, including civil-society organisations, community organisations and other groups.

During Parliament’s Joint Constitutional Review Committee most recent meeting – which took place in [June 2026](#) – it was [advised](#) by Parliament’s legal services that the proposal was not supported by the current constitutional framework or jurisprudence. This is due to one, the Constitutional Court’s judgments have consistently interpreted these rights broadly and two, existing legislation already regulated access to benefits and services and that the submission did not demonstrate a need for constitutional amendment.

2. Divine Life Society of South Africa and Others v Avinash Parshotam

On 24 June 2026, the Supreme Court of Appeal (“SCA”) handed down judgment in the matter of [Divine Life Society of South Africa and Others v Avinash Parshotam](#).¹⁰³ The matter concerned the disciplinary expulsion of a member from the Divine Life Society of South Africa, a Hindu religious voluntary association. The member challenged the disciplinary proceedings on the basis that the Society’s Board was improperly constituted and that the process had not complied with the principles of natural justice.

The SCA found that the Board had been lawfully constituted, but that the **disciplinary proceedings procedurally unfair**. This is, because the member had not been given adequate notice of the precise charges against him or a proper opportunity to confront and test the evidence. Additionally, the same Board members had investigated the complaints, participated in the prosecution and adjudicated the matter, creating a reasonable apprehension of partiality. The SCA accordingly upheld the setting aside of the disciplinary decisions and remitted the matter to the Society.

NEWS

Court overturns Divine Life Society's disciplinary action against renunciant member Rishikumar Satyanand

NATURAL JUSTICE

NADIA KHAN | Published 2 months ago

f x in w t e Ask AI



Avinash Parshotam, left, also known by his monastic name Rishikumar Satyanand, with his legal representative, Anand Nepal.

Image: Supplied

¹⁰⁰ *Minister of Home Affairs v Fourie* 2006 (3) BCLR 355 (CC) at para 61. (Own emphasis.)

¹⁰¹ *National Union of Metal Workers of South Africa v Lufil Packaging (Isithebe) and Others* [2020] ZACC 7 at para 33.

¹⁰² Similar proposals were made in relation to sections 12, 15, 16, 17, 21, 23 and 24 of the Constitution.

¹⁰³ [2026] ZASCA 89.

The judgment is relevant to the right to freedom of association, because it concerns the governance of a voluntary religious association and the relationship between an association's autonomy to regulate its internal affairs and the rights of its members. The Court did not substitute its own decision for that of the Society, but required the association to exercise its disciplinary powers in accordance with its constitution and principles of natural justice.

3. Court affirms limits on state interference in the registration of associations

In [*Commuter Contract Employers Association v Registrar of Labour Relations*](#),¹⁰⁴ the Labour Court considered the Registrar's refusal to register COMCONEA as an employers' organisation under the Labour Relations Act. The Registrar had questioned whether COMCONEA was a genuine employers' organisation and had imposed requirements concerning, among other things, its meetings, membership and organisational structure.

The Court found that the Registrar had collapsed two separate enquiries: One, whether the statutory registration requirements had been met. And two, whether the organisation was genuinely an employers' organisation. The Registrar's powers did not extend to assessing the organisation against the Registrar's own conception of an "ideal" organisational structure.

The Court emphasised that the regulatory requirements applicable to registered unions and employers' organisations must be interpreted in a manner **that least interferes with their freedom** to determine their own internal organisational arrangements and operations.¹⁰⁵ It also referred to the protection of freedom of association under the Constitution and the International Labour Organisation's Freedom of Association Convention. The Court accordingly upheld COMCONEA's appeal and ordered the Registrar to register the organisation within 15 days.

The judgment is relevant to right to the freedom of association, because it illustrates that any regulatory requirements on associations, must be interpreted in such a way that they maximise freedom and minimally infringe upon the enjoyment of the right. It shows the limits on administrative regulation where registration requirements affect an association's ability to establish and organise itself.

4. Governance and membership of a religious voluntary association

In [*Bassier v Moslem Cemetery Board*](#),¹⁰⁶ the Western Cape High Court considered a dispute concerning the governance and membership of the Moslem Cemetery Board, which administers the Mowbray Moslem Cemetery. The Court found that the Board had failed to convene annual general meetings for more than 15 years, resulting in deficiencies in its governance structures.



¹⁰⁴ [2026] ZALCCT 4.

¹⁰⁵ At para 53.

¹⁰⁶ [2026] ZAWCHC 388.

The Court also considered the Board's practice of restricting membership to particular persons and found that an interpretation that excluded the broader Muslim community from meaningful participation in the governance of the cemetery could not be sustained. **The Court held that voluntary associations may regulate membership, but that such regulation must have a rational connection to the association's purpose.**

The Court ordered the Board to reopen and regularise its membership registration process and to convene a special general meeting for the election of a governing body. It also declared invalid any interpretation or practice that confined membership exclusively to lineal descendants to the exclusion of other qualifying persons.

The judgment is relevant to the right to freedom of association, because it while voluntary associations may regulate membership, the judgment shows that such regulation must have a rational connection to the association's purpose. I.e. there must be a valid reason, connected to the association's purpose, to exclude people from membership.

Negative developments

1. Proposed changes to the regulation of nonprofit organisations

Proposed amendments to the Nonprofit Organisations Act, 1997,¹⁰⁷ ("NPO Act") which regulates registered nonprofit organisations and affects an important category of associations through which people organise around common social, cultural, religious and community interests.

On 13 January 2026, National Treasury [published](#) the Draft General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, 2025 for public comment. The draft Bill proposed amendments to the NPO Act to extend the functions of the Directorate to include monitoring and enforcement of nonprofit organisations;¹⁰⁸ to provide for the director to impose administrative sanctions;¹⁰⁹ to provide for a **maximum penalty of R1 million or maximum imprisonment of five years.**¹¹⁰ The proposals formed part of measures intended to strengthen South Africa's anti-money-laundering and counter-terrorist-financing framework following the country's exit from the FATF grey list and ahead of its next mutual evaluation.¹¹¹

Finance Minister, Enoch Godongwana subsequently introduced an [amended](#) version of the Bill to Parliament at the end of May 2026. Parliament's Standing Committee on Finance subsequently [invited](#) public submissions and scheduled public hearings for 11 August 2026.

A [major concern](#) is that the Directorate would become an enforcement agency, rather than a support body to NPOs. This contrasts with the original 1997 Act was designed around [transparency and voluntary accountability](#). The Directorate's ability to investigate, prosecute, and sanction organisations, including **imposing severe sanctions**, without independent oversight results in an excessive concentration of power in the Director and increases the potential for abuse. Civil Society Organisations ("CSOs") have also [argued](#) that these aspects of the Bill may be unconstitutional, because it is contrary to the right to administrative action that is lawful, reasonable, and procedurally fair.¹¹²

2. DSD registration of NPOs

The Department of Social Development ("DSD") [indicated](#) that it intended to roll out an integrated digital platform for NPO registration and reporting. It stated that the platform would allow real-time compliance tracking and improve coordination with institutions including South African Revenue Service ("SARS") and the Companies and Intellectual Property Commission ("CIPC").

NPOs are one of the primary ways in which people exercise the right to freedom of association. The introduction of real-time compliance tracking and data-sharing with institutions such as SARS and CIPC could affect how associations operate in practice. For some groups, streamlined registration may reduce administrative burdens, but for others increased state oversight and monitoring could raise concerns about privacy, autonomy and the chilling of association, particularly for organisations working on sensitive or advocacy-related issues.

Conclusion

Taken together, the reporting period reflects that the courts remain strongly protective of freedom of association, but that emerging legislative and administrative developments that could increase state oversight of associations, particularly nonprofit organisations, without appropriate safeguards, undermining the right to freedom of association. While no direct restriction on the scope of the right to freedom of association (section 18) was enacted during the period, the proposed regulatory changes warrant a downgrade, because of their potential severe implications for organisational autonomy, privacy, self-governance and the practical exercise of associational freedom. The enjoyment is thus graded as C-.

¹⁰⁷ Act 71 of 1997.

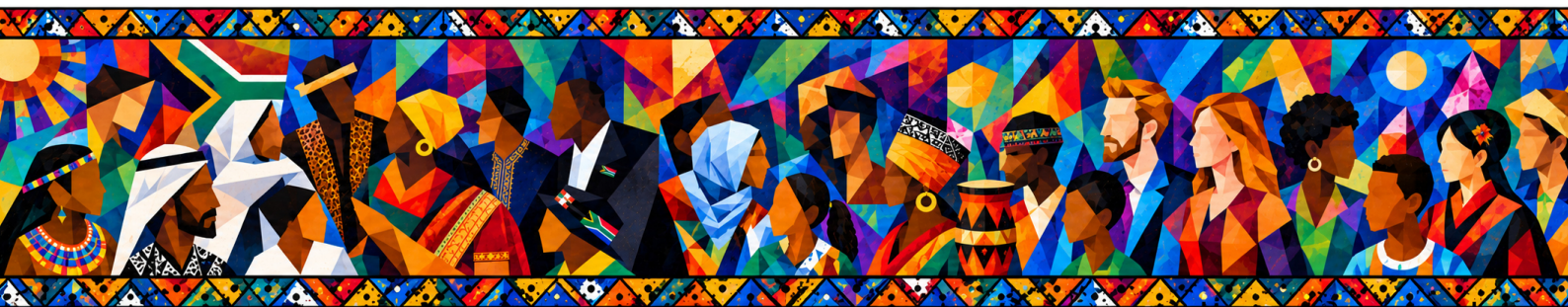
¹⁰⁸ Clause 1 of the Bill.

¹⁰⁹ Clause 3 of the Bill.

¹¹⁰ Clause 4 of the Bill.

¹¹¹ Memorandum on Objects of General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, 2025 at para 1.1.

¹¹² Section 33 of the Constitution.



Section 30

The Right to Use the Language and Participate in the Culture of Choice

GRADE **B=**

“Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.”

Positive Developments - The right to use the language of one's choice

1. Review of the Use of Official Languages Act

A significant development during the reporting period was progress towards reviewing the [Use of Official Languages Act, 2012](#).¹¹³ In January 2026, the Department of Sport, Arts and Culture published a draft Use of Official Languages Amendment Bill for public consultation. (See section 6(2) above for more detail.)

2. National Language Summit and National Language Action Plan Task Team

The National Language Summit (in March 2026) and the subsequent appointments to the National Language Action Plan Task Team (in June 2026) show the state taking steps towards developing a more coordinated approach to multilingualism. (See section 6(2) above for more details.)

3. Language rights in the legal profession

PanSALB's [public hearing](#) on the Legal Practice Council's ("LPC") language policy that candidate attorney examinations would be conducted in [English](#) only¹¹⁴ was significant, because legal education and professional qualification are high-status domains. Indigenous languages cannot fully develop if they remain excluded from professional training and assessment. (See section 6(2) above for more details.)

4. Digital multilingualism & development of indigenous-language AI terminology

PanSALB's [partnership](#) with Google on an AI glossary containing standard artificial-intelligence terminology in isiZulu, isiXhosa and Afrikaans and the University of Cape Town's development of an AI language model trained specifically on South Africa's 11 official **written** languages are both positive developments, that aid the use of indigenous languages in new areas of communication and knowledge, rather than limiting those languages to informal or cultural settings. (See section 6(2) above for more details.)

5. Recognition of Khoi and San indigenous names

On 3 March 2026, PanSALB [welcomed](#) the inclusion of Khoi and San indigenous names in the Department of Home Affairs' system. Members of Khoi and San communities had [experienced](#) longstanding difficulties registering indigenous names because of the technical orthographies and writing systems associated with these languages. (See section 6(2) for more details.)



¹¹³ Act 12 of 2012.

¹¹⁴ Legal Practice Council Report 2025 at para 57.

Negative Developments - The right to use the language of one's choice

1. Language policies in public schools under the BELA framework

Empowered by the [Basic Education Laws Amendment Act, 2024](#)¹¹⁵ ("BELA Act"), the Department of Basic Education published four sets of draft regulations for public comment as part of this process.¹¹⁶ However, many communities and schools were [unaware](#) of them until Civil Society Organisations ("CSOs") intervened. As a result, the Department was specifically [asked](#) to translate the draft regulations into other official South African languages. And Parliament itself [expressed](#) concerns that the regulations were translated into only Afrikaans and English, hampering meaningful participation from communities.

2. Xenophobia and linguistic profiling

In [July 2026](#), PanSALB warned against linguistic profiling during anti-immigration protests. It stressed that language or

accent cannot reliably establish nationality and that people should not face discrimination or violence because of the language they speak. (See section 6(2) above for more detail.)

These developments highlight the practical challenges faced by people seeking to use and express themselves through their chosen language in public life. They also demonstrate that linguistic identity may become a basis for exclusion where language or accent is used to make assumptions about a person's nationality.

Conclusion

Despite meaningful progress in multilingualism, indigenous-language development and recognition, practical enjoyment of language rights remains uneven. Participation barriers, limited language accessibility in public processes, and linguistic discrimination demonstrate that formal recognition alone does not guarantee equal use of one's language of choice in public and professional life. A grade of B= is thus awarded.

Press Statement: The Centre Condemns Xenophobia, Intimidation, and Violence Against Foreign Nationals in South Africa

Details

Published: 25 May 2026



PRESS STATEMENT

The Centre for Human Rights Condemns Xenophobia, Intimidation and Violence against Foreign Nationals in South Africa

www.chr.up.ac.za



¹¹⁵ Act 32 of 2024.

¹¹⁶ Draft minimum norms and standards for provincial teacher development institutes and district teacher development centres, draft procedures for electing school governing body members, draft regulations on compensation for additional work, draft regulations on a national education information system.

Section 31

The rights of cultural, religious and linguistic communities

GRADE **B+**

“1. Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community a. to enjoy their culture, practise their religion and use their language; and b. to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

2. The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.”

The right of religious communities to practise their religion

See section 15 above.

The right of linguistic communities to use their language

See section 30 above.

Positive Developments - The right of cultural communities to enjoy their culture

1. Recognition and institutional framework for traditional and Khoi-San communities

The Traditional and Khoi-San Leadership Bill is currently under [consideration](#) by the National Assembly. The Bill follows the Constitutional Court's 2023 declaration of invalidity of the [Traditional and Khoi-San Leadership Act, 2019](#)¹¹⁷, which concerned deficiencies in Parliament's public-participation process. Parliament was subsequently granted an extension to 29 May 2027 to remedy the procedural defects and finalise replacement legislation. In developing the 2026 Bill, the Department of Cooperative Governance and Traditional Affairs reported that it had conducted a public consultation process and received 134 written submissions from traditional leaders, Khoi-San organisations, civil society, academic institutions and members of the public.

The Bill contains provisions affecting the recognition, organisation and functioning of institutions through which traditional and Khoi-San communities maintain and express aspects of their collective cultural identity.

It introduces the recognition of Khoi-San kingships and queenships, Khoi-San kingship and queenship councils, strengthened community participation and accountability mechanisms. It also introduces a requirement for 50% representation of women in traditional and Khoi-San leadership councils and houses.

2. Repatriation and reburial of Khoi and San ancestral remains

On 23 March 2026, the ancestral remains of 63 Khoi and San people were formally [reburied](#) at the Kinderlê Monument in Steinkopf, Northern Cape, following their repatriation from institutions in Europe and South Africa. The Presidency stated that the remains had been removed from their graves during the late 19th and early 20th centuries and had subsequently been held by museums and universities.

The reburial enabled affected Khoi and San communities to reclaim and observe their own cultural and spiritual practices concerning the treatment and burial of their ancestors, after the remains had been held by institutions for decades. The participation of community representatives in the repatriation and reburial process was also significant in restoring the communities' role in decisions concerning their cultural heritage.

Negative Developments - The right of cultural communities to enjoy their culture

1. Cultural practices and customary initiation

Reflecting increasing State oversight of customary initiation practices, the North West Department of Cooperative Governance and Traditional Affairs held a [State of Readiness Session](#) on 12 November 2025 ahead of the 2025 summer initiation season. This was part of the Department's efforts to [strengthen](#) coordination among traditional leaders, health authorities, police and municipalities, to combat illegal initiation schools, enforce compliance measures and protect initiates.

The 2026 winter customary initiation season also raised issues concerning the relationship between cultural rights and State regulation of cultural practices. In March, Members of Parliament [raised](#) concerns about recurring deaths at illegal initiation schools and the lack of visible prosecutions. Government [responded](#) by highlighting oversight structures, inspections, practitioner screening, and law-enforcement operations, noting that 103 cases were opened and 53 arrests made during the 2025 summer initiation season, reflecting Government's strengthened resolve to hold perpetrators accountable.

Cabinet later reported on 29 July 2026 that 47 initiates had died and 93 had been hospitalised during the initiation season. It was further reported that 161 criminal investigations had been opened, 42 illegal initiation schools had been closed and 181 initiates were rescued.

¹¹⁷ Act 3 of 2019.

The scale of the reported deaths and injuries highlighted the continuing challenge of protecting customary initiation as an important cultural practice while ensuring the safety and well-being of those who participate in it. The State's intervention in response to unsafe and illegal initiation practices also raises the question of how measures to protect life and health can be implemented while respecting the rights of communities to maintain and practise their cultural traditions.

2. Constitutional Court and the cultural and spiritual rights of Wild Coast communities

On 14 August 2026, the Constitutional Court handed down [judgment](#) in a matter that concerned the lawfulness of an exploration right.¹¹⁸ Said right was granted to Impact Africa authorised seismic exploration for oil and gas along the Wild Coast. The right was also subsequently renewed.

Communities and environmental organisations challenged the exploration right, arguing, among other things, that they had **not been meaningfully consulted** and that the decision-maker had **failed to consider the spiritual and cultural rights** and livelihoods of affected Wild Coast communities.

The Constitutional Court agreed and set aside the exploration right and its renewals. It thus affirmed the relevance of cultural and spiritual community interests when

State decisions may affect the places, livelihoods and practices through which communities maintain their collective cultural identity. It also illustrates that meaningful participation by affected communities is important where State decisions have the potential to interfere with those interests.

Conclusion

The developments underscore the continued importance of participation and respect for community identity in the protection of the rights of cultural, religious and linguistic communities (section 31) rights. Simultaneously, the continued occurrence of deaths and injuries associated with customary initiation practices highlights challenge remains to ensure that necessary regulatory interventions do not unnecessarily undermine legitimate cultural practices.

Overall, the dominant trend during the reporting period was one of recognition, protection and affirmation of the rights of cultural communities, particularly indigenous communities, notwithstanding continuing challenges concerning the regulation of certain cultural practices.

A grade of B+ is therefore awarded.



¹¹⁸ *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others* [2026] ZACC 33.

Section 185

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

GRADE **C-**

“(1) The primary objects of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities are - (a) to promote respect for the rights of cultural, religious and linguistic communities; (b) to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association; and (c) to recommend the establishment or recognition, in accordance with national legislation, of a cultural or other council or councils for a community or communities in South Africa. (2) The Commission has the power, as regulated by national legislation, necessary to achieve its primary objects, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning the rights of cultural, religious and linguistic communities. (3) The Commission may report any matter which falls within its powers and functions to the South African Human Rights Commission for investigation. (4) The Commission has the additional powers and functions prescribed by national legislation.”

Positive Developments

1. Investigation into Initiation Practices

On 12 July 2026, preliminary reports recorded [35 deaths](#) during the winter initiation season. The reports also recorded 12 abductions, 58 illegal initiation schools, 42 schools that had been closed, 180 rescued initiations and 75 hospitalisations. By 16 July 2026, the reported death toll had [increased](#) to 43. The deaths included 18 in Mpumalanga, 14 in the Eastern Cape, two on Gauteng, three in Limpopo, four in North West and two in the Free State.

In July 2026, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (“CRL Rights Commission”) announced [an investigative](#) mechanism to examine problems linked to customary initiation practices. These problems include deaths, amputations and violence against initiates. The investigation will examine the causes of these problems. It will also examine weaknesses in the implementation and enforcement of the [Customary Initiation Act 2, 2021](#). The Commission said that the investigation would help identify measures to protect cultural rights while ensuring that initiation practices comply with the law. This exercise falls within the Commission's power to monitor and investigate matters concerning cultural rights under section 185(2).

2. Joint Inquiry into Gender-Based Violence and Femicide

In July 2026, the CRL Rights Commission joined the Commission for Gender Equality (“CGE”) and the South African Human Rights Commission (“SAHRC”) in a joint [inquiry](#) into failures in the criminal justice system's response to Gender-Based Violence and Femicide (“GBVF”). The inquiry examines how the justice system deals with GBV and related cases. Parliamentary Portfolio Committee on Women, Youth and Persons with Disabilities [welcomed](#) the inquiry and said that serious weaknesses in the justice system continue to affect victims and survivors. The inquiry gives effect to the Commission's power to investigate and report on matters concerning the rights of cultural, religious and linguistic communities.



3. Parliament's concerns

Parliament's Portfolio Committee on Cooperative Governance and Traditional Affairs (“COGTA Portfolio Committee”) scheduled an [engagement](#) with the CRL Rights Commission in April 2026. Said engagement was on the [CRL Rights Commission's 2026/27 Annual Performance Plan](#). The CRL Rights Commission reported that it had achieved all annual targets during 2025/26, but some of the COGTA Portfolio Committee's members were [very concerned](#) about the Commission's measurable impact, staffing structure and involvement in the Section 22 Committee (about regulation of religious institutions). Members also posed questions regarding the extent to which over 60% of the CRL Rights Commission's budget is being spent on salaries was sustainable.

Negative Developments

1. Concerns about the Section 22 Process

On 2 October 2025, the CRL Rights Commission established the Section 22 [Ad Hoc Committee for the Christian Sector](#) (“the Section 22 Committee”) in terms of section 22 of the CRL Rights Commission’s empowering legislation.¹¹⁹ As per the Section 22 Committee’s [Terms of Reference](#), it will focus on the Christian sector.¹²⁰ [Those](#) who [oppose](#) the Section 22 Committee process say this is not self-regulation, but directed towards what is effectively state regulation, because it is moving beyond voluntary self-regulation towards a legislative or regulatory framework. (See section 15 above for more details.)

2. Failure to actively address religious intolerance

The CRL Rights Commission appears not to have taken active steps to address the incidents of religious intolerance (discussed in section 15 above), despite its constitutional mandate and statutory function to promote and develop peace, friendship, humanity, tolerance and national unity among different religious communities¹²¹.

Conclusion

The CRL Rights Commission remained active in 2026. It launched an investigation into problems affecting customary initiation. It joined the Commission for Gender Equality and South African Human Rights Commission in a joint GBVF inquiry. However, concerns about its Section 22 Committee process continued in 2026 and even resulted in Parliament becoming involved. The Commission also failed in actively addressing incidents of religious intolerance. On balance, a C- grade is awarded for 2026.



¹¹⁹ CRL Rights Commission Act 19 of 2002.

¹²⁰ Clause 5.2.

¹²¹ Section 185(1)(b) of the Constitution read with section 4(b) and 4(c) of the CRL Rights Commission Act 19 of 2002.

Overall Conclusion



Between September 2025 and September 2026, there was modest, but meaningful progress in the protection, promotion and development of South Africa's linguistic, cultural and religious rights. Most notably, South African Sign Language ("SASL") became an official language; renewed national attention was given to multilingualism through the National Language Summit and National Task Team; Mother Tongue-Based Bilingual Education continued to expand; and PanSALB adopted a more active monitoring and advocacy role.

However, persistent implementation failures; inadequate funding; institutional capacity constraints; and weak accountability mechanisms continue to limit the practical enjoyment of many of these rights. Sustainable progress will depend on effectively implementing laws and proving measurable outcomes.

Looking forward, concerns of state encroachment on religious freedom and freedom of association on the horizon will also need to be addressed to ensure that these rights remain protected and freedom is maximised.¹²²

Measured against the previous reporting period, there was:

- Regression in the enjoyment of 3/11 rights.
- Improvement in the enjoyment of 4/11 rights.
- No change in the enjoyment of 4/11 rights.

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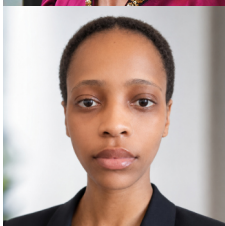


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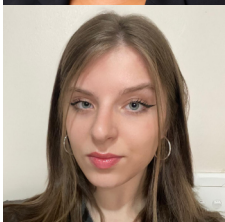
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¹²² I.e. that no less restrictive means to achieve the state's purpose exists, as per section 36(1)(e) of the Constitution.