
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

Department of Justice and Constitutional Development

NOTICE 1156 OF 2022

PART A

INVITATION FOR PUBLIC COMMENTS

ON

**THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996:
AMENDMENT TO SECTION 6 OF THE CONSTITUTION**

1. INVITATION

1.1 I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, in terms of section 74(5)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), and in accordance with the rules and orders of the National Assembly, hereby publish, for public comment, the particulars of the proposed amendment to section 6 of the Constitution of the Republic of South Africa Act, 1996 (the Constitution), as set out in Part B. The proposed amendment to section 6 of the Constitution and the note below, explaining the background of the proposed amendment, are also available on the website of the Department at the following address: <http://www.justice.gov.za>

1.2 The comments on the proposed amendment to section 6 of the Constitution must be submitted not later than **30 working days after the date of publication of this invitation**, marked for the attention of **Ms Regomoditswe Baloyi**, and—

(a) if they are forwarded by post, be addressed to—

**The Department of Justice and Constitutional Development
Chief Directorate: Legislative Development
Private Bag X81
Pretoria
0001**

(b) if they are delivered by hand, be delivered at—

**SALU Building, Room 2303
316 Thabo Sehume Street
Pretoria**

(c) if they are delivered by email, be emailed to:

RegoBaloyi@justice.gov.za

1.3 For further information, please do not hesitate to contact Ms R Baloyi on (012) 406 4769.

2. BACKGROUND NOTE

The following background information is hereby furnished in order to assist interested parties to comment on the proposed amendment to section 6 of the Constitution.

- 2.1 The purpose of the Constitution Eighteenth Amendment Bill, 2022 (“the Bill”) is to amend section 6 of the Constitution in order to provide for the recognition of South African Sign Language as an official language of the Republic of South Africa.
- 2.2 In terms of section 6(1) of the Constitution, the official languages of the Republic of South Africa are: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- 2.3 Section 6(5) of the Constitution places a duty on the Pan South African Language Board, established in terms of section 2 of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995), to promote and create conditions for the development and use of, among others, sign language.
- 2.4 Persons with hearing disabilities continue to experience high levels of marginalisation and exclusion due to social, psychological and structural challenges. These experiences occur in social circles, at work, in schools, at places of worship and at many leisure, cultural and sport events. The challenges exist for different reasons, including a general lack of understanding of deaf culture, the lack of South African Sign Language proficiency and the availability of professional sign language interpreters. This limits the social participation and integration of deaf persons in society and impacts on their right to freedom of speech, which, amongst others, amounts to disability discrimination.
- 2.5 The recognition of South African Sign Language as an official language of the Republic of South Africa will result in the cultural acceptance of sign language and the deaf culture. Moreover, it is a step towards realising persons with hearing disabilities’ rights to equal enjoyment of rights and human dignity. The deaf community will finally have a voice and become an integral part of their own country and communities. It will promote inclusion, substantive equality and prevent or eliminate unfair discrimination on the ground of disability. Effect will also be given to the right to equality in terms of section 9 of the Constitution, which includes the full and equal enjoyment of all rights and freedoms.

PART B

REPUBLIC OF SOUTH AFRICA

CONSTITUTION EIGHTEENTH AMENDMENT BILL, 2022

*(As introduced in the National Assembly (proposed section 74); explanatory summary of Bill published in Government Gazette No. 47049 of 19 July 2022)
(The English text is the official text of the Bill)*

(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

[B – 2022]

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments
-

BILL

To amend the Constitution of the Republic of South Africa, 1996, so as to recognise South African Sign Language as one of the official languages of the Republic; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:—

Amendment of section 6 of Constitution

1. Section 6 of the Constitution is hereby amended—
 - (a) by the substitution for subsection (1) of the following subsection:

“The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, South African Sign Language, English, isiNdebele, isiXhosa and isiZulu.”; and

(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) “promote, and create conditions for, the development and use of—

(i) all official languages; and

(ii) the Khoi, Nama and San languages; and

[(iii) sign language; and]”.

Short title and commencement

2. This Act is called the Constitution Eighteenth Amendment Act, 2022 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.