

SPEECH DELIVERED BY SASSETA CEO MR. ZONGEZILE BALOYI AT THE GRADUATION CEREMONY ON LEGAL INTERPRETING LEARNERSHIP (NATIONAL DIPLOMA: NQF - 5 LEGAL INTERPRETING) HELD AT THE UNIVERSITY OF THE FREE STATE CAMPUS BLOEMFONTEIN ON THE 19TH FEBRUARY 2010.

Programme Director

Vice Chancellor Professor Jonathan Jansen
Deputy Director-General Court Services: Mr Simon Jiyane
Chairperson of Justice Chamber and SASSETA Board Members
All dignitaries present
Graduates
All protocol observed.

It is an honour and opportunity to be here, at the first graduation ceremony for the Legal Interpreting Learnership. This is an important event for us; to see the realization of a goal that was formulated to bring about changes in the status of the Legal interpreting field within our South African Court System.

Historically, court interpreters were largely marginalized by the justice system dispensation which systematically denied them access to a formal education including not being recognized as rendering an important function within the court system.

In February 1929 Professor Jabavu, when addressing delegates attending the National European – Bantu Conference, lamented on the treatment meted out to Native’s accused in Courts. Professor Jabavu showed with striking examples, how the faults and errors of Court Interpreters were the causes of serious grievance and miscarriage of Justice. He advocated for the employment of Natives as interpreters in the place of Europeans.

Looking back, 63 years later and post the quoted plea of Professor Jabavu, Stephan Du Toit who was then based in Namibia, in his analysis of status of Court Interpreting in South Africa; written in October 1992 makes an assertion that **“The need for a properly trained and skilled interpreting service is therefore obvious”** and goes further to say that **“Far too little seems to be done in South Africa to ensure availability of skilled interpreters, there should be a special College for training Interpreters so that the requirements of Justice can be served in a polyglot country.”**

In 1993 , the then Chief Inspector of Court Interpreters in the Republic of South Africa, Mr. A.A. Mahlangu, in his published article titled **“Court Interpreting in South Africa”** that appeared in the Consultus

Publication, gives a full exposition of a process that leads to the recruitment and the development of a competent and a fully fledged Interpreter. Articulating that **“every aspiring person applying for an appointment as a Court Interpreter, is subjected to a thorough proficiency test taken down by one of the principal interpreters. Having passed the proficiency test, the applicant was then appointed on twelve calendar months probation in a vacant post where the African languages with which he/she is conversant are in use. During the probation period, the trainee interpreter is required to attend an interpreter’s course at the Justice College and acknowledged that the training of interpreters is further complicated by the existence of different African Languages and various dialects spoken in different regions of South Africa”**

Abel Khoza, who worked as Court Interpreter for years, gave his experience of working as a Court Interpreter before 1994 in an Article titled **“Interpreters experiences in apartheid courts”** Abel Khoza mentions that **“as Court Interpreters we were not respected. During Court conversations, Prosecutors and Magistrates did not call us by our names; they simply referred to us Tolokie (Diminutive of Interpreter). We had white chief court interpreters who were never in court to listen to interpreters while interpreting, and most senior interpreters could not speak African languages, yet, they were appointed as senior interpreters.”**

In a media article that was published in the Sunday Argus on June 30th 2006, titled **“Justice being lost in translation in a South African Court”** written by Myolisi Gophe, where he reports about a Cape Town taxi driver who was fined R500,00 for contempt of Court, after telling the magistrate he had missed an earlier court date because he was ‘Ekhayeni’ (at Home), Xhosa speakers were outraged.

The taxi driver meant he had been at his Eastern Cape home of birth, not in Khayelitsha (Township in Cape Town), but this had not been made clear to the Wynberg Magistrate.

The terminology “ekhayeni”, mainly used by migrant workers in Cape Town, is understood to refer to going home in your place of birth in Eastern Cape. Delegates who attended the International Association for Translation and Intercultural studies held in Cape Town were presented with this case study of the taxi driver, it was clear from the discussion that followed that it was a misunderstanding, with serious consequences; resulting from poor interpretation in courts. Interpreters echoed the need for intensive training of interpreters.

This chronology of literature review, analysis and individual experiences around the history of Court Interpreting as an occupation, indicates an evolution of a profession characterized by marginalization, discrimination, language dialects complications, disregard for human rights including process and methods of recruiting and retaining Court I interpreters.

Given the reality of our South African past, we need to reflect on what we have gone through so as to not allow this profession of Court Interpreting to fall back in the repetition of this ugly history.

When the Department unveiled its intention aimed at implementing a development programme for Court Interpreters, it signaled seriousness in attempting to address legacy challenges that have been affecting this component of the profession as part the transformational agenda in changing the face and character of the South African Court's system.

Since no recognized qualification was in place, we began with the development of unit standards in 2005 and this process culminated in the registration of the National Diploma: Legal Interpreting NQF 5 at SAQA in November 2005.

This has culminated in the improved training methodology and curriculum development in Court Interpreting, dedication of resources, and exposure to academic support and professional training conducted by the tertiary Education Institution like the University of Free State.

This programme was launched as pilot programme for Court Interpreters registered as the Learnership under the qualification National Diploma: Legal Interpreting NQF 5 with a target to train 100 Learners, 90 of which were employed and 10 unemployed. 93 Learners have been declared competent and this serves as an indicator confirming that the intervention has been successful. 8 of the unemployed learners have since been absorbed by the Department of Justice. In that time, 3 passed away. One learner resigned and took up an appointment as a Public Prosecutor in the NPA. It was the first time as a SETA that we have implemented a Learnership programme with a duration of 2 years covering theoretical and workplace learning.

The purpose of this qualification is to improve the professional status of court interpreting by obtaining recognized professional competence. Credited learners will be able to render specialized interpreting services within the South African legal system, professionally and ethically. A National Diploma: Legal Interpreting will allow credited learners to contribute to social and economic transformation by ensuring human

rights in the court setting and equal access to a fair trial in terms of effective communication.

This intervention of Training Court Interpreters as part of transforming our Courts to reflect values of our constitution and modern democracy is underpinned by the principle that recognizes that Court Interpreters play an integral role in the access to Justice System in South Africa and that Court Interpreters are deserving of a professional identity of their own.

The contract to the value of R3,6 million has been awarded to the University of Free State to train Court Interpreters throughout South Africa, as funded within the Justice Chamber of The South African Safety and Security Education & Training Authority, and implemented as skill priority need for the Department of Justice and Constitutional Development; culminated in efforts to assist in the development of Court Interpreters and to establish effective and efficient Court Interpreting services at all Courts.

We are indeed delighted to have partnered with the University of Free State, an academic institution of repute and academic excellence and as the first and only tertiary institution in the country that offers a national diploma in Court Interpreting. We note the high quality facilitation and highly qualified lectures you have provided during the roll out of this programme. Our sincere appreciation to the Head of Department of Afro-Asiatic Studies, Sign language and language practice for the outstanding leadership and support in ensuring successful implementation of this programme.

To the Learners;

You are all congratulated for this achievement in having successfully completed the National Diploma Legal Interpreting and hope that this achievement will enable you to make a significant contribution to this profession, and in all attempts, to transform our Court System in South Africa.

To top it all of, the Top Achiever, Ms Nombulelo Esta Meki, has been awarded a bursary by SASSETA to study towards a BA: Court Interpreting. Congratulations, Ms Meki.

Thank you.