LANGUAGE BARRIER TO ACCESS THE JUSTICE SYSTEM IN SOUTH AFRICA: THE CASE OF THE SOUTH AFRICAN COURTS

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Abstract - Language barriers in accessing the justice system in South Africapresent challenges in accessing a quality justice system to both victims and perpetrators, especially in multilingual countries such as South Africa. The problem of language used in courts is raised in this paper against the backdrop of it being used either to the advantage or disadvantage of those accessing the system. Language problems in courts poses the questions on thelevels of satisfaction among justice professionals and clients accessing theservice, in providing much needed and quality justice services and maintaining a mutual understanding between these parties. Considering the diverse views of the scholars studying access to justice, there is still some debate about what aspects should be considered as important language communication in the courts of law. The way the courts use language, especially African languages in South Africa as forensic tools to arrive at a justifiable judgement requires a relook. In an endeavour to mitigate the risks that come with language barrier, some courts provide interpreting services to try and bridge the language gap where it exists. However, this intervention is engulfed with challenges of a lack of proper training in interpreting services and presents a challenge in the judgements. This paper aims to disinter the challenges that the justice system is faced with which, in some instances, compromises judgements in cases that are brought to the courts. Promoting a culture of multilingualism as part of professional development by the court officials and the employment of trained interpreters becomes key. This paper further considers the exploration of the commitment of implementing strategies that provide a multilingual client-based and a multilingual justice service.This will be done by integrating the views of most influential scholars in this field to formulate a comprehensive understanding of language justice and its implications in the South African courts. It also provides the methodology, the theoretical framework adopted and the case studies relating to the language used in courts.

Keywords - Language Barrier, Justice System, Courts, Interpreting, Judgement