



**Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman**



**SPECIAL REPORT TO PARLIAMENT
CONCERNING
THE OBSERVANCE OF MULTILINGUALISM
2019**

**This document is presented to Parliament by
the Ombudsman of the Republic of Vanuatu**

The Constitution states that the Ombudsman shall, each year, make a special report to Parliament concerning the observance of multilingualism and the measures likely to ensure its respect.

Date: 23 September 2020

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1.0 INTRODUCTION

I am pleased to release another Special Report on the Observance of Multilingualism for the year 2019 as provided by Article 64 (3) of the Constitution. I took up Office as the 6th Ombudsman on 10 July 2019 and this is my first report on this important matter. I am pleased to note that compliance with the requirement of the Constitution in this regard has continued to improve. I note great progress on the part of different government agencies in terms of compliance with the provisions of language rights in the past 4 years. May I take this opportunity to urge the Government and all Government institutions to continue to respect the Constitution.

Again, I would like to stress the importance of using our three official languages, which are French, English and Bislama in the provision of services in the administration of the affairs of the Republic. The administration has a duty towards the citizens of the Republic of Vanuatu to provide a fair service delivery in terms of usage of the official languages to all its citizens.

A citizen has a right to receive a service from the Government or an institution of the Government in one of the official languages that he or she uses. This is a pre-condition imposed by the Constitution to ensure that the Government or an institution of Government is fair to its citizens in this regard. I take this opportunity to remind all citizens that you have a right to complaint to the Ombudsman against the administration of the Republic if you believe your right has been violated as provided for by Article 64(2) of the Constitution.

This report covers events that happened in 2019 including challenges and success stories.

2.0 INVESTIGATIONS

During 2019 like in 2018, the Ombudsman closely monitored compliance of language rights provisions by government agencies. The Office has not received any new complaints by individuals and the Ombudsman has not commenced any enquiry on his own initiative. This is a positive indication that government agencies have gradually realised the importance of Article 64(1) of the Constitution and the need to produce information in all the three official languages to the public.

This year, the Ombudsman has closed 12 outstanding cases that were opened in 2016 and 2017 respectively. All the government agencies that were subjected to the Ombudsman's investigations have agreed that they will comply with language rights provisions in their future publications of information. However, some of them have gone back on their undertaking.

The last four previous special reports on Multilingualism repeatedly touched on this issue and recommendations were made by previous Ombudsman for government agencies and Parliamentarians to implement. Making an undertaking to comply with Article 64 (1) and then failing to comply with the undertaking is a continuing challenge.

2.1 Complaints registry 2020 onwards

In 2019, the Ombudsman introduced a new registry to assist the Office of the Ombudsman to better monitor violations of Article 64 (1) of the Constitution. The registry has the following purposes –

- (a) quickly identify the government institution whose conduct is being complained of;
- (b) shorten the process of investigation into a complaint;
- (c) quickly identify government institutions who repeatedly violate the requirements of Article 64 (1).

3.0 OMBUDSMAN ONLINE SURVEY

In 2019, the Ombudsman conducted an online survey about the use of the three official languages, French, English and Bislama. The targeted audience were all public servants within Government line Ministries & Departments including employees of all government statutory bodies and local authorities.

The purpose of the survey is –

- (a) to get feedback from public servants about the use of the three (3) official languages of Vanuatu in their respective work place;
- (b) to show how the language used regularly by public servants can have an impact on the language used in their publications in their respective offices;
- (c) to indicate why many government agencies do not comply with language rights provision; and
- (d) to indicate why many government agencies do not use the services of the Language Services Department to translate their publications.

The survey was done on line and could only be accessed through the government network. A total number of 107 public servants participated in the survey. This is a very small number compared to the number of public servants employed in the Public Service and other Government institutions targeted in this exercise. The Office sent a few reminders to all government users but the response was poor. The survey questionnaires required participants to answer questions around these three main areas:

- (a) the language used at work place;

1. (b) the documents used at work place; and
2. (c) provision on Language Rights.

Below is the list of government agencies who were sent the questionnaire to participate in the survey (in brackets is the number of people who participated):

1. Ministry of Finance & Economic Management

- Department of Finance and Treasury (6),
- Vanuatu National Statistics Office (1),
- Customs & Inland Revenue Department (3),
- Financial Services Bureau – Malampa (1).

2. Ministry of Education and Training

- Curriculum Development Unit (1),
- Vanuatu Qualifications Authority (3),
- Department of Education Services (11),
- Department of Policy and planning (1).

3. Ministry Of Agriculture (1)

- Department of Forestry (4),
- Department of Agriculture (1),
- Department of Livestock (1).

4. Ministry of Lands

- Department of Lands (2),
- Geology and Mines Unit (1),
- Department of Lands survey & Registry (1).

5. Ministry of Foreign Affairs, International Cooperation and External Trade(2)

- Department of Foreign Affairs and International Cooperation (2).

6. Ministry of Justice and Community Services

- Department of Correctional Services (2),
- The Department of Women's Affairs (1),
- Public Solicitors Office (1).

7. Prime Minister Office

- Office of the Government Chief Information Officer (4),
- Public Service Commission (3),
- Government Remuneration Tribunal (1),
- Language Services Department (4).

8. Ministry of Climate Change Adaptation

- National Green Energy Fund (1),
- Department of Energy (2),
- National Disaster Management Office (1),
- Department of Environmental Protection and Conservation (2).

9. Ministry of Health (6)

- Department of Public Health (1),
- Vila Central Hospital (1),
- Shefa Provincial Health Office (1).

10. Ministry of Trade, Tourism, Commerce, Industry, Ni-Vanuatu Business (3)

- Office de Tourism du Vanuatu (1),
- Bureau of Standards (1),
- Trade Development Division (2),
- Department of Industry (3),
- Office of the Registrar of cooperatives and business development services (1),
- Vanuatu Intellectual Property Office (1).

11. Ministry of Internal Affairs (1)

- Tafea Provincial Government (1),
- TORBA Provincial Government (1),
- Civil Registration and Vital Statistics (1),
- Corporate Service Unit Vanuatu Police Force (1).

12. Ministry of Infrastructure and Public Utilities

- Department of Ports and Marine (1),
- Vanuatu Project Management Unit (1).

13. Ministry of Youth Development, Sports & Training

- Department of Youth Development, Sports & Training.

14. Electoral Office (1)

15. Ombudsman Office (10)

16. Vanuatu Law Reform Commission (2)

17. Magistrates' court & Judiciary (1)

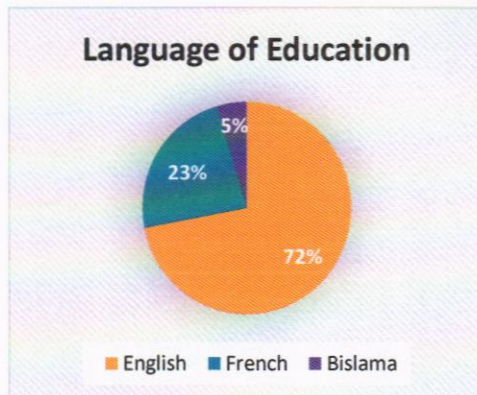
18. State Law Office (3)

- Vanuatu Financial Intelligence Unit (2).

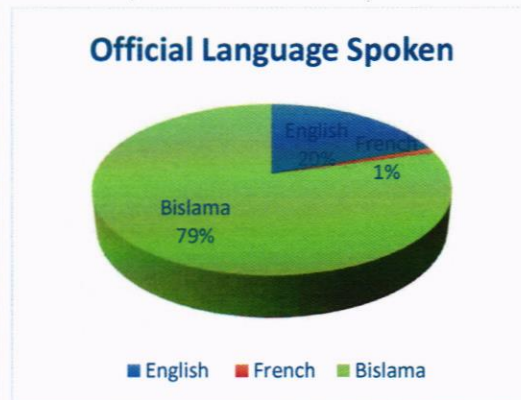
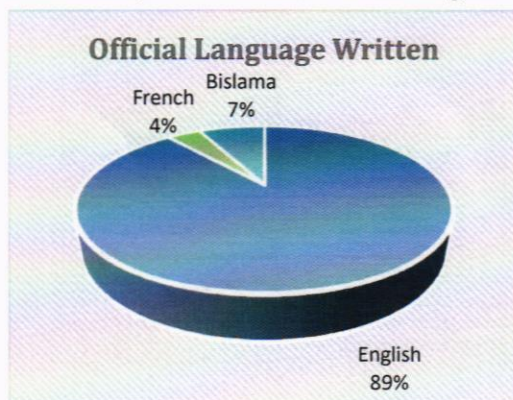
The position of the participants in the survey varies from senior positions to lowest positions of the public service structures with different employment experiences in the public services.

Below are some of the findings arising out of the survey:

- a. Most of the participants have studied in the English Language and use English language mostly at work;



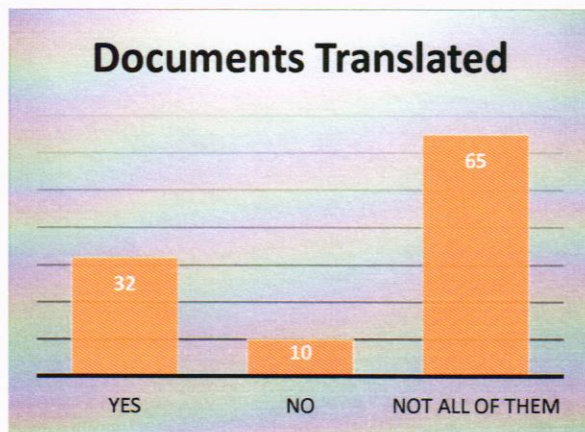
- b. Bislama is the most used language when speaking with supervisors and/or other officers within an organisation;
- c. Most participants agree that they used freely the official language of their choice in their respective workplace. That includes:
- drafting documents;
 - communicating with supervisors or other officers;
 - meetings with working unit;
 - trainings offered by organisation.
- d. Most participants stated that they have no translation unit or translators in their respective organisation. However, most of them use the services of the Language Services Department for translation of official documents. Charts below show official languages used by public servants in writing and in oral expression.



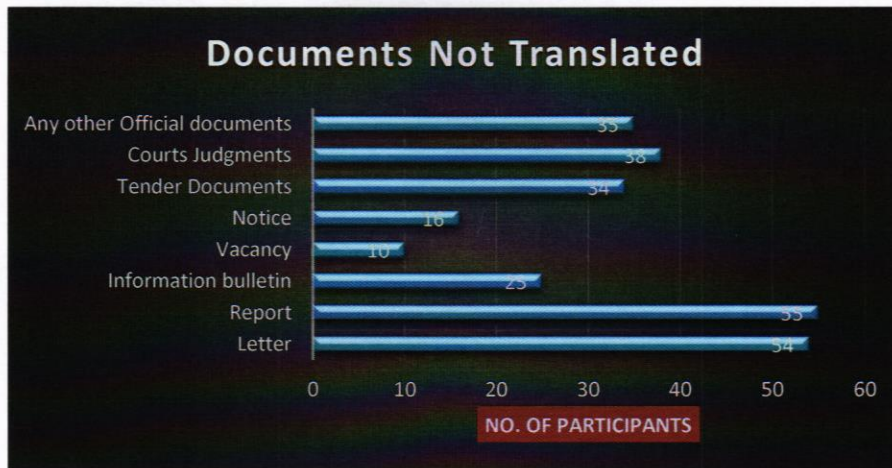
- e. The list below show the number of people who used official languages in the following documents:
1. Letters (107 in English, 17 in French, 23 in Bislama);
 2. Reports (105 in English, 16 in French, 16 in Bislama);
 3. Information Bulletins (104 in English, 28 in French, 31 in Bislama);
 4. Vacancy Notices (103 in English, 64 in French, 70 in Bislama);

5. Notices (100 in English, 43 in French, 60 in Bislama);
6. Tender Documents (87 in English, 25 in French, 25 Bislama, 22 don't know);
7. Courts Judgments (78 in English, 10 in French, 10 Bislama, 30 don't know);
8. Other documents (90 in English, 26 in French, 28 in Bislama, 17 don't know);
9. Correspondences (107 in English, 25 in French, 36 in Bislama);
10. Internal documents (107 in English, 27 in French, 51 in Bislama).

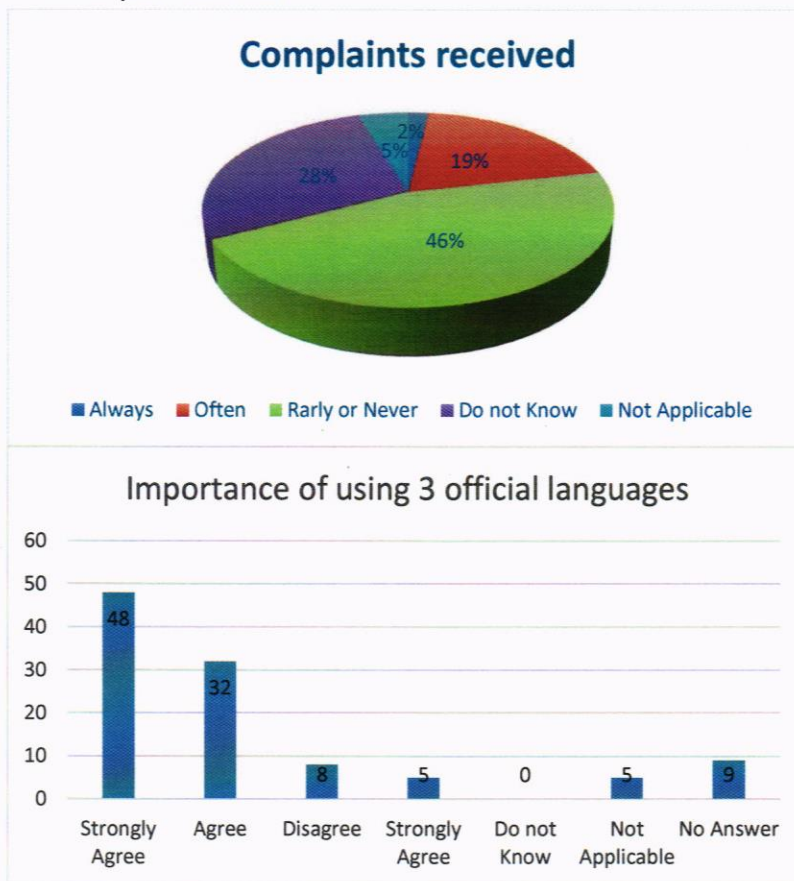
- f. The following graph shows that most documents mentioned above have not been translated in the three official languages.



- g. Participants have provided different reasons why the above-mentioned documents have not been translated. The reasons can be summarise as follows:
1. Only some of them;
 2. All documents are in English;
 3. Don't know;
 4. Lack of funding/budget;
 5. All officers use and are comfortable with the English language;
 6. English is understood by everyone;
 7. Documents in English and Bislama languages only;
 8. All documents translated in 3 languages;
 9. Language Services Department is not able to translate documents in a timely manner;
 10. No internal translator;
 11. No request for translations.



h. The graphs below show whether government agencies received complaints and the importance about the uses of official languages in their publications:



- i. The survey shows that –
- most participants have complied with the requirements of Article 64(1) of the Constitution only sometimes when required;
 - a few stated that they never heard about it;
 - a small number are aware of it but never complied with it;

- d) most participants stated that it is a “common practice” to publish in either English language only or English and French only;
 - e) most organisations do not have a specific budget for translation services;
 - f) most organizations believe in the importance of the use of official languages in government services delivery;
 - g) most of the participants stated that they have sometimes come across issues that relate to the choice of use of language in their respective organisation such as communicating, writing to someone in their organisation or a member of the public;
 - h) many participants agree that the Ombudsman’s contribution and involvement in monitoring and encouraging the use of the three official languages in the Public Services were between good and average. However, many stated that there were not much changes made in their organisation in terms of use of languages rights and that there were no issues with languages that can directly or indirectly affect the running of their organisations.
- j. Set out below is a summary of views on the way forward to improve and deal with our unique situation by those who responded to the questionnaires –
- a) that all three official languages should be used by all government agencies;
 - b) people in our rural community would prefer to be communicated to in Bislama in writing as well as in speech;
 - c) that the three languages are too much and cause many barriers between us;
 - d) that it cost too much money to have three official languages when it comes to translations and publication for the public;
 - e) PSC allows each government agency to have their own internal translators. The agency will comply with the Constitution in the provisions of services in the official languages when it is required in a timely manner in contrast to the Language Services Department who is responsible for the whole Government translation services;
 - f) that government should allow a specific budget for translation for each government agency;
 - g) all the suggestions and comments provided in the survey agrees that some changes are to be made particularly on the issue of translations and its costs as well as proposal for amendments to be made to the provisions of languages rights in order to address the situation of the country in terms of using the official languages.

Conclusion and Recommendations

The number of participants was very low compared to the number of agencies involved. Given the poor response the Office of the Ombudsman intends to do another survey in 2020. I am calling on all public servants who receive a questionnaire to find time, complete the questionnaire and return it to the Office of the Ombudsman.

The information obtained from the survey will greatly enhance the work of the Ombudsman; bring a better understanding of the challenges relating to the enforcement of the language rights and new decisions on the way forward in this area of rights.

Overall, the feedback from the survey shows that the majority of civil servants are proficient in the English Language or understand and could speak it. The Bislama language is widely used in oral communication while French language is rarely used in official documents. The survey also demonstrate that some participants have no idea of the language rights in our Constitution as well as the work or role of the Ombudsman in this regard. However, the survey have shown that participants are willing to see some changes in terms of budget for translations, recruitments of internal translators as well as amendment to the Constitution to better address the situation of the country in getting information to its citizens.

3.1 Language Policy Meeting

A Language Policy, intended to become a National Language Policy is being drafted by the Language Services Department (LSD) under the Ministry of the Prime Minister (MPM), with guidance of the office of the Director General MPM. A consultation meeting on this policy was held on Friday 15th November 2019 at the Melanesian Hotel, to discuss its different sections.

Some government organisations including Ombudsman's Office, Media Association, Vanuatu Cultural Centre, Vanuatu Institute of Public Administration and Management, Vanuatu Institute of Teacher Education had been invited to attend this consultation because their organization and the work they do is directly affected by language requirements.

Unfortunately not all who were invited showed up for the meeting. The Office of the Ombudsman was represented by Ombudsman himself and the Senior Language Rights Officer. This is the first time for a meeting on the national language policy. During that meeting at Melanesian Hotel, suggestions were made for improvement to the first draft of the National Language Policy. It is my wish that the Policy is finalized and approved soon.


4.0 RECOMMENDATIONS

I make the following recommendations based on this years' findings and finding of previous years. I urge the Prime Minister and Parliamentarians to act on those recommendations mentioned in the Ombudsman 2015, 2016, 2017 and 2018 Language Rights Reports.

- 4.1** That all agencies of the administration of the Republic of Vanuatu including the Parliamentary Services, the Judiciary, Ministries, Departments, statutory bodies and other government agencies, including

the government electronic media, do comply fully with the requirements of Article 64(1) of the Constitution.

- 4.2 That the Office of the Prime Minister as the Ministry directly responsible for the Language Services Department and the effectiveness of its operation urgently allocate to that Department as a matter of priority, such budgetary contribution and staff and material support as it requires to provide quality and timely language services to all agencies and institutions of the administration of the Republic of Vanuatu.
- 4.3 That each ministry provide appropriate budgetary support for at least one officer fluent in all the three official languages to be posted in the ministry and or in their respective departments and agencies as a means to helping those ministries, departments and agencies meet the requirements of Article 64(1) of the Constitution for the benefit of Vanuatu citizens and general members of the public.
- 4.4 That it is the duty and responsibility of heads of departments and agencies (Directors General, Directors, CEOs, Managers and Supervisors) to direct and ensure that all their publications and written communications are made in the three official languages.
- 4.5 That all the service commissions of the Vanuatu administration, namely the Public Service Commission, the Judicial Service Commission, the Police Service Commission, and the Teaching Service Commission, as head employment institutions of all services of the administration of the Republic of Vanuatu to notify all departments and agencies under their respective authorities to strictly comply with the requirement of Article 64(1) of the Constitution.
- 4.6 That each government agency amend or revise its policies to meet the requirement of Article 64(1) of the Constitution and not continue with the practices and "customs of doing things" which has been the norms in most of the Public institutions. Furthermore, amendments should be made to the PSC Application form and particularly the "recruitment process check list" in order to insist on the usage of the 3 official languages in government agencies publications.


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