



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



**SPECIAL REPORT TO PARLIAMENT
CONCERNING THE OBSERVANCE
OF MULTILINGUALISM 2020**

**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: 11th February 2022

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1.0 INTRODUCTION

The Ombudsman is pleased to release a Special Report on the observance of multilingualism for the year 2021, as required by Article 64 (3) of the Constitution which states:

“64. Rights of a citizen to services in own language

(3) The Ombudsman shall, each year, make a special report to Parliament concerning the observance of multilingualism and the measures likely to ensure its respect.”

- 1.1 The purpose of publishing this report is based on the provisions of Article 64 of the Constitution concerning language rights, which the public service and Government institutions must refer to in the delivery of Government Services. It is also important to emphasise the official languages stipulated in Article 3 (1) of the Constitution, which states:

“3. National and official languages

(1) The national language of the Republic of Vanuatu is Bislama. The official languages are Bislama, English and French. The principal languages of education are English and French.”

- 1.2 The mandate of the Ombudsman in the observance of language rights are based on the provisions of Article 64 (1) and (2) of the Constitution, which states:

“64. Rights of a citizen to services in own language

(1) A citizen of Vanuatu may obtain, in the official language that he uses, the services which he may rightfully expect from the administration of the Republic of Vanuatu.

(2) Where a citizen considers that there has been a breach of sub-article (1) he may make a complaint to the Ombudsman who shall conduct an enquiry in accordance with Article 62 and 63.”

- 1.3 This report is focussed on the progress achieved through the efforts made, maintained and improved by the Government agencies since 2015 to present. It is therefore important to emphasise the measures to strengthen the respect of these rights as well as the progress in the results obtained.

2.0 INVESTIGATIONS

Cases received by the Office in the past years were investigated and completed after the recruitment of a new officer/investigator in the Language Right's section in June 2015. This resulted in a decrease in the number of cases lodged in violation of Article 64 of the Constitution since 2015 to present.

In 2020, 12 cases that were investigated in 2016 and 2017 were closed. This year no investigation was conducted compared to the previous years for violation of Article 64 of the Constitution. However, the Ombudsman will continue to closely monitor compliance of language rights by Government agencies.

2.1 Complaints registry 2020 onwards

In 2019, the Ombudsman introduced a new registry to assist the Office of the Ombudsman to effectively monitor violations of Article 64 (1) of the Constitution. The objective of the registry is to:

- a) quickly identify the Government institution who fails to comply with Article 64(1);
- b) shorten the process of investigation into a complaint; and
- c) quickly identify Government institutions who repeatedly violate the requirements of Article 64 (1).

This year 2021, the Office of the Ombudsman did not receive any complaints in violation of Article 64 of the Constitution nor has observed and identified a breach of the same. The registry introduced in 2019 has resulted in an effective process on measures taken to respect language rights by Government agencies. The Ombudsman is grateful for the efforts made by Government agencies in this regard and continues to closely monitor compliance of Article 64 of the Constitution by all Government agencies.

2.2 Progress

Since 2015 until now, the Ombudsman has noticed a huge change in the level of observation of language rights compared to the past years. Job vacancies from the Government have been published in the Vanuatu Daily Post in all three official languages from 2017 to the present. This year, it has been noted that the level of difficulty in the past years, in the interpretation and implementation of Article 64 of the Constitution concerning language rights, is no longer an issue. This is a positive indication that Government agencies have realised and complied with the provision of Article 64(1) of the Constitution.

Despite this positive progress, Government agencies still continue to face difficulties to meet datelines in publishing a document in the three official languages on time due to the huge demand the Language Service Department receives from all Government agencies thus causing inability to deliver request on time.

3.0 OMBUDSMAN ONLINE SURVEY

An online survey was conducted in 2019 with its targeted audience consisting of all public servants in ministries and administrative services, including employees in all statutory bodies of the Government and the local authorities. The objective of this online survey is related to the use of the three official languages in the administrative services of Government affairs. The purpose of the survey is:

- a) to get feedback from public servants on the use of the three (3) official languages of Vanuatu in their respective workplace;
- 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 Government agencies do not comply with language rights provisions; and
- d) to indicate why many Government agencies do not use the services of the Language Services Department to translate their publications.

The results of the survey were published in the special report on the observation of multilingualism 2019, in which one can find all the details of the breakdown of the use of the three official languages.

A similar survey is prepared for this year of which the results will be published in the special report on the observation of multilingualism next year 2022.

4.0 LAUNCHING OF THE NATIONAL LANGUAGE POLICY

The Language Services Department has launched a new National Language Policy at the Ministry of the Prime Minister in 2020. The Department has officially launched the National Language Policy in the presence of important stakeholders and members of the National Language Council of which the Ombudsman is also a member. The launching of this policy is a first after many years with no actions taken to address the problems related to language rights, at the national level. The Office of the Ombudsman and other important Government institutions now have hope when it comes to addressing language related issues. The National Language Policy will be used to address issues relating to language and it is due for review after five years.

5.0 RECOMMENDATIONS

The Ombudsman therefore makes the following recommendations:

- 5.1 That the Prime Minister and members of the Parliament are urged to act on the recommendations mentioned in the Ombudsman's report on language rights, of 2015, 2016, 2017, 2018 and 2019;

- 5.2 That all administrative agencies of the Republic of Vanuatu, including the Parliamentary Services, the Judiciary, Ministries, Departments, Statutory Bodies and other agencies including the Government electronic media, to fully comply with the requirements of Article 64(1) of the Constitution;
- 5.3 The Office of the Prime Minister as the Ministry responsible for the Language Services Department and the effectiveness of its operation, should allocate and increase the budget of the Language Service Department to recruit more staff and purchase more material support it requires to provide quality and timely language services to all Government agencies of the Republic of Vanuatu; and
- 5.4 That each Government agencies amend or revise its policies to meet the requirement of Article 64(1) of the Constitution and not continue with the practices and “custom of doing things” which has been the norm in most public institutions. Furthermore, amendments should be made to the Public Service Commission Application form and particularly in the “recruitment process checklist” to emphasise and implement the use of the three official languages in publications by Government agencies.

A blue circular official stamp of the Office of the Ombudsman of the Republic of Vanuatu is partially obscured by a handwritten signature in black ink. The stamp contains the text "OFFICE OF THE OMBUDSMAN" and "BUREAU DU MÉRITAIRE" in English and French, with "Ombudsman" in the center. The signature is a complex, stylized scribble.

Mr. Hamlison Bulu
OMBUDSMAN OF THE REPUBLIC OF VANUATU