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**Summary prepared by the Office of the High Commissioner
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annex to Human Rights Council resolution 5/1**

Solomon Islands*

The present report is a summary of 9 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. The International Centre for Transitional Justice (ICTJ) recommended that the Solomon Islands build the framework for domestic protection of human rights in times of peace as well as conflict by ratifying the Rome Statute and becoming party to key human rights treaties, notably the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and incorporate these obligations into domestic law.²
2. Joint Submission 3 (JS3) urged the Government to ratify the CPRD in order to give dignity and equal opportunity to persons with a disability in Solomon Islands' society.³

B. Constitutional and legislative framework

3. ICTJ remarked that seven years after the arrival of the Regional Assistance Mission to the Solomon Islands (RAMSI) to put an end to a period of unrest known as 'the Tensions,' the conditions for long-term peace have not been firmly established. Many of the root causes of the conflict, particularly economic disenfranchisement and inequality in land ownership, have yet to be adequately resolved, notwithstanding RAMSI and some recent Solomon Islands Government programmes targeted toward these concerns.⁴
4. Joint Submission 1 (JS1) noted that the 1978 Constitution emphasized fundamental rights and freedoms of Solomon Islands citizens and conformed to all major United Nations instruments regarding representation, customs, traditions, cultural inheritance and land rights. The Constitution also guaranteed the rights of the individual to life, security, property, expression, protection of privacy, assembly, association and religion.⁵
5. ICTJ noted that the Solomon Islands Penal Code did not criminalize a number of key international offenses under customary international law such as torture and cruel, inhuman, or degrading treatment and forced disappearances. In addition, the Penal Code did not criminalize violations of basic civilian protections under Common Article 3 of the Geneva Conventions applicable in non international armed conflict.⁶
6. Save the Children Solomon Islands (SCSI) stated that the rights of the child recognized in the CRC had not been codified in Solomon Islands national legislation Islands, thus the protections afforded children by the CRC were not fully reflected in the laws of the Solomon Islands. A draft child rights bill and a draft child protection bill existed, and the National Children's Policy and National Plan of Action (2010) committed the Solomon Islands to achieving changes in the legislative framework by 2015, 20 years after the CRC was ratified. SCSI recommended that the Solomon Islands prioritize the legislative changes necessary to ensure that the rights of children are fully protected.⁷
7. JS1 recommended that the Government should update certain parliamentary acts that permit some government ministers the 'power of discretion,' which can sometimes allow for corruption or create opportunities for corrupt practices, such as hiring family members or 'wantoks' (extended family) over other applicants. Power of discretion should be applied in the best interests of the country and not for personal gain.⁸
8. JS1 recommended that a new forestry act be introduced to improve working conditions and wages for local workers, and for environmental and social damages to peoples' lives. JS1 further recommended that the current Forestry Act should be reviewed

with the aim to ensure more conservation, and that landowners should be properly compensated for the resources they own and be given a higher percentage of the income they get from logging companies for total log exports.⁹

C. Institutional and human rights infrastructure

9. Amnesty International (AI) welcomed the Government's initiatives, outlined in a National Plan of Action for Human Rights in January 2010, to consider establishing a national human rights institution.¹⁰ AI recommended that the Solomon Islands immediately begin work on establishing a national human rights institution with both advisory and investigative functions and in full compliance with the Paris Principles. It recommended the appointment of a taskforce to oversee the establishment of the NHRI, and in particular to ensure that it has adequate professional expertise in human rights and other relevant fields, as well as representation of women, youth, people living with disabilities and others from marginalised and disadvantaged communities.¹¹ ICTJ made a similar recommendation.¹²

D. Policy measures

10. AI welcomed the Government's adoption of a Gender Policy in March 2010 and its intention to adopt specific legislation to address violence against women.¹³

11. JSI noted that whilst the Government had initiated and passed the first National Disability Policy (2005–2010) in 2006, there had been little or no implementation. This policy recognized that everybody was entitled to their human rights, such as education and to be free from discrimination, regardless of disabilities. A disability bill was in draft in 2010, which had yet to be tabled before Parliament.¹⁴

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

12. AI noted that the reporting and implementation by the Solomon Islands of its obligations under the treaties to which it is a party had been poor.¹⁵

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. According to ICTJ, 'the Tensions' represented a major setback for women's empowerment initiatives in the country, and the Solomon Islands remained one of the few countries in the world without any female parliamentarians. A number of initiatives addressing gender inequalities in Government were welcomed, such as the amendments to the Correctional Services Act of 2007 that had enhanced work opportunities for women. However addressing gender inequality demanded continuing urgent attention.¹⁶

14. AI recommended modifying or repealing existing laws and regulations that discriminated against women and girls.¹⁷

15. JSI stated that service provision for people with disabilities was severely limited and many services were not accessible for them. Rights to education, health, justice and non-

discrimination were provided for in the laws of the country; however, people with disabilities did not have equal opportunities to access these rights and services.¹⁸

2. Right to life, liberty and security of the person

16. ICTJ reported that allegations contended that many violations of customary international human rights and humanitarian law occurred during ‘the Tensions,’ including the killing of people not engaged in hostilities, torture, internal displacement, and the destruction of property.¹⁹

17. AI stated that women faced a high risk of physical and sexual violence in the slums, especially when they were collecting water or going to use the toilets. Young women and girls were also often at risk of verbal, physical or sexual assaults by gangs of young, intoxicated men. The young women in the settlements spoke of gang rape as their greatest fear.²⁰

18. AI noted that women continued to experience domestic violence despite various attempts by the police and other Government bodies to end such violence. Violence against women within the family continued to be seen as a private issue and the police was often reluctant to intervene.²¹ AI further noted that some lawyers in the Public Solicitor’s Office (PSO) had refused to represent victims of domestic violence seeking restraining orders from the court unless the victims had visible injuries to their bodies.²² JSI noted similar concerns.²³ In this connection, AI recommended the urgent enactment of specific legislation to criminalize all forms of violence against women, including within households; ensuring that the police, prosecution, Public Solicitor’s Office and support services are given adequate resources to combat violence against women through training, awareness-raising and implementation of a “no-drop” policy; ensuring that the police independently and impartially investigate, and when substantiated, prosecute all complaints by women of physical and sexual violence; and providing policy directions to the Public Solicitor’s Office to ensure that women and young girls seeking its assistance be given the attention and support they need.²⁴ In addition, JSI recommended that the Government should fund safety houses for the protection of women and children victims of domestic violence and other abuse.²⁵

19. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was lawful in the home, in schools, and in alternative care settings. In the penal system, corporal punishment was unlawful as a criminal penalty. There was no provision for judicial corporal punishment in the Penal Code, the Criminal Procedure Act or the Juvenile Offenders Act (1972). In June 2006, elders and church leaders on Wagina Island reportedly agreed to stop whipping as a form of punishment for people who break village rules. Corporal punishment was prohibited as a disciplinary measure in penal institutions.²⁶

20. SCSJ recommended that the Government: should enact specific laws to protect children from violence in the home and from family members, supported by appropriate social services and police powers, so that children do not have to continue to live in an abusive environment; be more proactive in censuring family violence, by creating greater awareness and promoting prevention; and promote and fund services to support families and children affected by violence and abuse.²⁷

21. Further, SCSJ recommended that the Government should enforce the prohibition of corporal punishment by teachers in schools, for example through greater community involvement in school management boards; and promote positive discipline strategies in schools and in communities, providing teachers and parents with tools to guide the behaviour of children without resorting to the use of corporal punishment.²⁸

3. Administration of justice, including impunity and the rule of law

22. ICTJ remarked that the underlying potential for instability remained in the country largely due to the fact that many of the underlying causes of ‘the Tensions’ remained unresolved. One of the biggest issues surrounding ‘the Tensions’ had been land ownership. Uncertainty over this remained an ongoing issue notwithstanding the government’s efforts to address it through a Commission of inquiry into land use. This Commission, however, had been the subject of strong allegations of corruption.²⁹

23. Moreover, ICTJ observed that it was widely accepted that the 2001 government-led monetary compensation scheme for Tension victims was abused by some government officials. These officials obtained unjust payments for themselves and their families. This led to cynicism about the utility of any future government-led monetary reparations program for Tension victims. While reparations were a key part of addressing the effects of violence and resulting disadvantages that Tension victims experienced, non-pecuniary reparation schemes such as social programs should be considered. Further, in contrast to previous victim compensation programmes that had resulted in corruption, a reparations program must be carefully designed to draw from custom in an appropriate, nuanced way, consistent with human rights principles, including gender equity.³⁰

24. AI was concerned that the human rights violations which took place before, during and after the conflict had barely been investigated and addressed. The Truth and Reconciliation Commission of the Solomon Islands (TRC), launched in April 2009, faced many administrative challenges, including lack of support from the Government and severe budgetary constraints.³¹

25. ICTJ noted that the Truth and Reconciliation Commission was a significant step forward in terms of transitional justice. If the TRC could overcome ongoing funding challenges, fulfil its mandate, and engage community groups, there was reason to expect that it would produce a credible final report to the Government with key transitional justice recommendations, including with regard to reparations for victims.³²

26. ICTJ added that court prosecutions for Tension-related crimes (officially termed “Tension Trials”) had reached a hiatus, with 30 to 40 trials nearly completed. Despite some successful convictions, the trials have been plagued by delays, criticisms over handling of evidence, a high rate of acquittals.³³

27. ICTJ added that despite recent reform initiatives, corruption and impunity continued to undermine public confidence in most Government institutions. Individuals alleged to have played a significant role in the 1998–2002 unrest (‘the Tensions’) had retained public offices or senior positions in the Government.³⁴

28. ICTJ noted that outside a few urban areas, localized customary systems of justice and conflict resolution -many of which integrated the Church-carried far greater weight than court-centred processes.³⁵

29. SCSJ recommended that the Government should: codify appropriate responses for community justice to ensure that procedures and sanctions take into account the best interests of the child in complying with the rights of the child; and ensure that specific types of offences against children are dealt with through formal legal processes.³⁶

30. Gender-based violence was a significant, yet underreported occurrence, during ‘the Tensions’ further reported ICTJ. To date, none of ‘the “Tension” Trials had encompassed prosecution for gender-based violence. Lack of accountability had had a continuing legacy. The relatively low levels of post-Tension domestic violence prosecutions suggested lack of conditions for women to engage with the formal criminal justice system in relation to sexual violence. Until adequately addressed, lack of redress for gender-based violence would reinforce discriminatory public attitudes and perpetuate gender inequality.³⁷ ICTJ

recommended that the Solomon Islands prioritize the prosecution and completion of any outstanding criminal matters relating to ‘the Tensions’, particularly addressing the issue of the leaders and those responsible for gender-based offenses.³⁸

4. Right to privacy

31. Joint Submission 4 urged the Solomon Islands to bring its legislation into conformity with its commitment to equality and non-discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalize sexual activity between consenting adults.³⁹ SCSJ made a similar recommendation.⁴⁰

5. Right to participate in public and political life

32. AI noted that in 2009 women’s groups had lobbied the Government for increased representation in Parliament by women and they were given the opportunity to make submissions thereon to the Government caucus. Despite assurances from the Government that these submissions were in line with Government’s policies, the Government chose to ignore the submissions. Women’s groups who had strongly advocated for affirmative action for women’s representation in Parliament were disappointed with the lack of commitment and understanding from members of the Government and the Parliament on the need for equitable gender representation in the legislature.⁴¹ In this connection, AI recommended that the Government fulfil its obligations under article 4 of CEDAW and putting in place temporary special measures to ensure that women are represented in national and provincial leadership positions in the country.⁴²

6. Right to work and to just and favourable conditions of work

33. JS3 noted the limited opportunities for young people in the work place, particularly those who were uneducated. This resulted in substance abuse (home brew and marijuana); teenage pregnancy; criminal activities; and sexual exploitation leading to exposure to HIV infection and sexually transmitted diseases among the young.⁴³

7. Right to social security and to an adequate standard of living

34. JS1 stated that a compulsory social security scheme was run under the Solomon Islands National Provident Fund (NPF) Act 1973, through which workers were eligible for ‘invalidity’ benefits, but for only unemployment benefits if they had contributed to the NPF throughout their working lives and been made redundant.⁴⁴

35. JS1 recommended that the Government take responsibility for the human rights of the 85 per cent of the country’s population involved directly and indirectly in subsistence economy positions; invest more money in improving farms and plantations; and provide financial support or training programmes to help people make the most of their resources.⁴⁵

36. According to AI, informal settlements in Honiara had mushroomed, putting much pressure on infrastructure and services within the city and consequently denying its occupants access to clean water and sanitation.⁴⁶ AI recommended that the Solomon Islands take immediate measures to ensure that water of adequate quality and quantity is provided for all the informal settlements in the area, including through the provision of water tanks.⁴⁷

37. AI also noted that poor sanitation, coupled with unsafe water sources increased the risk of water-borne diseases. AI noted the concern of health professionals that many in the informal settlements suffered from diseases such as dysentery, diarrhoea and cholera due to contaminated water sources and the lack of sanitation.⁴⁸ JS3 also noted that around 355,000 people were at risk of the debilitating effects of water borne diseases as a result limited access to water and sanitation. JS3 further stated that the lack of these basic needs caused

many children to be ill and as a result did not go to school. An improvement in these health conditions would bring about a better attendance at school.⁴⁹

8. Right to education and to participate in the cultural life of the community

38. JS1 noted the efforts by the Government to address the right to education through implementation of its education policies as well as the good level of enrolment in schools. JS1 however noted the lack of necessary teaching resources such as the availability of good quality education infrastructure like science laboratories and libraries as well as the need to provide a standardized basic education across the country.⁵⁰ While noting the October 2010 Policy Statement of the Government committing it to ensuring that all Solomon Islanders have equal access to quality education, JS3 stated that access to quality education was an ongoing challenge for children in the Solomon Islands.⁵¹ According to JS3, the Solomon Islands suffered from an acute shortage of qualified teachers, overcrowded classrooms and limited learning resources. These factors affected the entire education sector and were exacerbated by weak school administration and ineffective community engagement in many schools. The Government's limited reference to child rights principles in its education policies was also a major concern.⁵²

39. JS3 noted that the vast majority of children with disabilities had no real access to education in 2010.⁵³ JS3 stated that in line with the Government's policy on equal access for all children, the highest priority must be given in Government's education spending to the improvement of access for children with disabilities in the rural and urban areas.⁵⁴

40. JS1 further noted that the Government had succeeded in making education free, but not compulsory, until year 9, which generally consists of pupils ranging between ages 15 and 17.⁵⁵ JS3 noted that primary school attendance was not universal, as reflected in a net 2007 attendance rate of 65.4 per cent. In urban areas, 72 per cent of children aged 6–13 attended primary school, compared with 65 per cent in rural areas.⁵⁶

41. JS1 noted that the number of girls attending junior and upper level schools was lower than boys, due to cultural barriers preventing girls from attending school.⁵⁷

42. JS3 recommended, among others, that the Solomon Islands increase accessibility to secondary schools for all Solomon Islands children; develop both formal and non-formal education curricula that provide relevant developmental skills of the students; and introduce Human Rights education into the school curriculum.⁵⁸

9. Indigenous peoples

43. The Society for Threatened Peoples (STP) indicated that the Government had not consulted grass-root people on their timber policy and that the authorities had refused an equal distribution of royalties and benefits. Land disputes arising from jealousy and a lack of documentation of the traditional ownership of land had created tensions among indigenous peoples and between local landowners and the authorities. Only a few people were profiting from the logging of communal land; these profits were not equally shared among those indigenous inhabitants suffering from deforestation.⁵⁹

44. Beyond the environmental damage logging has caused, it has also implied a dramatic change in the traditional way of living of the indigenous peoples in Solomon Islands. The logging industry has encouraged consumption of new goods, the introduction of a cash-economy and new social relations and customs. Money raised by deforestation has been used by indigenous populations to buy additional food which traditionally was unknown and for travel and amusement in bigger cities. Logging companies have been hiring staff from abroad. Foreign loggers have incited the commercial sexual exploitation of children and the loss of traditional values of the indigenous population.⁶⁰

10. Right to development

45. STP noted that indigenous peoples in the Solomon Islands were suffering from the unsustainable logging of tropical rainforest and from the increasing disappearance of the forest cover. Between the years 1990 and 2000, the Solomon Islands lost an average of 39,700 hectares of forest per year. This amounted to an annual deforestation rate of 1.43 per cent. Between the years 2000 and 2005, the deforestation rate increased by 17 per cent per year to 1.68 per cent. Between the years 1990 and 2005, the Solomon Islands lost nearly 600,000 hectares of tropical forest and 21.5 per cent of the forests cover. Since the year 2005 the country had lost at least another 25,000 hectares of primary forest.⁶¹ Due to the current rates of timber harvesting experts are warning that commercial forest resources could be wiped out by the year 2015.⁶²

III. Achievements, best practices, challenges and constraints

46. Joint Submission 2 (JS2) stated that climate change would threaten rights to food, health, means of subsistence, and the ability to maintain an adequate standard of living by causing salinization of limited freshwater sources, sea-level rise resulting in flooding and over-wash during tide surges, and erosion of coastlines and low-lying areas. It would endanger rights to life, property, housing, self-determination, security of person, access to water, sanitation, and a healthy environment due to increased cyclones, droughts, flooding, and spread of disease vectors with warmer air and water temperatures.⁶³ JS2 further stated that the primary responsibility for the protection of human rights for the citizens of the Solomon Islands lied in the hands of the state. The international community – and particularly nations historically and currently responsible for the greatest greenhouse gas emissions – had a responsibility to prevent climate change from undermining the human rights of citizens of the Solomon Islands and, where that is not possible, mitigate harms and assist the victims.⁶⁴

47. JS1 stated that climate change risked the creation of future displacement among persons who must relocate due to land becoming uninhabitable. This could jeopardize the right to a nationality and certainly jeopardize the right to own property, as many forced to relocate would lose their livelihoods. There was a risk that the cultural life of many communities would be threatened, due to climate change resulting from urbanization in other areas of the world. Climate change created further problems in terms of health issues.⁶⁵

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AI	Amnesty International*, London (UK)
GIEACPC	Global Initiative to End All Corporal Punishment of Children,
ICTJ	International Centre for Transitional Justice*, New York (USA)
JS1	Joint Submission submitted by the Development Services Exchange (DSE), which coordinated inputs from Coalition of Education Solomon Islands (COESI), Family Support Centre (FSC), Literacy Association Solomon Islands (LASI), Live and Learn Environmental Education (LLEE), People with Disabilities Solomon Islands (PWDSI), Solomon Islands Indigenous People's Human Rights Advocacy Association (SIPHRAA), Solomon Islands Red Cross (SIRC), and Transparency Solomon Islands (TSI).
JS2	Joint Submission submitted by: Earthjustice, Auckland, California (USA), Greenpeace International, and Human Rights Advocates and 350.org
JS3	Joint Submission submitted by: Foundation for Marist Solidarity International (FMSI) and Franciscans International (FI)*
JS4	Joint Submission submitted by: ARC International, Geneva (Switzerland), ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association), Brussels (Belgium), and ILGA-Europe.*, Brussels (Belgium)
SCSI	Save the Children Solomon Islands (Solomon Islands)
STP	Society for Threatened Peoples, Göttingen (Germany).

² ICTJ, para. 21.

³ JS3, para. 18. See also SCSI, para. 7.2.

⁴ ICTJ, para. 1.

⁵ JS1, para. B2.

⁶ ICTJ, para. 12.

⁷ SCSI, paras. 1.1–1.2.

⁸ JS1, para. C4.3.

⁹ JS1, para. C2.4.

¹⁰ AI, p. 1. See also JS1, para. B6.

¹¹ AI, p. 4.

¹² ICTJ, para. 21.

¹³ AI, p. 2. See also JS1, para. C1.1.

¹⁴ JS1, para. C1.9.

¹⁵ AI, p. 1.

¹⁶ ICTJ, para. 11.

¹⁷ AI, p. 5.

¹⁸ JS1, para. C1.7.

¹⁹ ICTJ, para. 12.

²⁰ AI, p. 3. See also JS1, para. C2.4.

²¹ AI, p. 2.

²² AI, pp. 2–3.

²³ JS1, para. C1.3.

²⁴ AI, p. 5.

²⁵ JS1, para. C1.4.

²⁶ AI, paras. 1.1–1.4.

²⁷ SCSI, paras. 3.2.–3.3.

²⁸ SCSI, paras. 3.7.–3.8.

²⁹ ICTJ para. 7.

³⁰ ICTJ, para. 9.

³¹ AI, p. 1.

³² ICTJ, para. 3.

- 33 ICTJ, para. 4.
- 34 ICTJ, para. 8.
- 35 ICTJ, para. 15.
- 36 SCSJ, paras. 4.2.–4.3.
- 37 ICTJ, para. 10.
- 38 ICTJ, para. 19.
- 39 JS4, p. 3.
- 40 SCSJ, para. 8.2.
- 41 AI, p. 2.
- 42 AI, p. 5.
- 43 JS3, para. 11.
- 44 JS1, para. B3.
- 45 JS1, para. C3.5.
- 46 AI, p. 3.
- 47 AI, p. 5.
- 48 AI, p. 4.
- 49 JS3, para. 29.
- 50 JS1, paras. C3.10–C3.11.
- 51 JS3, para. 3.
- 52 JS3, para. 4.
- 53 JS3, para. 14.
- 54 JS3, para. 17.
- 55 JS1, para. B3. See also JS3, para. 6.
- 56 JS3, para. 8.
- 57 JS1, para. C3.13.
- 58 JS3, para. 31.
- 59 STP, para. 4.
- 60 STP, para. 5.
- 61 STP, para. 1.
- 62 STP, para. 6.
- 63 JS2, para. 4.
- 64 JS2, para. 16.
- 65 JS1, paras. C3.7–C3.8.
