

Universal Periodic Review (UPR) for Solomon Islands

Stakeholder's Report

11th Session of the UPR

May 2011

Introduction

The Solomon Islands UPR stakeholders' report for the 11th session was compiled by the Development Services Exchange (DSE), on behalf of a range of non governmental organisations (NGOs) in Solomon Islands (see appendix). DSE is the national umbrella body for NGOs, and was established in 1984 to facilitate and coordinate development services for NGOs and their partners. Furthermore, DSE continues to liaise with civil society organisations in Solomon Islands, aiming to strengthen effective NGO coordination through advocacy, the collecting and sharing of information, capacity building and enhancing relationships with members and stakeholders. In this submission, DSE is compiling, editing and organising the contributions made by its members on specific human rights issues concerning their organisations.

A. METHODOLOGY

A1. This report was created by a coalition of 8 NGOs, and the contents of which is the product of their research into human rights issues in their areas of expertise. The process by which DSE compiled this report took place in two ways; through a set of verbal consultations and through written submissions from some of our members. The NGOs who participated in verbal consultations were Coalition of Education Solomon Islands (COESI), Literacy Association Solomon Islands (LASI), Transparency Solomon Islands (TSI) and Solomon Islands Red Cross (SIRC). These consultations lasted around 45 minutes, the conversation being undertaken by a native Pijin speaker while notes were taken by a native English speaker. These were later typed up by the native English speaker into this report. It should be mentioned here that the SIRC consultation was purely for information purposes and that the paragraphs on climate change are not endorsed by the Red Cross organisation. The written submissions came from Family Support Centre (FSC), Live and Learn Environmental Education (LLEE), People with Disabilities Solomon Islands (PWDSI) and Solomon Islands Indigenous People's Human Rights Advocacy Association (SIPHRAA), and these were submitted to DSE after an initial visit from the aforementioned representatives explaining the process of the UPR and formatting of their submission. These submissions were then edited by the native English speaker to monitor word count and grammar but care was taken to ensure the submissions remained true to the original. They were then added to the report.

A2. This report was compiled by DSE to represent its members, who wished to raise certain human rights issues. The main subjects covered are domestic violence, climate change, logging, disability rights, education, unemployment and corruption. DSE would like to point out its limitations because the only areas it was able to report on were the areas of expertise of its members. Therefore some human rights issues cannot be covered in this report. However, some effort has been made to give background information on unreported issues, such as children's rights, in the Background and Framework section.

B. BACKGROUND AND FRAMEWORK

B1. Solomon Islands has signed and ratified the following United Nations (UN) human rights treaties: *Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention of the Elimination of All Forms of Racial Discrimination (CERD), Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention of the Rights of the Child (CRC), Optional Protocol to the Convention on the Elimination of Discrimination Against Women (OP-CEDAW)*.

B2. Government Implementation and Legal Framework

The governmental implementation of the ratified treaties above has provided some efficiency for the promotion and protection of human rights. The 1978 Constitution provides the basis for the supreme law of the Solomon Islands and emphasizes fundamental rights and freedoms of its citizens. It conforms to all major United Nations instruments regarding representation, customs, traditions, cultural inheritance and land rights. The Constitution guarantees the rights of the individual to life, security, property, expression, protection of privacy, assembly, association and religion - therefore the framework in place supporting the UDHR is the Constitution.

B3. Some civil and political human rights are addressed in chapter 2 of the Solomon Islands Constitution, the Solomon Islands National Provident Fund (NPF) Act 1973, the Employment Act 1981, the Labour Act 1982, the Workmen's Compensation Act 1982, and the Safety at Work Act 1982, as well as the Penal Code. A compulsory social security scheme runs in Solomon Islands, the NPF. Under the NPF, workers are eligible for 'invalidity' benefits but only unemployment benefits if they have contributed to the NPF throughout their working lives and have been made redundant. Generally issues pertaining to the right to work are supported by these aforementioned documents.

B4. Rights of Non Nationals

Chapter 2 of the constitution also outlines fair and equal treatment of non-nationals including the right to health care, education equal to that offered to citizens, encouraged use of their native languages, preservation and promotion of their national cultures and traditions, freedom of religion, and encouraged participation in non-political associations. They have the same rights as citizens in all matrimonial and family matters. They are permitted to exercise intellectual property rights over their academic works, artistic creations and inventions. However non-nationals are not entitled to own property, contest or vote in national elections, must obtain work permits and can be denied access to the NPF.

B3. Treatment of Women and Children's issues

Children's issues currently come under the Ministry of Youth and Women's Affairs, and the National Advisory Committee on Children (NACC) operated a program of raising awareness through information dissemination and advocacy. However, these programmes were active during the late 1990s – mid 2000s and there has been little publication of government funded actions since then. Children, women and youth issues are frequently viewed under the same category, and therefore are often vying for the same funding. However in support of the CRC, the government has succeeded in making education free but not compulsory until year 9 (year 9 generally consists of pupils ranging between ages 15 and 17).

B5. Solomon Islands has signed, but not ratified, the following UN human rights treaties: *Convention on the Rights of Persons with Disabilities (CRPD), Optional Protocol onto the International Covenant on Economic,*

Social and Cultural Rights, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Optional Protocol to the Convention on the Rights of Persons with Disabilities.

B6. Human Rights Reporting

However Solomon Islands, despite ratifying the conventions in B1, have not adhered to the requirements set out by the UN. To date the government has failed to submit initial and progress reports on time for many conventions which it has ratified. The only conventions which have been reported on have been the CRC, ICESCR and CERD, all in 2002. One hindrance to promoting human rights in Solomon Islands is that there is no national human rights institution in place to promote and protect human rights. Usually when there is a legal provision a government mechanism is put in place in order to support and protect it.

Regardless of this, countless NGO organisations have been established in order to help provide support for vulnerable members of society (e.g. women, children), with support mechanisms such as counselling and advocacy.

IMPLEMENTATION AND EFFICIENCY, INCLUDING RECOMMENDATIONS, FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

C1. Rights of the Individual

Domestic Violence

C1.1 Amnesty International's 2009 report on Solomon Islands' human rights situation highlights domestic violence as a main problem. Recent statistics from a government sponsored survey, the Family Health and Safety Study (2009) show that at least 64% of women aged between 15 - 49 experienced violence in the home, and 70% of which was perpetrated by women's partners – one of the highest percentages in the world. From the results of this report the cabinet then released a Policy on the Elimination of All Forms of Violence against Women, led by the Ministry of Women.

C1.2. FSC was established in 1995 to address the high incidences of domestic violence, sexual abuse, child abuse, and rape in the Solomon Islands. The centre offers services to individuals over the age of 15 years old and families that experience violence and abuse through counselling, legal advice, training, awareness raising and a resource library. Legal advice and counselling is available free of charge. FSC is committed to improve the quality of life in Solomon Islands by promoting awareness of people's rights to live in peaceful, non violent and non abusive families. It is dedicated to raising the status of women and children and empowers individuals in making decisions that would enable them to enjoy safety in their lives. FSC has a very close networking relationship with; the Public Solicitors Office, who aid in legal assistance for our clients, the Ministry of Health, regarding medical evidence or report, the Police, for prosecutions, the Christian Care Centre, for safe housing victims of domestic violence, and the Sexual Assault Unit, who specialise in investigating rape and incest cases.

C1.3. Domestic violence according to FSC's data is increasing. The gaps identified are; there is only one safe home for victims of domestic violence, and there is no specific law in Solomon Islands' mother law that directly deals with offenders (currently offenders, if found guilty, can only be prosecuted under common assault because there are no specific domestic violence laws). Another gap is there are no specific lawyers concentrating on domestic violence issues. The current lawyers that attend to domestic violence issues also attend to many other government and civil cases. Therefore lawyers may not be able to perform to their full potential for domestic violence cases. However FSC acknowledges that the government is taking this matter seriously. We acknowledge that the Law Reform Team is currently working on modifying current laws. Also, the Ministry of Women, Youth and Children's Affairs (MWYCA) have taken a step forward and now have created two policies, namely Eliminate Violence against Women (EMW), and Gender Equality and Women Development Policy (GEWD). FSC has yet to experience the implementation of these policies, and they state that this is what they look forward to.

C1.4 Recommendations:

1. Build 2 more safe houses for women and children who have suffered domestic abuse.
2. Make sure each safe house has 3 security guards at all time to protect the women from their husbands coming and forcing them to come back.
3. Since FSC is the only support centre for domestic violence, it is strongly advised that the government build a permanent office building where FSC can offer more stable services.
4. The government should also fund the safety houses for the protection of our women and children who are being victimized from domestic violence and other abuses.

Disability Rights

C1.5 PWDSI was established in the early 90s. The constitution of PWDSI states promoting and advocating disability issues. PWDSI in its twenty years has advocated on issues of people with disabilities. The organisation is currently a voluntary organization and managed by an elected executive committee with very limited funding from development partners and no funding from government since its inception. Previous governments have supported improving disability rights depending on political commitment which has varied from government to government.

C1.6 PWDSI is dedicated to raising the awareness of the rights of people with disabilities and liaises with government and non-government stakeholders. More human rights training is needed for our members. According to the first ever national disability survey in collaboration between the government and the European Union (EU), there are about 14,403 people with disabilities (Solomon Island National Disability Survey, 2005) in Solomon Islands. 29.13% of this population are between the ages 14 and 30. PWDSI advocates for mainstreaming of disability issues by engaging with relevant stakeholders at all sectors in our society.

C1.7 Public recognition of disability rights is a great need for disabled people in Solomon Islands. Service provision for people with disabilities is severely limited and many services are not accessible for persons with disabilities. Rights to education, health, justice and non-discrimination are provided for in the laws of the country; however, people with disabilities do not have equal opportunities to access these rights and services.

C1.8 PWDSI is grateful and acknowledges the effort the Solomon Island Government has taken so far but there is so much more to be addressed. Currently disability is still addressed strictly as a health issue and the service provision to people with disabilities is for Honiara only, rather than mainstreaming disability across all sectors. Disability should be addressed as a multi-sector issue. Approximately about 80% of people with disabilities live rural areas; most of them will not have access to any rehabilitation services or any basic health care. However there are some government mechanisms in place for these people - the Community Based Rehabilitation Unit (CBRU) is the government disability focal point within the Ministry of Health.

C1.9 Whilst the government has initiated and passed the first National Disability Policy (2005-2010) in 2006, there has been little or no implementation. This policy recognises that everybody is entitled to their human rights, such as education and anti-discrimination, regardless of disabilities. A disability bill is currently in draft; however this needs to be tabled before Parliament.

C1.10 Recommendations:

1. We urge the government to ratify the CRPD which it has signed on 29th August 2008 to strengthen the rights based approach to disability in Solomon Islands.
2. That the draft disability bill be passed by Parliament to accommodate the human rights and development needs of persons with disabilities.
3. Disability is a cross-cutting issue and its policy should be taken under a government ministry which has a stronger implementation and commitment to addressing disability as a multi-sector issue.

C2. Rights of the Individual in Civil and Political Society

Logging

C2.1 When landowners were encouraged to participate in deals with logging companies, they were not initially informed of the importance of their forests to their livelihoods. Logging companies only told landowners of the huge amounts of money they would receive if their forests were logged. Landowners were not told or made aware of what percentage they would be getting out of the total income received from log exports. Loggers used complicated mathematics with local people who cannot understand the technical terms, such as \$100.00 per cubic. Landowners receive the least in terms of money sharing. They were not told that they would be getting the least percentage of the total income received from any shipment.

C2.2 The current law allows contractors to have 60 percent, government 25 percent and the remaining 15 percent shared between the licensee and the landowner. Landowners are poorly informed of the negative impacts of logging such as loss to local forest biodiversity and the loss to them financially, socially and environmentally. Logging companies take no effort to assist landowners in developing sustainable economies through the use of their royalties. Infrastructures promised by logging companies such as assistance in school building construction, wharves, bridges, clinics, church buildings and water supply were never fulfilled and even if clinics and schools were built, they were not properly staffed and maintained.

C2.3 Logging companies are only worried about financial gain and care less about the divisions they cause in villages and the negative effects logging has on water sources, people's livelihoods, gardening areas, reefs and family break ups some workers cause in areas they operate in. The lack of money in communities caused young girls to work in logging camps only to become wives to expatriates whose children are left for the young girl to take care of after logging contracts lapsed or logging companies move to another concessionary in another province.

C2.4 Recommendations:

1. A new Forestry Act should be introduced to cater for the changing times. The Act should improve working conditions and wages for local workers, hefty penalties for foreigners who use local girls for pleasure, and for environmental and social damages to peoples' lives. The country's forestry Act should be reviewed with the aim to more conservation. Landowners should be properly compensated for the resources they own. They should be given a higher percentage of the income they get from total log exports.
2. More awareness/education should be carried in rural areas so that landowners have a choice whether or not they should allow their resources to be exploited. Alternatives to logging should be encouraged such as in the areas of conservation, marine protected areas, eco-tourism and agro-forestry.
3. The government should vigorously set up an independent office to facilitate funding through the REDD mechanism. Logging companies should set up funds to assist landowners wanting to venture into sustainable developments. Funding should be made easier for people wanting to get involved in environmental friendly activities. There should be more government support for landowners whose lands have been logged and need to venture into sustainable developments. Funds should be sourced to assist forestry workers carrying out monitoring of logging operations, shipment and other requirements in the Act.
4. Logging companies must stick to their agreement and the Code of practice and heavy penalties if breaches are committed. Logging companies should put aside some funds to assist landowners venturing into income generating activities to sustain their lives. There should be a ban on foreign workers in logging operations if

locals could perform the task. Heavy penalties should be imposed on expatriates who are in de facto relations with local girls, and companies should put aside some money to assist local girls who may have children from expatriates who left them.

5. Finally, a special court should be set up to deal with land disputes and breaches of the Act arising from logging operations.

C3. Social, Economic and Cultural Rights

Employment/Unemployment

C3.1 Unemployment is one of the fundamental social security issues in the country and one that is largely contributing to poverty and economical instability in the Solomon Islands. Moreover, this issue is providing an environment that is conducive to anti-social behaviour in all levels of society. The report produced and presented by UNDP regarding the Millennium Development Goals (1999), stated that amongst other countries in the Pacific, Solomon Islands is classed as a state living below the poverty line (on under US\$1.00 per day per person).

C3.2 The World Bank based its report on formal sector indicators, and SIIPHRAA feels that this is biased because it does not consider the large economic contribution of the subsistence economy to the country, which 85% of the country's population is involved directly and indirectly with. Employment is classed as a basic human right, and is designed to address social injustice – this is a requirement under the UDHR, ICCPR, ICESCR and the S.I National Constitution. Furthermore, the fact that only 15% of Solomon Islands' population is employed in formal, cash earning jobs and 85% are in subsistence economy suggests that there is an imbalance in societies' employment sectors.

C3.3 Unemployment within a country refers to the percentage of population that is not productive. In other words an unemployed population in any country becomes an unproductive population (also known as a liability population). As far as SIIPHRAA and Solomon Islands indigenous society are concerned, unemployment is a perception entertained by formal leaders in the country and enhanced by foreign ideologies based on the principle of cash economy. If this perception of the definition of unemployment is true, then the 85% unemployed in Solomon Islands are without cash – the connotation of this is that from an outside view people are impoverished, lacking basic needs and are a drain on society. Modernisation has made purchasing power the new international standard for measuring wealth and poverty (UNDP, 2002). However in the Solomon Islands this largely does not apply, because people employed in subsistence economies are self supporting, and although by international indicators class as impoverished, are not lacking basic needs such as food. Referring to the above 15% employed and the 85% unemployed populations respectively we will now say that the above stated 85% is unemployed as far as formal sector employment is concerned therefore they are a liability to the country. But the opposite is what becomes a reality in this country and that is, the 85% in the non-formal sector employment widely believed to be unemployed is the sustaining percentage and population ensuring economic survival and stability in Solomon Islands (refer CBSI report 2003/2004). According to SIIPHRAA, in the context of Solomon Islands, the so called unemployed 85% of the population referred to above is the backbone of the country's economy. They are the ones who have the resources and continue to utilise their resources to sustain their livelihood.

C3.4 Unemployment is evident if you are viewing the issue from the cash economy perspective, but it will be biased if we do that because Solomon Islands are operating well in the subsistence sector. Therefore we need to

understand what it means when we refer to unemployment in the context of the country compared to understanding this concept from the outside view. Finally, unemployment in human rights terms must not just refer to cash for survival, but must also consider the non-cash resources such as clean and safe water for drinking, clean and safe environment, space for recreation, a non violent society etc.

C3.5 Recommendations:

1. That the Solomon Islands' government takes responsibility for the human rights of the 85% in subsistence economy positions as well. More money needs to be invested in improving farms and plantations, and providing financial support or training programs to help people make the most of their resources.

Climate Change

C3.6 Solomon Islands Red Cross (SIRC) has a mandate for eliminating human suffering, and climate change is an issue that classifies as this type of problem, as it causes widespread poverty and heightened vulnerability of people, especially those who are already considered at risk. Climate change is not just a problem for Solomon Islands; it is a problem for the world. International society in Pacific nations needs assistance and funding in order to support local initiatives to combat climate change, such as eco-tourism or knowledge to resist logging companies. SIRC currently runs the Vulnerability Capacity Assessment (VCA) programme, a form of survey used to gather information about climate change. The VCA was given to affected communities in Temotu province finding out how certain climate change related issues (such as fertility of soil) were affecting certain communities. SIRC will now follow up on the issues raised in this baseline survey, emphasising education, such as *why* crops are not growing as well.

C3.7 Climate change creates a risk of future displacement issues among persons who must relocate due to land become uninhabitable. This is a violation of articles 15 and 17 of the UDHR, as this could jeopardise the right to a nationality and certainly jeopardises the right to own property, as being forced to relocate means many will lose their livelihoods. There is a risk of the cultural life of many communities becoming at threat, due to climate change stemming from urbanisation in other areas of the world, a violation of article 27.

C3.8 Climate change creates further problems in terms of health issues, a violation of article 25. For instance, malaria has been increasing due to the increase in temperature from global warming. This needs to be explained to communities too. The government is just moving into climate change awareness; currently it seems a plan of action is still being prepared. The Ministry of Environment Conservation is responsible for climate change issues, yet SIRC feels that the Ministry of Agriculture and the Ministry of Health should also be involved, since climate change directly affects both these areas.

C3.9 Recommendations:

1. The government should increase coordination and cooperation with both government and NGO sectors, since there could be specialists or information that is available about certain environmental issues that can only be found by strengthening connections.
2. The government should map which issues that health, agricultural and environmental NGOs are tackling and work together where there are crossovers in interests.
3. The government should work on crossing over their departments to increase efficiency and cooperation.
4. The government should hire a designated officer for climate change.

Education

C3.10 LASI stated that there has been lots of effort by the government to address the right to education through implementation of its education policies. Currently there are many primary and secondary level schools and the enrolment is good.

C3.11 Issues still lie in the lack of necessary teaching resources – such as the availability of good quality education infrastructure like science laboratories and libraries. There is a need to provide a standardised basic education across the country. Because of the high number of enrolment in some schools and lack of adequate teaching staff, many teachers have to take up extra work load which decreases teaching output quality.

C3.12 There is currently no updated or accurate data on the literacy level in Solomon Islands. Data used is taken from the 1999 national census statistics which stated that 76% of Solomon Islanders are literate. This data is not accurate and currently out-of-date. It is also not specially designed to capture the literacy level in Solomon Islands. When compared to a data on literacy level collected by COESI in 2009, only 17% of the sample is literate.

C3.13 Data collected by COESI shows that number of girls attending junior and upper level schools is lower than boys. COESI states that this is because there are still cultural barriers preventing girls from attending school.

C3.14 Recommendations:

1. Better monitoring and teacher evaluation systems need to be put in place to improve teaching standards and teaching quality in all schools. Teacher welfare should also be taken into consideration in mentoring sessions.
2. An increase in infrastructure such as roads is advised to make it possible for schools to share educational resources such as libraries and science laboratories.
3. There should be a specifically designed data collection method for collecting literacy level and other education related data in Solomon Islands.
4. More awareness programs on the right to education are also an issue that needs to be addressed. For example, government programmes specifically tailored at encouraging communities to allow their girls to attend school should be a main priority.

C4. Spiritual, Public and Political Rights

Corruption

C4.1 According to a 2004 TSI report, corruption is widespread in Solomon Islands. In 2006 the Solomon Islands government reportedly intended to sign the UN Convention on Anti-Corruption (UNCAC) in Geneva. However, when followed up by TSI the government stated that, due to reported technical issues, the UNCAC was not signed. Solomon Islands government currently has no specific policies on corruption.

C4.2 Addressing corruption issues in Solomon Islands is done through the Special Secretary to the Prime Minister (SSPM) and one of the main challenges is political instability. In the last government, a body which was overseen by the SSPM was hired to set up a frame work on anti-corruption. A draft framework was about to be completed. However with the recent national election, thereby the formation of a new government and the

appointment of a new SSPM, work on the anti-corruption framework has been halted. Currently it is still unclear whether the newly formed government will prioritise and address corruption issues.

C4.3 The Ministry of Foreign Affairs is usually responsible for all United Nation Conventions signed or ratified by the Solomon Islands Government. Regarding UNCAC, the SSPM was given the responsibility of overseeing the signing and also heading the required anti-corruption framework task force.

Recommendations:

1. The Solomon Islands Government must sign UNCAC so that it has an obligation to domesticate anti-corruption policies and other mechanisms to fight corruption. It must also submit the mandatory periodic reports to the UN.
2. The Solomon Islands Government should update certain parliamentary acts that permit some government ministers the ‘power of discretion’. This 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.

Appendix A

List of NGOs contributing to this report;

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**)

Transparency Solomon Islands (**TSI**)

Appendix B

List of References;

Amnesty International Solomon Islands report, 2009 (<http://www.amnesty.org/en/region/solomon-islands/report-2009> accessed 12/10/2010)

CBSI, UNDP, 1999

United Nations Statistics Division, 2002

Solomon Islands Constitution, 1978

Solomon Islands National Disability Survey, 2005

Solomon Islands National Provident Fund (NPF) Act, 1973

Solomon Islands Employment Act, 1981

Solomon Islands Labour Act, 1982

Solomon Islands Workmen's Compensation Act, 1982

Solomon Islands Safety at Work Act, 1982

Solomon Islands Family Health and Safety Study, Ministry of Women Youth and Children Affairs, 2009