

SOLOMON ISLANDS

EXECUTIVE SUMMARY

The Solomon Islands is a constitutional multiparty parliamentary democracy. Parliamentary elections held in August 2010 were considered generally free and fair, although there were incidents of vote buying. In August 2010 Parliament elected Danny Philip as prime minister. Philip resigned on November 11 ahead of a vote of no-confidence and Gordon Darcy Lilo was elected prime minister. Security forces reported to civilian authorities. The Regional Assistance Mission to the Solomon Islands (RAMSI), a multinational police-centered force organized by the Pacific Islands Forum, continued its assistance during the year.

Human rights problems during the year included lengthy pretrial detention, government corruption, and violence and discrimination against women.

The government with assistance from RAMSI took steps to prosecute officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no confirmed reports of such practices during the year. There were a few allegations by detainees that they were mistreated by police during questioning, but they often lacked substantiating evidence.

In January the parole board released Member of Parliament (MP) and Fisheries Minister Jimmy Lusibaea, convicted in November 2010 of assault and sentenced to

two years and nine months' imprisonment. The board stated that his release was for good behavior and for having undergone rehabilitation. One week later Minister for Police James Tora reduced his sentence to one month using his discretion under Section 30 of the Correctional Services Act, and Lusibaea resumed office as a member of parliament.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

At year's end there were 179 convicted prisoners and 83 pretrial detainees in the country. Of these, six were juveniles. There were no female prisoners during the year.

Prisoners had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints and request investigations of credible allegations of inhumane conditions. Complaints and requests were screened by the respective prison commanders. The Professional Standards Unit of the Correctional Service and the Office of the Ombudsman investigated credible allegations of inhumane conditions and documented the results in a publicly accessible manner. The government, through the judiciary and Office of the Ombudsman, investigated and monitored prison conditions.

The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

Although the Office of the Ombudsman has authority to investigate complaints of inhumane prison conditions, it does not have specific legal authority to consider on its own initiative such matters as alternatives to incarceration for nonviolent offenses or improving pretrial detention, bail, and recordkeeping procedures.

The International Committee of the Red Cross (ICRC) had a program in place to cover costs for family visits to long-term prisoners from other provinces held in Honiara.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Royal Solomon Islands Police (RSIP), and the government has effective mechanisms to investigate and punish corruption. There were no reports of impunity involving the security forces during the year. A commissioner, who reports to the minister of police, heads the RSIP force of 1,134 members, including 159 women. The RSIP force is unarmed and had no access to weapons or non-lethal means of coercive force during the year.

This force was supported by 250 RAMSI Participating Police Force officers, who served in line positions and in logistical and financial support. The RAMSI Participating Police Force and the RAMSI Military Contingent were the only armed security forces in the country. Peter Marshall, a New Zealander, who was appointed police commissioner in 2008, ended his secondment in February to return to New Zealand. Walter Kola, a local, was appointed acting police commissioner on February 7 and continued in that position at year's end.

While police were more effective under RAMSI, the RSIP continued to be weak in investigation and reporting. The police service has an inspection unit to monitor police discipline and performance. Officials found to have violated civil liberties are subject to fines and jail sentences.

Arrest Procedures and Treatment While in Detention

The law provides for a judicial determination of the legality of arrests. Detainees generally were informed promptly of the charges against them and have the right to counsel. The Public Solicitor's Office provided legal assistance to indigent defendants, and detainees had prompt access to family members and to counsel. There was a functioning system of bail. However, delays in adjudication of the large number of cases before the courts resulted in lengthy pretrial detention for some detainees.

During the year RAMSI had 10 legal advisors from Australia, New Zealand, and the Pacific islands: four worked with the Office of the Director of Public Prosecutions and six with the Public Solicitor's Office. The advisors helped to

build the expertise of the government's lawyers and contributed to reducing the backlog of cases.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trial procedures normally operated in accordance with British common law, with a presumption of innocence, access to attorneys, and the rights to access government-held evidence, confront witnesses, and appeal convictions. The law extends these rights to all citizens. Judges conduct trials and render verdicts; there are no juries. Accused persons are entitled to counsel, and an attorney was provided at public expense for indigent defendants facing serious criminal charges.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters; local courts and magistrates' courts have civil jurisdiction. In addition, the constitution provides that any person whose rights or freedoms have been contravened may apply directly to the High Court for redress.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Actions to Expand Press Freedom

The Solomon Islands Media Strengthening Scheme (SOLMAS), which RAMSI initiated in 2008, continued during the year. SOLMAS worked with the Media Association of Solomon Islands, Solomon Islands Broadcasting Corporation, and Department of Communications to provide training and technical support to local journalists.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right in practice. Demonstrators must obtain permits, which the government generally granted.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The August 2010 national parliamentary elections were regarded as generally free and fair, although there was evidence of vote buying. The report of the Commonwealth Observer Group stated that people spoke explicitly to them about the distribution of gifts and money by political parties and candidates to influence voter behavior. In 2010, Parliament elected Danny Philip as prime minister. Philip resigned on November 11 and Parliament elected Gordon Darcy Lilo as prime minister.

Political Parties: Political parties could operate without restriction, but they were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities.

Participation of Women and Minorities: Male dominance in government limited the role of women. There were no women in the 50-member Parliament. In July the government replaced two of the five women who served as permanent secretaries in 2010. Unlike in 2009, there were no female judges on the High Court.

There was one minority (non-Melanesian) MP.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Government corruption and impunity in both the executive and legislative branches continued to be serious problems.

Police corruption was not a serious problem during the year. However, some observers criticized the police as more loyal to their respective ethnic group, or wantok (extended family), than to the country as a whole.

Public officials were subject to financial disclosure laws under the leadership code of conduct. The Office of the Leadership Code Commission (LCC) investigates matters of misconduct involving MPs or senior civil servants. If the LCC finds that there is conclusive evidence of misconduct, it sends the matter to the Department of Public Prosecution, which may then proceed with legal charges. The LCC chairman and two part-time commissioners constitute a tribunal that has the power to screen certain cases of misconduct and apply fines of up to SI \$5,000 (approximately \$665) for MPs or senior civil servants. The Office of the Ombudsman is responsible for investigating public complaints of government maladministration.

No law provides for public access to government information. In practice the government generally was responsive to inquiries from the media during the year.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were somewhat cooperative and responsive to their views.

UN and Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations. There were a number of visits from UN representatives during 2011 including a visit by UN Secretary General Ban Ki Moon in September; however, no public reports were released.

Government Human Rights Bodies: The Guadalcanal Peace Building and Reconciliation Committee, formed in 2007 to plan the reconciliation and peace process on Guadalcanal, continued to work with the Malaita Peace and Reconciliation Committee in consultation with the government. The Committees in consultation with the Guadalcanal and Malaita Peace Desks at the Ministry of National Unity, Reconciliation and Peace facilitated the work of the Truth and Reconciliation Commission (TRC) by liaising with impacted persons to encourage them to come forward and testify at the public hearings conducted by the TRC. They also assisted the TRC with its exhumation program during the year. Four out of 205 missing persons were found and identified, and their remains were returned to their respective families.

The constitution provides for an ombudsman, with the power to subpoena and to investigate complaints of official abuse, mistreatment, or unfair treatment. While the Ombudsman's Office has potentially far-ranging powers and operated without governmental or political party interference during the year, it was limited by a shortage of resources.

During the year the Truth and Reconciliation Commission (TRC) continued to conduct hearings and take statements regarding the ethnic crisis. In May the TRC conducted the first public hearings of former militants, and during the year public hearings included both victims and former militants. Hearings done in 2010 were only for the victims of the crisis. At year's end the TRC was in the process of compiling all of its reports in preparation to submit its final recommendations to the prime minister per its mandate.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that no person--regardless of race, place of origin, color, or disability--shall be treated in a discriminatory manner with respect to access to public places. The constitution further prohibits any laws that would have

discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment remained high, and there were limited job opportunities for persons with disabilities.

Women

Rape and Domestic Violence: Violence against women, including rape and domestic abuse, remained a serious problem but was underreported. Among the reasons cited for the failure to report many incidents of abuse were pressure from male relatives, fear of reprisals, feelings of shame, and cultural taboos on discussion of such matters.

The maximum penalty for rape is life imprisonment. Spousal rape is not a crime. As part of the police curriculum, officers received specialized training on how to work with rape victims. The police have a Sexual Assault Unit, staffed mostly by female officers, to combat the problem.

The law does not specifically address domestic violence; however, there are provisions against common assault. Although statistics were unavailable, incidents of domestic violence appeared to be common, and police confirmed that domestic violence complaints were received every week.

In the cases of domestic abuse that were reported, victims often dropped charges before the court appearance, or the case was settled out of court. In cases in which charges were filed, the time lapse between the charging of an individual and the subsequent court hearing could be as long as two years. The magistrates' courts dealt with physical abuse of women as with any other assault, but prosecutions were rare.

Nongovernmental organizations (NGOs) conducted awareness campaigns on family violence during the year. The Family Support Center and a church-run facility for abused women provided counseling and other support services for women. The Family Support Center did not have an in-house lawyer and depended heavily on the Public Solicitor's Office for legal assistance for its clients.

Sexual Harassment: Sexual harassment is not illegal and was a widespread problem.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. Contraception and adequate prenatal, obstetric, and postnatal care were accessible at all government hospitals and rural health clinics, and all nurses were trained to provide family planning services. According to indicators published by the Population Reference Bureau, an estimated 35 percent of married women ages 15-49 used some form of contraception and an estimated 27 percent used modern contraceptive methods. The UN Population Fund estimates one hundred maternal deaths per one hundred thousand live births. An estimated 86 percent of births were attended by skilled health personnel. Women and men had equal access to diagnosis and treatment of sexually transmitted infections, including HIV.

Discrimination: The law accords women equal legal rights, including the right to own property. However, most women were limited to customary family roles, which prevented them from taking more active roles in economic and political life. A shortage of jobs also inhibited the entry of women into the workforce. Employed women were predominantly engaged in low-paying and low-skilled jobs.

The Solomon Islands National Council of Women and other NGOs attempted to make women more aware of their legal rights, including voting rights, through seminars, workshops, and other activities. The Women's Development Division within the Ministry of Women, Youth, and Children's Affairs also addressed women's issues.

Children

Birth Registration: Citizenship is acquired through one's parents. The country's laws do not allow dual citizenship for adults, and persons who acquire dual citizenship at birth must decide by age 18 which citizenship they wish to retain. Births frequently were not registered immediately due to lack of infrastructure, but the delays did not result in denial of public services to children.

Education: Education was not free or compulsory, and the high cost of school fees severely limited attendance at secondary and higher institutions. School attendance rates were lower for girls than for boys, and the dropout rate was higher for girls.

Child Abuse: The law grants children the same general rights and protections as adults. There are laws designed to protect children from sexual abuse, child labor,

and neglect, but few resources were provided to enforce the law. Child sexual and physical abuse remained significant problems, according to the coordinator of the Family Support Center in Honiara. However, children generally were respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services. Virtually no children were homeless or abandoned.

Child Marriage: Both boys and girls may legally marry at age 15, and the law permits marriage at age 14 with parental and village consent, but marriage at such young ages did not appear to be common.

Sexual Exploitation of Children: The minimum age for consensual sex is 15. The maximum penalty for sexual relations with a girl under age 13 is life imprisonment, and for sexual relations with a girl above age 12 but under age 15, it is five years' imprisonment. Consent is not a permissible defense under either of these provisions; however, in the latter case, reasonable belief that the victim was 15 or older is a permissible defense. Child pornography is illegal, with a maximum penalty of 10 years' imprisonment. However, there were reports of use of children in the production of pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

There were reports that persons were trafficked to, from, or within the country.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

There is no law or national policy protecting persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandates access to buildings for such individuals. In practice very few buildings were accessible to persons

with disabilities. There were no special accommodations for persons with disabilities to ensure access to information and communications. Their protection and care were left to the extended family and NGOs. The country had one educational facility for children with disabilities, which was supported almost entirely by the ICRC. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

Persons with mental disabilities were cared for within the family structure; there were very limited government facilities for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients. A psychiatrist resident in Honiara ran a clinic at the National Referral Hospital.

The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The country comprises more than 27 islands with approximately 70 language groups. Many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in 1998. The presence of RAMSI greatly reduced ethnic tension between the two groups, and in previous years the Peace and Reconciliation Ministry organized reconciliation ceremonies. However, underlying problems between the two groups remained, including issues related to jobs and land rights.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sodomy is illegal, as are “indecent practices between persons of the same sex.” The maximum penalty for the former is 14 years’ imprisonment and for the latter five years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions during the year. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity.

Other Societal Violence or Discrimination

There was societal stigma toward persons with HIV/AIDS, but there were no specific reports of disownment by families as reported in the past and no reports of violence targeting persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution implicitly recognizes the right of workers to form or join unions, conduct legal strikes, and bargain collectively. The law protects workers against antiunion activity but does not specifically provide for reinstatement.

While public sector workers were able to organize, the law did not provide for organizing by workers in the informal sector.

The law permits strikes in both the public and private sectors. A notice to the government 28 days prior to a strike is required for strikes to be legal.

In 2009 the government issued an official notice prohibiting strikes by civil servants in essential services. There were procedures in place designed to provide these workers due process and protect their rights. The government defines essential services to include but not be limited to the health, public security, aviation, marine, immigration, and disaster relief sectors.

Wages and conditions of employment were determined by collective bargaining, usually at the level of individual firms. Disputes between labor and management that cannot be settled between the two sides are referred to the Trade Disputes Panel (TDP) for arbitration, either before or during a strike. Employees are protected from arbitrary dismissal or lockout while the TDP is deliberating. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral. The TDP's decisions are binding on the parties.

In practice, workers exercised their rights to associate freely and bargain collectively. However, the small percentage of the workforce in formal employment meant that employers had ample replacement workers if disputes were not resolved quickly.

In July the government formed a three-member committee to settle the longstanding standoff between the Solomon Islands National Union of Workers (SINUW) and the Russell Islands Plantation Limited (RIPEL), which resulted in a settlement proposal with RIPEL mortgages. On August 26, RIPEL and the government signed an agreement for the government to take over land and properties in Yandina Russell Island and pay RIPEL SB \$34 million (approximately \$4.6 million). Former RIPEL workers, the majority of whom are members of the SINUW who went on strike in 2003, are shareholders in RIPEL and agreed to the government's takeover of RIPEL. On November 25, the Court of Appeal dismissed SINUW's appeal of a March High Court judgment which had ordered SINUW to pay RIPEL SB \$7.3 million (\$1 million) in compensation for damages caused by the strike.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, except as part of a court sentence or order; however, the law contains no penalties for violators. There were no consistent methodologies or techniques to enforce the law. The government basically relied on labor inspectors to report on any instances of forced or compulsory labor during regularly scheduled routine inspections. However, there was a lack of manpower and resources to effectively enforce the laws. There were unconfirmed reports of forced domestic servitude and persons forced to work in logging camps. During the year the Division of Labor made a submission for the government to set up a Labor Advisory Board to review certain labor laws including those relating to forced labor to establish effective mechanisms for implementation and include penalties for violators. At year's end the submission was with the Attorney General's office for vetting and gazetting.

Also see the Department of State's *Trafficking in Persons* report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law forbids labor by children under age 12, except light agricultural or domestic work performed in the company of parents or other labor approved by the commissioner of labor. Children under age 15 are barred from work in industry or on ships, except aboard training ships for educational purposes; those under age 18 may not work underground in mines, or at night in any industry. The law does not limit the number of hours a child could work. The commissioner of labor is

responsible for enforcing child labor laws, but few resources were devoted to investigating child labor cases.

Given the low wages and high unemployment, there was little incentive to employ child labor in the formal wage economy; however, there were reports of children working as cooks and performing other tasks in logging camps, where conditions often were poor.

Also see the U.S. Department of Labor's annual *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage was SI \$4.00 (\$0.53) per hour for all workers except those in the fishing and agricultural sectors, who received SI \$3.50 (\$0.47).

The law regulates premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to six days per week. There are provisions for maternity leave and for premium pay for overtime and holiday work. The Labor Act prohibits excessive compulsory overtime.

Safety and health laws appeared to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site. Laws on working conditions and safety standards apply equally to foreign workers and citizens.

Both an active labor movement and an independent judiciary provided enforcement of labor laws in major state and private enterprises. The commissioner of labor, the public prosecutor, and police are responsible for enforcing labor laws; however, they usually reacted to complaints rather than routinely monitoring adherence to the law. The extent to which the law was enforced in smaller establishments and in the subsistence sector was unclear.

According to the president of the Council of Trade Unions, authorities did not effectively enforce the health and safety law provisions. He also noted that during the year, there were numerous violations of the occupational safety and health laws.

At year's end the Labor Division recorded 243 work-related accidents including 12 fatalities; 11 workers in the logging industry were killed on the job, while one worker in the manufacturing industry was killed. Accidents were largely due to negligence of failure to adhere to safety practices by both employees and employers. Workers in the logging, construction and manufacturing industries were subject to hazardous and exploitative working conditions.