

SOLOMON ISLANDS 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Solomon Islands is a constitutional multiparty parliamentary democracy. Observers considered the April 3 parliamentary election generally free and fair, although there were incidents of vote buying. Parliament elected Manasseh Sogavare prime minister after the election, and he formed a coalition government.

The Royal Solomon Islands Police (RSIP) is responsible for internal and external security and reports to the Ministry of Police, National Security, and Correctional Services; Australia and New Zealand support the RSIP. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: pervasive government corruption; laws criminalizing same-sex sexual conduct between adults, although the law was not enforced; and child labor.

The government took steps to prosecute officials who committed human rights abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Administration: Authorities permitted prisoners and detainees to submit complaints and request investigations of credible allegations of inhuman conditions. The respective prison commanders screened complaints and requests made to the Professional Standards Unit of the Correctional Service, which investigates credible allegations of problematic conditions and documents the results in a publicly accessible manner. The Office of the Ombudsman and the Public Solicitor investigate credible allegations of misconduct made against Correctional Services officers.

Independent Monitoring: The government permitted monitoring by independent human rights observers; such visits occurred as recently as 2018, but there were no reports of such visits during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally respected these prohibitions.

Arrest Procedures and Treatment of Detainees

Only a magistrate or judge may issue warrants, although police have power to arrest without a warrant if they have reasonable belief a person committed a crime. The law requires detainees be brought promptly before a judge, and authorities respected this right. Delays sometimes arose after the preliminary hearing, but authorities brought detainees to court as soon as possible following arrest, especially if they were held without bail.

Police generally informed detainees promptly of the charges against them. The Public Solicitor's Office provided legal assistance to indigent defendants, and detainees had prompt access to family members and counsel. There was a functioning system of bail for less serious cases, and police and courts frequently granted bail.

Pretrial Detention: Delays in adjudication of the large number of cases before the courts resulted in lengthy pretrial detention for some detainees. Pretrial detainees comprised 50 percent of the prisoner population. The average length of time held in pretrial detention was approximately two years.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Prisoners were not afforded timely trials due to a judicial backlog that resulted in long delays in bringing cases to trial.

Trial procedures normally operated in accordance with British common law, with a presumption of innocence and the right to be informed promptly and in detail of the charges. Detainees had access to attorneys of their choice and to free assistance of an interpreter, and the rights to be present at their own trial, to adequate time and facilities to prepare a defense, to confront witnesses, to present witnesses and evidence, to refrain from self-incrimination, and to appeal convictions. The law extends these rights to both citizens and noncitizens. Judges conduct trials and render verdicts. The courts provided an attorney at public expense for indigent defendants facing serious criminal charges as necessary from the moment charged through all appeals.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides that any person whose human rights or freedoms were contravened may apply directly to the High Court for redress.

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

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The internet was available and widely used in urban areas, although 78 percent of the country's population lived in rural areas and did not have internet access.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Demonstrators must obtain permits, which the government generally granted.

Freedom of Peaceful Assembly: After Prime Minister Sogavare's April election, a youth group applied for a protest permit, which police denied on the grounds of public safety. Despite the lack of authorization, groups of primarily young men staged violent protests, causing property damage in the capital. Police riot-control units dispersed the protesters with tear gas. In September multiple religious and civil society organizations in Honiara applied for permits to demonstrate in favor of continued diplomatic ties with Taiwan, but law enforcement officials denied the requests on public safety grounds. The government declined to grant any permit outside of Malaita Province for demonstrations following its September 16 decision to establish diplomatic ties with Beijing.

Freedom of Association: Local media reported the government threatened civil society organizations with deregistration in response to their petition calling on Prime Minister Sogavare to step down, following the government's decision to extend diplomatic recognition to the People's Republic of China.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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 and other persons of concern.

Access to Asylum: The law does not provide for granting 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, and there were no known refugees in the country.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on equal and universal suffrage.

Elections and Political Participation

Recent Elections: Observers regarded the April 3 national parliamentary election as generally free and fair, although there was evidence of vote buying. The elections were the first since the full withdrawal of the Regional Assistance Mission to Solomon Islands peacekeeping contingent. The Commonwealth Observer Group reported that members of parliament used rural constituency development funds to buy political support.

Political Parties and Political Participation: Political parties operated without restriction but were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities. Electoral law requires all candidates to present party certificates.

Participation of Women and Minorities: No law limits participation of women or members of minorities in the political process, and they did participate; however, traditional male dominance limited the role of women in government. There were two women in the 50-member parliament and four female permanent secretaries in the 25 government ministries. There was one female judge on the High Court. Civil society groups such as the Young Women's Parliamentary Group continued to advocate for more leadership positions for women.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government implemented the law inconsistently, and officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year.

A 2018 law established an Independent Commission against Corruption tasked with preventing official corruption and provides it with investigative and prosecutorial powers. The commission is responsible for implementing the National Anticorruption Strategy, but as of September was still not operational. The Office of the Ombudsman is responsible for investigating public complaints of government maladministration.

“Taskforce Janus,” operated by the RSIP and Ministry of Finance and Treasury, works to identify corruption in the civil service. Their investigations led to the

arrests of 25 civil servants, including the former permanent secretary for infrastructure development.

The Public Accounts Committee is a permanent parliamentary committee established in the constitution with a mandate to examine public accounts and national property and to report to parliament.

Corruption: Corruption was a pervasive problem in the government, especially in the forestry and fishing sectors. In March a court sentenced Henry Murray, former permanent secretary for infrastructure and development, to four years imprisonment for corruption after he was convicted of misappropriating Solomon Islands dollars (SBD) 700,000 (\$83,000) for personal use.

Police corruption was not a serious problem during the year. Observers criticized some police officers for being more loyal to their respective ethnic group or *wantok* (extended family) than to the country as a whole.

Financial Disclosure: Public officials were subject to financial disclosure laws under the leadership code of conduct. The Office of the Leadership Code Commission (LCC) investigates misconduct involving members of parliament or senior civil servants. If the LCC finds conclusive evidence of misconduct, it sends the matter to the Office of Public Prosecution, which may proceed with legal charges. The LCC chairperson and two part-time commissioners constitute a tribunal with power to screen certain cases of misconduct and apply maximum fines of SBD 5,000 (\$593) for members of parliament or senior civil servants.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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.

Government Human Rights Bodies: The constitution provides for an Office of the Ombudsman with power to subpoena and investigate complaints of official abuse, mistreatment, or unfair treatment. Although independent, a lack of resources limited its effectiveness.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, with a maximum penalty of life imprisonment. Domestic violence is a crime with a maximum penalty of three years in prison and a fine of SBD 30,000 (\$3,560). Violence against women and girls, including rape and domestic abuse, remained a serious problem but was underreported. Among the reasons cited for failure to report abuse were pressure from male relatives, fear of reprisals, feelings of shame, and cultural taboos on discussing such matters.

Police often charged persons suspected of domestic violence and assault against women. As part of the police curriculum, officers receive specialized training on how to work with rape victims. Police have a Sexual Assault Unit, staffed mostly by female officers, to provide support to victims and investigate charges. In reported cases of domestic abuse, victims often dropped charges before a court appearance, or settled cases out of court. In cases in which charges were filed, the time 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 due to low judicial and police capacity and cultural bias against women.

With donor funding and support, the government conducted training workshops for local court officials on how to process cases of domestic violence and rape. The training focused on how to apply relevant laws and policies and use referral networks to support victims.

For victims of domestic violence, the law provides for access to counseling and medical services, legal support, and a safe place within the community if they cannot return home. The government has a referral system in place to coordinate these services, but referral agencies often lacked funding, especially in rural areas. The Family Support Center and a church-run facility for abused women provided counseling and other support services for women.

Other Harmful Traditional Practices: Customary bride-price payments remained common and contributed to the perception of male ownership of women.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: While the law accords women equal legal rights, including the right to own property, most women were limited to customary family roles that prevented them from taking more active roles in economic and political life. No laws mandate equal pay for work of equal value (see section 7.d.). The government did not enforce equal rights laws effectively.

Children

Birth Registration: Children acquire citizenship through their parents. The law does not allow dual citizenship for adults, and persons who acquire dual citizenship at birth must decide by age 18 which citizenship to retain. Registration delays did not result in the denial of public services to children.

Education: Education was neither free nor compulsory. Government policy was to cover operational costs for children age six to 15 years to attend school, but it rarely covered all costs and allowed schools to request additional contributions from families in the form of cash or labor. These additional costs prevented some children from attending school.

Child Abuse: Child sexual and physical abuse remained significant problems. The law grants children the same general rights and protections as adults, with some exceptions. The law mandates the Social Welfare Division of the Ministry of Health and Medical Services to coordinate child protection services and authorizes the courts to issue protection orders in cases of serious child abuse or neglect. Laws do not specifically prohibit the use of children in illicit activities such as drug trafficking.

The government did not effectively enforce laws designed to protect children from sexual abuse, child labor, and neglect (see section 7.c.). The law criminalizes domestic violence including violence against children, but there was poor public awareness, and the law was not well enforced.

Early and Forced Marriage: Both boys and girls may legally marry at age 15, and the law permits marriage at age 14 with parental and village consent. Marriage at such young ages was not common.

Sexual Exploitation of Children: The minimum age for consensual sex is 15 years. The maximum penalty for sexual relations with a girl younger than age 13 is life imprisonment, and for sexual relations with a girl age 13 to 15, the penalty is 15 years' imprisonment. Consent is not a permissible defense under these provisions; however, in the latter case, reasonable belief the victim was age 16 or older is a permissible defense. Selling or hiring minors younger than age 15 and between 15 and 18 for prostitution is punishable as a criminal offense. There were reports of workers in logging camps sexually exploiting girls as young as age 12, but in most cases official charges were not filed.

Child pornography is illegal and carries a maximum penalty of 10 years' imprisonment. The law criminalizes the commercial sexual exploitation of children and participation in or use, distribution, or storing of sexually exploitative materials involving children. Girls and boys were exploited in prostitution and sexual servitude. Trafficking of children carries a maximum sentence of 25 years' imprisonment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

No law or national policy prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandates access to buildings, information, or communications for such individuals. Very few buildings were accessible to persons with disabilities. In 2018 parliament passed

measures that require electoral officials to provide special accommodation for voters with disabilities.

The country had one separate educational facility, supported almost entirely by the International Committee of the Red Cross, for children with disabilities. Children with physical disabilities could attend mainstream schools, but inaccessible facilities and a lack of resources often made it difficult for them to access education. No law requires reasonable accommodations in the workplace, and high unemployment nationwide made it difficult for persons with disabilities to find work, particularly in rural areas.

There were very limited government facilities or services for persons with mental disabilities.

National/Racial/Ethnic Minorities

The country has more than 27 major islands with approximately 70 language groups. Many islanders saw themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of the nation. Tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in 1998. Underlying problems between the two groups remained, including issues related to jobs and land rights.

Acts of Violence, Discrimination, and Other Abuses 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. There were no reports of arrests or prosecutions directed at lesbian, gay, bisexual, transgender, or intersex persons under these provisions during the year, and authorities generally did not enforce these laws.

There are no specific antidiscrimination laws based on sexual orientation and gender identity. There were no reports of violence or discrimination against persons based on sexual orientation or gender identity, although stigma may hinder some from reporting.

Other Societal Violence or Discrimination

Sorcery-related violence was reported in 2018. Such violence typically targeted the most vulnerable persons: young women, widows without male sons, and the elderly.

In 2018 then prime minister Houenipwela launched the second phase of the UN Peacebuilding Project aimed at consolidating peace, stability, and social cohesion. With support from the UN Peacebuilding Project, the government hosted stakeholder dialogues targeting women and youth as key agents for peacebuilding efforts.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination but does not specifically provide for reinstatement of workers fired for trade union activity. 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. The government has discretionary power in relation to cancelation and suspension of registration of unions, a power which can take effect even in the case of judicial review.

The government prohibits strikes by civil servants in essential services, but there are procedures in place to provide these workers due process and protect their rights. The government defines essential services as including, but not limited to, the health, public security, aviation, marine, immigration, and disaster-relief sectors. The law does not provide for the rights of workers in the informal sector to organize or to collective bargaining. In addition the law places limits on the rights of workers to act as union representatives based on age, literacy, criminal record, and membership in more than one union.

Government enforcement of the law was inconsistent; the small penalties were not sufficient to deter violations. The penalty for antiunion discrimination was not effective, for example, because employers could afford to pay the fine and easily replace workers. Penalties for illegal strikes, on the other hand, served as a deterrent for employees to strike.

Collective bargaining agreements determined wages and conditions of employment in the formal economy. Disputes between labor and management not settled

between the two sides were referred to the Trade Disputes Panel for arbitration, either before or during a strike. While the panel deliberates, employees have protection from arbitrary dismissal or lockout. The three-member panel, composed of a chairperson appointed by the judiciary, a labor representative, and a business representative, is independent and neutral. The panel's decisions are binding on the parties. Administrative and judicial procedures were not subject to lengthy delays or appeals.

Workers exercised their rights to associate and bargain collectively, although employers did not always respect these rights. Since only a small percentage of the workforce was in formal-sector employment, employers could easily replace workers if disputes were not resolved quickly.

In 2018 the Solomon Islands Nurses Association issued a strike notice to the government for not honoring a 2008 agreement to improve working conditions. The government agreed to review the agreement, and the union withdrew the strike notice. In February nurses threatened to strike again after the government failed to honor the understanding from 2018.

The Workers Union of Solomon Islands actively negotiated with private employers during the year.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, except as part of a court sentence or order. The government did not effectively enforce the law. The immigration act prohibits transnational forced labor, and the penalties are sufficient to deter violations. Penalties for forced labor which is not transnational are sufficient to deter violations.

The government typically relied on labor inspectors to report on any instances of forced or compulsory labor during regularly scheduled routine inspections; however, there were not enough inspectors or resources to enforce the laws effectively. The government continued its efforts to monitor and investigate operations at logging companies, although it did not initiate any prosecutions.

There were reports of children and adults forced to work in logging camps and of children in domestic servitude or service industries. Local and foreign fishermen reported situations indicative of labor trafficking, including nonpayment of wages,

severe living conditions, violence, and limited food supply on Taiwan-flagged fishing vessels in the country's territorial waters and ports.

Also see the Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits labor by children younger than age 12, except light agricultural or domestic work performed in the company of parents, or other labor approved by the commissioner of labor. Children younger than age 18 may not work at night in any industry without specific written permission from the labor commissioner. Girls younger than age 18 may not work on a ship or underground in mines; boys may work on a ship or underground in a mine if they are at least 16 years old, provided they have a medical certificate attesting they are fit for such work. The law bars children younger than age 15 from work in industry or on ships, except aboard training ships for educational purposes. The law does not limit the number of hours a child can work, nor does it clearly set forth a minimum age for hazardous work or delineate the type of work considered hazardous for all children. Not all of the worst forms of child labor are prohibited. The law does not specifically outlaw the use, procuring, or offering of a child younger than age 18 for the production and trafficking of drugs.

The commissioner of labor is responsible for enforcing child labor laws, but the resources devoted to investigating child labor cases were inadequate to investigate or deter violations. The law provides for penalties that are insufficient to deter violations.

Children worked in agriculture, fishing, alluvia mining, as domestic servants, cooks, and in logging camps where conditions often were poor. For example, young girls worked long hours and in isolation as domestic workers in mining camps. In some cases these conditions could amount to forced labor (see section 7.b.). There were reports of commercial sexual exploitation of children (see section 6, Children). Children also assisted in cultivating, distributing, and selling local drugs such as betel nut or marijuana. They were at risk of physical abuse, mental illness, addiction, sexual abuse, and robbery.

According to the *Solomon Islands Demographic and Health Survey*, 2 percent of children age five to 11 years and 12 percent of children age 12 to 14 were engaged

in paid labor. Paid child labor was more common among female children in urban areas and all children living in rural areas.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

No laws prohibit discrimination in employment and occupation. By regulation public service officers should ensure their workplace is “free from harassment, including sexual harassment.” Discrimination in employment and occupation occurred on grounds of gender, disability, language, sexual orientation and gender identity, and HIV-positive status.

Women experienced discrimination especially in the attainment of managerial positions. Employed women were predominantly engaged in low-paying and low-skilled jobs. A significant gender gap exists in senior positions. For example, women dominated the lower administrative level on the public-service workforce, but very few women held senior management positions. A shortage of jobs compounded the limited entry and advancement opportunities for women in the workforce. A program, “Waka Mere” (She Works), funded and implemented by the International Finance Corporation, Australia, and New Zealand, worked with businesses to promote gender equality in the private sector.

e. Acceptable Conditions of Work

In August the minimum wage was increased and is above the poverty level. The proportion of the population living below the food poverty line was 4.4 percent. The standard workweek is 45 hours and is limited to six days per week.

Occupational safety and health laws require employers to provide a safe working environment and forbid retribution against any employee who seeks protection under labor regulations. These laws are current and appropriate for main industries. Laws on working conditions and safety standards apply equally to foreign workers and citizens. Penalties are sufficient to deter violations. Some workers could not remove themselves from situations that endangered their health or safety, particularly in the fishing and logging industries, without jeopardy to their employment.

The commissioner of labor in the Ministry of Commerce, Industry, Labor and Immigration, 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 government did not effectively enforce labor laws. The government's minimal human and financial resources limited its ability to enforce the law in smaller establishments, the informal economy, and the subsistence sector. The number of labor inspectors was, moreover, insufficient to monitor labor practices routinely, particularly in extractive sectors outside of the capital. An active labor movement and an independent judiciary, however, helped provide effective oversight of labor law enforcement in major state and private enterprises. The law does not specify penalties for violations, significantly weakening effective enforcement.

Workers in the logging, construction, and manufacturing industries were subject to hazardous and exploitative work. Accidents were largely due to negligence or failure to adhere to safety practices by employees and employers.