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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**Solomon Islands\***

The present report is a summary of 7 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



## **Information provided by stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations<sup>2</sup>**

1. Kaleidoscope Australia Human Rights Foundation (KAHRF) reported that the Solomon Islands, at its previous UPR in 2011,<sup>3</sup> indicated that it was “working on the issue” of ratifying human rights conventions and would establish a “national treaties advisory committee” to look at this issue in stages, due to its significance and the need to obtain the serious consideration and endorsement of the Government. However, since the last UPR, there appeared to have been no further progress made.<sup>4</sup> KAHRF recommended that the Solomon Islands ratify ICCPR (and its Optional Protocols).<sup>5</sup>

2. Persons with Disabilities Solomon Islands (PWDSI) reported that of the accepted recommendations to ratify CRPD,<sup>6</sup> to date, the Government had not officially given any indication or timeframe as to when it will ratify the CRPD. PWDSI called on the Solomon Islands Government to immediately ratify CRPD.<sup>7</sup>

3. Cultural Survival (CS) urged the Government of Solomon Islands to ratify ILO Convention No. 169.<sup>8</sup>

#### **2. Constitutional and legislative framework**

4. According to International Center for Advocates Against Discrimination (ICAAD), many traditional laws discriminated against women. By requiring Parliament to consider customary laws when passing new laws, the Constitution permitted discrimination against women to continue, in violation of Solomon Islands international obligation.<sup>9</sup> The Constitution should be amended to ensure that traditional customary law did not interfere with the rights and equality of women.<sup>10</sup>

5. KAHRF recommended that the Solomon Islands amend its Constitution to include sexual orientation and gender identity as prohibited grounds for discrimination.<sup>11</sup>

### **B. Cooperation with human rights mechanisms**

#### **Cooperation with treaty bodies**

6. Joint Submission 1-Development Services Exchange (JS1-DSE) referred to the long overdue report under the Convention on the Rights of the Child.<sup>12</sup>

### **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

7. ICAAD stated that women in the Solomon Islands were subjected to discrimination in political, social, educational, and economic sectors. For the most part, women were confined to customary familial roles that limited their ability to access the benefits from the country’s development. Women’s participation in the labour market was concentrated around low-skill and low-paying jobs.<sup>13</sup> The Government must create quotas and preferential treatment to increase women’s participation in education and the economy.

Incentives must be created in the private and public sectors to increase women's participation in the labour market.<sup>14</sup>

8. JS1-DSE reported that about 14% of the total population reported a disability. JS1-DSE stated that people with disabilities were not recognized and valued by many in the society and often faced violence in their lives. They faced problems of inaccessibility to public transport, especially buses, and reduced opportunities to employment.<sup>15</sup> JS1-DSE urged the Government to create more opportunities for income generation and employment based on equal rights and empowerment of all persons regardless of disability or gender.<sup>16</sup>

9. KAHRF reported that the Solomon Islands had no laws prohibiting discrimination on the basis of sexual orientation and gender identity/expression in all areas of public life, including employment, education, health care and the provision of goods and services.<sup>17</sup> KAHRF recommended that the Solomon Islands enact comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sexual orientation and gender identity/expression in all areas of public life.<sup>18</sup>

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

10. Global Initiative to End All Corporal Punishment of Children (GIEACPC) observed that, in the Solomon Islands, corporal punishment of children was lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women and during the 1st cycle UPR<sup>19</sup> of the Solomon Islands (which the Government accepted).<sup>20</sup> The Government subsequently reported<sup>21</sup> that the Law Reform Commission had terms of reference to review the Penal Code and the Criminal Procedure Code which would address, inter alia, the issue of corporal punishment.<sup>22</sup> GIEACPC reported that a draft new Constitution was under discussion which would expressly authorise "reasonable chastisement". GIEACPC specifically recommended that the Solomon Islands clearly prohibit all corporal punishment of children in all settings including the home, explicitly repeal the right "to administer reasonable punishment" in the Penal Code and ensure that the new Federal Constitution does not provide for "reasonable chastisement".<sup>23</sup>

11. ICAAD stated that, in the broader social context, women continued to live with the effects of a period of internal unrest between 1998 and 2003 known as "the tensions." Rape was reportedly frequently used by militants and policemen to extract information from women and girls about the whereabouts of family or community members.<sup>24</sup>

12. JS1-DSE reported that the 2009 Solomon Islands Family Health and Safety Study revealed that 64% of the women respondents aged 15 to 49 had experienced physical or sexual violence or both from an intimate partner. The study also found childhood sexual abuse (before the age of 15 years) to be common (37%).<sup>25</sup>

13. ICAAD observed that the customary practice of paying a dowry or "bride price" to a woman's family in exchange for marriage resulted in the high-prevalence of intimate partner violence, stymied girl's education, and resulted in teenage pregnancy.<sup>26</sup> ICAAD reported that violence against women and girls was endemic in the Solomon Islands and that women failed to report such violence due to fear of reprisals, feelings of shame, and cultural taboos.<sup>27</sup>

14. JS1-DSE welcomed the adoption of the Family Protection Act 2014 and the proposed reforms to the Penal Code that would make it easier for the police and those in danger to take effective legal action.<sup>28</sup> JS1-DSE recommended that the Government take necessary steps to amend section 137 of the Penal Code and increase the penalties for rape offenders. Awareness and education around domestic violence should be compulsory and Government should strengthen programs and activities that promote a better understanding among women and girls of their rights and the laws which protect them against physical

and sexual abuse. JS1-DSE also recommended that law enforcement institutions recruit more women and set up gender sensitive victim support units to ensure that women feel safe to report crimes and feel confident that complaints will be investigated and prosecuted. The Government was urged to implement the Family Protection Act 2014, including through allocating appropriate resources.<sup>29</sup>

15. ICAAD stated that, in response to reports of the high rate of domestic violence, the Government took the important step of signing a Memorandum of Understanding with civil society and NGOs to build a network, SafeNet, to provide services to victims of domestic violence and sexual abuse. The Government had also taken steps to increase awareness of the issue of violence against women at the provincial level.<sup>30</sup> Remaining challenges noted by ICAAD included the following: medical staff lacked adequate training to properly treat victims of sexual violence. Only two organizations provided shelters and services for women victims of violence. Both organizations were based in the capital.<sup>31</sup> ICAAD recommended improved training of medical personnel. Government sponsored shelters must be established and women's centres developed throughout the country.<sup>32</sup>

16. Family Service Centre (FSC) in its submission provided detailed information on the content of new legislation and policy relating to domestic violence and its views on their application in practice, especially by the police, public solicitor's office and the courts.<sup>33</sup> FSC was part of SafeNet.<sup>34</sup>

17. FSC reported that, under the new procedures in the Family Protection Act 2014, police had wider powers to respond to domestic violence. However, those changes in the legislation needed to be accompanied by a change in behaviour and attitude by the police. Particular mention was made of the need to change some persistent traditional attitudes to protection orders, to make a difference for women.<sup>35</sup> FSC recommended that awareness of the Family Protection Act 2014 reach the four corners of Solomon Islands. The Government must make sure that a change in legislation be accompanied by a change in policy and attitude by the police; and ensure the 3 line ministries (Ministry of Women, the Ministry of Justice and Legal Affairs and the Ministry of Police) work together and share resources for the Act's implementation. FSC also recommended that the Government work closely with non-governmental organizations and civil society organizations particularly by preparing a new Appropriation Bill to cover up the shortfall in the budget currently given to FSC and Christian Care Centre and raise the budget so they could provide services to rural areas and meet the victim/survivors' courts fees plus travel expenses and where applicable witnesses' travel expenses and allowances.<sup>36</sup>

18. ICAAD reported that sexual abuse of women was particularly high in remote communities. Some cases involved girls being taken to fishing boats where sex was exchanged for fish. A market for sexual services had developed in areas where local logging companies used foreign workers. The foreign workers allegedly used money and access to goods not locally available in exchange for sex, resulting in sexual exploitation and abuse.<sup>37</sup>

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

19. According to ICAAD, many cases of domestic violence did not reach the courtroom, partly as a result of inadequate handling of the cases by the police. Prosecutions of domestic violence were weak. Judges and prosecutors were not sensitized to the needs of victims of domestic violence. Women faced long waiting periods, a lack of privacy, and inadequate legal counsel. Cases of domestic violence were not treated with the required urgency by the court system.<sup>38</sup>

20. ICAAD reported that the police were inclined to encourage reconciliation instead of prosecution. The Legislature actually propagated the custom by mandating that

reconciliation be encouraged in settling disputes of a personal nature. Courts took reconciliation into account during the sentencing process. In a survey of case law, reconciliation reportedly impacted sentencing in 78 percent of the cases where reconciliation was raised.<sup>39</sup> Culturally, the practice of reconciliation played an important part in settling disputes of violence against women. Women were not allowed to take part in the settlement negotiations and must rely on male family members to speak for them. Men frequently gave money to the families of the victims as a form of restitution. The custom fostered community cohesion at the expense of punishment against perpetrators. Many women did not feel protected by this practice, which they saw as controlled by men in favour of the male perpetrators.<sup>40</sup>

21. FSC also reported that, despite the 2010 family violence policy adopted by the police, women victims of gender-based violence reportedly still found it difficult and complicated to access justice through the Royal Solomon Islands Police Force.<sup>41</sup> FSC recommended that the Government ensure the strengthening of the “No drop policy” of the police, unless the victim chose to do otherwise, and ensure that domestic violence be considered a crime and not a private matter. FSC called for the family violence policy of the Police Force be strictly adhered to; that measures be taken to eradicate discriminatory actions when dealing with complaints of domestic violence, including through gender sensitization and training, particularly for older police officers.<sup>42</sup>

22. FSC referred to reports that the Public Solicitor’s Office which provided legal assistance to women on issues such as domestic violence, maintenance and child custody was overburdened and under-resourced. There were only two lawyers in the Family Protection Unit of the Public Solicitor’s Office, despite the fact that the Family Protection Unit was currently prioritising applications for protection orders. FSC was particularly concerned at limited funding for the Public Solicitor’s Office to carry out outreach activities in the provinces and the impact on rural women of that lack of resources. FSC reported that as of October 2014 its legal officer had started representing victims of domestic violence and related matters in the lower courts due to the inaccessibility of services at the Public Solicitor’s Office. FSC noted that apart from the Public Solicitor’s Office and Family Service Centre there were no other legal services that could be accessed free by the women and children.<sup>43</sup>

23. Concerned that the Public Solicitor Office guidelines were not giving due priority to domestic violence cases, in comparison to criminal cases, FSC recommended that such guidelines be changed without delay. FSC also recommended that the Government recruit more lawyers for the Family Protection Unit. Additionally, FSC called for clients’ or their witnesses’ travel or court fees or allowances to come from the budget of the Government. FSC also suggested that Public Solicitor Office lawyers must undergo CEDAW trainings and that there needed to be increased capacity building on gender sensitivity to assist lawyers. FSC also called for acknowledgement of its legal service work and for it to receive the necessary funds to undertake its work.<sup>44</sup>

24. FSC reported that Magistrates courts did not have the jurisdiction to deal with cases of divorce, matrimonial property and adoption. This meant that a woman could have various cases at different courts if she were seeking both a divorce and custody of her children. FSC explained that individuals were often forced to travel large distances, sometimes to Honiara in order to access the formal justice system. For many women, the courts were too distant and hard to reach.<sup>45</sup>

25. ICAAD recommended that measures be instituted to make it easier to obtain a protective order, especially in emergency situations. Circuit courts must be reactivated to provide women outside the capital city with access to judicial services.<sup>46</sup>

26. By way of more detailed recommendations, FSC stated that there needed to be a full time family court to deal with domestic violence cases and other cases; or for current courts to allocate at least 2 days in a week just for civil or family cases. There needed to be more magistrates and Public Solicitor Office lawyers (with FSC if necessary) who could be available in all provincial centres at all times. There was a need to give Magistrates' Court or certain Magistrates the power to hear divorce, matrimonial properties and adoption applications. There should also be a requirement to have specialised magistrates dealing with domestic violence, child abuse and family cases. It must be ensured that Magistrates undergo CEDAW and other human rights trainings.<sup>47</sup>

27. JS1-DSE stated that corruption was widespread within government institutions and organizations, with particular allegations relating to the health sector. Of total funding for that sector, more than 50 percent came from development partners and over 90 percent of actual development expenditure for health was provided by development partners.<sup>48</sup> JS1-DSE recommended that the Government, inter alia, train investigators like the police to promptly and effectively investigate corrupt practices and enforce laws to hold people accountable for their actions; strengthen the capacity and allocate more resources to existing anti-corruption institutions which function to promote and protect human rights, including the courts and integrity institutions such as the Office of the Ombudsman, the Leadership Code of Commission and office of the Auditor General. JS1-DSE also recommended that the Government must set up an Independent Commission Against Corruption, which must be adequately resourced, and have sufficient powers to investigate and prosecute corruption related cases; establish and domesticate the United Nations Convention Against Corruption and mandate the institutions that will identify, investigate, and prosecute the offenders; and should move one step further in their vision to fight corruption by clearly outlining the government anti-corruption position on the policy statement and translation document.<sup>49</sup>

#### **4. Right to privacy, marriage and family life**

28. KAHRF recalled that at the UPR in 2011, the Solomon Islands received four recommendations<sup>50</sup> to repeal laws criminalising sexual relations between consenting adults of the same sex.<sup>51</sup> KAHRF recalled the delegation's comments that the cultural context of Solomon Islands' society did not condone same-sex relationships and that any commitment to decriminalising sexual relations between consenting adults of the same sex would "require thorough national consultations to address Christian doctrines and cultural perspectives on the issue". However, during the adoption of its 2011 UPR report by the Council, the Solomon Islands did note that a budget for such consultations would be allocated as part of the 2012 national budget. Since then, the Solomon Islands had not taken any active steps to implement the recommendations or bring about broader Lesbian, Gay, Bisexual, Transgender, Intersex rights reform, or even to hold consultations on such reform.<sup>52</sup> KAHRF recommended that the Solomon Islands should: repeal laws criminalising sexual relations between consenting adults of the same sex, as expressed in sections 160 to 162 of the Penal Code.<sup>53</sup>

29. ICAAD indicated that many provisions of the Islander's Divorce Act discriminated against women and presented barriers to completing the divorce process. For example, men were entitled to claim damages for adultery by wives, but women may not seek such damages from their husbands. A court had discretion to make orders for spousal support, but such support orders were not mandatory. Additionally, because a woman's entitlement to the matrimonial property was not equal to a man's after a divorce, a woman was at risk of greater poverty as a result of a divorce.<sup>54</sup> ICAAD recommended that the Islander's Divorce Act be modified to provide women with the ability to pursue damages, as well as provide equal access to matrimonial property.<sup>55</sup>

**5. Right to participate in public and political life**

30. ICAAD recommended that the Government implement measures to increase women's participation in political life. For instance, special parliamentary seats must be reserved for women in upcoming elections.<sup>56</sup>

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

31. JS1-DSE reported that the minimum wage rate in the Solomon Islands had remained the same for a very long time and considering the rapid inflation rate in the country had adversely impacted the survival of most families. There had reportedly been no tangible attempts to raise the minimum wage rate in the country, and there was no concrete national wage policy in existence to monitor private companies' policies around remuneration.<sup>57</sup> JS1-DSE recommended that the Government consider reviewing and increasing the minimum wage rate in relation to annual inflation.<sup>58</sup>

32. JS1-DSE recommended that the Government review the Labour Act 1982 and related regulations to include provision of compulsory social protection and rehabilitation for working Solomon Islanders. There was a need for inclusive improved standards that met international Labour standards in terms of recruitment procedures, general working conditions, minimum wage, health and safety and other relevant standards required for the equitable and safe engagement of Solomon Islanders (both genders) by employers.<sup>59</sup>

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

33. With reference to uneven development in the country and resulting inter-island migration, JS1-DSE reported that people were migrating to Honiara from rural areas in search of jobs and opportunities. However, in Honiara alone, 80% of youth were unemployed. With women and youth among the most vulnerable that could lead to social problems like increased crime, prostitution and anti-social behaviour. The various schemes implemented by the Government, including the rapid employment scheme and the offshore seasonal work in fruit harvesting simply was not enough to meet the needs and expectations of the growing numbers of university graduates, school drop-outs and idle youth flooding into the national capital from the provinces. According to JS1-DSE, unemployment was largely contributing to poverty and economic instability in Solomon Islands.<sup>60</sup> JS1-DSE urged the Government to create greater employment opportunities in all provinces to address the growing demand for work by unemployed population. The Government should consider identifying priority sectors and industries that many Solomon Islanders could easily participate in and provide skills training for those areas.<sup>61</sup>

**8. Right to health**

34. JS1-DSE made specific reference to the effect of corruption on provision of health services.<sup>62</sup> JS1-DSE also referred to the environmental health risks caused by mining operations.<sup>63</sup> JS1-DSE urged the Government to: enforce production of the Environmental Impact Assessment by independent environmental specialists, with no interference from interested parties concerned; to consider establishing a Compensation Fund, to assist villages affected by Mining activities, from the Government budget; and to ensure affected communities have adequate safe drinking water.<sup>64</sup>

**9. Right to education**

35. JS1-DSE referred to data on the completion of educational levels, which indicated that in 2009 about 56 percent of the population 15 years and older had only a primary level education and 21 percent of males and 16 percent of females had secondary education. Only 6 percent of males and 3 percent of females aged 15 and older had a tertiary level

education. Eleven per cent of males and 21 percent of females had never been to school or only attended preschool.<sup>65</sup>

36. JS1-DSE noted that access to education was a human right and new policies adopted in 2009 with the objectives of providing full enrolment opportunity to all children of the age six up to fifteen on an equitable basis and achieving a 100% transition rate of all children in year six to year seven by 2015. JS1-DSE urged the Government to consider increasing school budgets (for materials and teachers) to reduce year 6 and 9 drop-outs and the phasing out entrance exams in those two years; and to ensure primary education is compulsory and seek continued assistance from development partners and donors for the Free Fee Basic Education Policy in Solomon Islands; to improve and expand the capacity of all educational institutions in the country including promoting quality education and teacher motivation to respond to student demand for places both primary and secondary level including special needs education; to effectively strengthen the education systems and policies so as to reduce gender disparities in primary and secondary results.<sup>66</sup>

#### **10. Persons with disabilities**

37. ICAAD noted<sup>67</sup> that the Solomon Islands had accepted recommendations made as part of the universal periodic review process regarding the disabled and access to education, housing, employment, health and justice.<sup>68</sup> The Government had not enacted legislation to protect persons with disabilities from discrimination, and had done little despite accepting various recommendations. ICAAD also reported that public facilities remained inaccessible to many persons with disabilities and employers were not required by law to make reasonable accommodations to employees with disabilities. With a lack of access to the labour market, persons with disabilities largely depended on their families for support.<sup>69</sup> ICAAD recommended that the Government enact a law to ensure the protection and care of persons with disabilities. Additionally, the Solomon Islands must implement policies to guarantee decent housing, employment and health to persons with disabilities. Finally, the Government must develop public awareness campaigns about the rights and participation of persons with disabilities.<sup>70</sup>

38. PWDSI reported that it had been 7 years since the last review of the Persons With Disability (Equal Opportunities, Protection of Rights and Full Participation) Bill 2006. The Government had failed to give an official timeframe for the review of that bill. The Secretariat of the Pacific Communities Regional Rights and Resources Team (SPC RRRT) had reportedly been waiting for an official request from the Government to assist in the review of the bill since 2012.<sup>71</sup> PWDSI called on the Government to immediately take steps to work on the draft "Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Bill 2006".<sup>72</sup>

39. PWDSI stated that it had been 18 months since the review of the National Disability policy. The Ministry of Health and Medical Services (focal ministry for persons with disability) had yet to seek the Cabinet's endorsement of that policy. There had been no timeframe set for that policy to be endorsed. The Ministry of Health had also failed to produce a budget and implementation plan for the policy.<sup>73</sup> PWDSI called on the Government to endorse the Solomon Islands National Disability Inclusive Development Policy without delay, allocate resources for its implementation and set up national mechanisms and a specific unit to ensure effective implementation, monitoring and coordination.<sup>74</sup> PWDSI called for disability to be a priority for the Ministry of Health and Medical Services with full budget and personnel allocations.<sup>75</sup>

40. Referring to gaps in mainstreaming disability in Government policies, PWDSI stated that the 2010 Gender Equality and Women Development Policy failed to mention let alone address any issues facing women with disabilities. The Elimination of Violence against Women Policy made no specific mention of girls and women with disabilities.<sup>76</sup> PWDSI

called on the Government to: mainstream disability in all its policies and programmes;<sup>77</sup> and to mainstream the needs and issues of women with disabilities in major gender policies and programmes.<sup>78</sup>

41. PWDSI reported that only 2 per cent children with disabilities attended primary school, 1% attended secondary school and less than 1 per cent attended senior secondary school. While PWDSI acknowledged the Government's work on inclusive education policy, PWDSI was concerned that school fees or parents' monetary contributions required by school authorities would still deter children with disabilities to access education.<sup>79</sup> PWDSI called on the Government to ensure full fee free education for all children with disabilities and access to quality education for all children.<sup>80</sup>

42. PWDSI stated that the Ministry of Health and Medical Services National Health Strategic Plan 2010-2015, prioritized and practiced the medical model when dealing with persons with disabilities. The human rights-based approach had not been effectively applied, affecting the way people with disabilities accessed opportunities.<sup>81</sup>

## **11. Minorities and indigenous peoples**

43. CS observed that over 90 per cent of the population of the Solomon Islands were indigenous to the islands and 120 different indigenous languages were spoken across 347 inhabited islands.<sup>82</sup> Eighty per cent of the population resided in the rural areas and continued to rely on the forests for their daily needs from food to constructing houses, building canoes to generating income. According to CS, climate change posed the largest risk to the enjoyment of individual and collective rights by Indigenous Peoples.<sup>83</sup>

44. CS reported that, although the Constitution made few references to the rights of Indigenous Peoples, it had been generally upheld that traditional land rights were respected.<sup>84</sup> CS urged the Government to: endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); enact national legislation to incorporate the principle of Free, Prior, Informed Consent before initiating development projects that affected Indigenous communities; ensure that Government bodies charged with the oversight of foreign and local industries, especially logging, are equipped with the resources and funding they need to monitor and audit these projects; continue to encourage the registration of customary land title; re-establish the Ministry of Rural Development and Indigenous Business Affairs; invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit the country; adopt a national action plan to ensure Indigenous Peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country as provided under UNDRIP and ILO Convention 169; and implement the World Conference on Indigenous Peoples Outcome Document, beginning with drafting a National Plan of Action to achieve the ends of the Declaration.<sup>85</sup>

45. According to CS, the Solomon Islands had more than 2.2 million hectares of forest covering approximately 80 per cent of its land area. Rural Indigenous communities, who were a majority of the population, relied on the forests for subsistence agriculture. CS stated that the Government's economic focus on logging, which accounted for roughly 60 per cent of export earnings, had brought few benefits to rural communities, who had seen little improvement in their lives. Logging permits issued to local and foreign companies were allegedly frequently in conflict with local indigenous communities because they failed to gain the communities' free, prior and informed consent before initiating projects.<sup>86</sup>

46. JS1-DSE stated that the rate of logging was not sustainable and that few people were profiting from logging activities in communal land with unfair distribution of profits. Lack of consultations had continued to create tensions among indigenous peoples, between local landowners and the authorities.<sup>87</sup> JS1-DSE referred to information shared with resource

owners on how revenues from logging were distributed and who benefitted most: namely, 1) logging company (60%); 2) Solomon Islands Government (25%); 3) Licensee (10%) and; 4) Resource owners (5%).<sup>88</sup>

47. JS1-DSE urged the Government to: review the land acquisition process under the Lands and Titles Act and adopt appropriate forest legislation; strengthen legislative requirements that logging companies be members of the Solomon Islands Forest Industry Association (as required by law) before they can operate, and that replanting of indigenous tree species is done by the industry; review the regulations under the Act to ban re-entry logging and develop controls on excessive clear felling of natural forest; effectively review all non-operational licenses and the processes and procedures for issuance of logging licenses and suspend licenses of logging companies that breach sustainable forestry legal requirements. JS1-DSE suggested that the Government must promote tree plantation with landowners and provide technical advice on reforestation combined with appropriate activities.<sup>89</sup>

48. JS1-DSE also referred to the unfair distribution of benefits under the National Mining laws of Solomon Islands (Mineral and Mining Act), alleging that the formula was calculated as 1) Mining company (97%); 2) SIG (1.5 %); 3) Guadalcanal province (1.3%) and; 4) Resource owners (0.2%).<sup>90</sup>

49. JS1-DSE recommended that the Government review and amend the National Minerals policy with the Mines and Mineral Act to address taxation, the transparent issuance of license registers and contracts criteria, reliable data, beneficial ownership, disclosures and distribution of revenues. The Government should promote and strengthen collaboration efforts with all stakeholders committed to working on the implementation of the Extractive Industries Transparency International (EITI); and review the Mines and Mineral Act to ensure extractive companies comply with No. 7 of the 2011 EITI Rules.<sup>91</sup>

50. CS referred to reports that the Government had allowed industrial logging and other extractive industry activities to occur in environmentally and culturally sensitive areas.<sup>92</sup> Specific reference was made to alleged cases of conflicts between communities and locally owned logging companies which had reportedly not completed environmental impact assessments or obtained valid development consents from the Ministry of Environment.<sup>93</sup> JS1-DSE recommended the establishment of stringent control mechanisms and a vetting system to ensure only licensed and internationally recognized firms that provide proper Environment Impact Assessment are allowed to prospect and operate in Solomon Islands.<sup>94</sup>

51. CS noted as a very positive development the dedication of a conservation area in Kolombangara forests above 400 meters. CS called for the Government to ensure that conservation area was made official under Solomon Island law.<sup>95</sup> CS also reported that in 2015 the Solomon Islands created a Protected Areas Advisory Committee. That committee was tasked with administering and safeguarding the fragile, unique and important natural environments of the Solomon Islands. CS encouraged consultation with local Indigenous communities for the management of the conservation area.<sup>96</sup>

## **12. Right to development and environmental issues**

52. CS referred to reports that climate change had already eroded shorelines with sea level rise which caused water salinization, increased the frequency of flooding, drought, typhoons, and irregular fishing patterns. Those effects were reported to have caused a migration of Solomon Islanders from low-lying islands, leaving their ancestral islands for larger islands, and threatening stability and peace.<sup>97</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

## Individual submissions:

CS	Cultural Survival, Cambridge, MA, United States of America;
FSC	Family Support Centre, Honiara, Solomon Islands;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
ICAAD	International Center for Advocates Against Discrimination, New York, United States;
KAHRF	Kaleidoscope Australia Human Rights Foundation, Clayton, Vic, 3800, Australia;
PWDSI	People With Disability Solomon Islands, Honiara, Solomon Islands.

## Joint submission

JS1-DSE	Joint submission 1 submitted by Development Services Exchange (DSE), Honiara, Solomon Islands and coalition partners, including Coalition of Education Solomon Islands (COESI); Live and Learn Environmental Education (LLEE); Solomon Islands Indigenous People's Human Rights Advocacy Association (SIPHRAA).
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<sup>2</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> See, A/HRC/18/8, para. 77.

<sup>4</sup> KAHRF, para. 6.2.

<sup>5</sup> KAHRF, para. 7.2, recommendation 4.

<sup>6</sup> For full text, see A/HRC/18/8, paras. 81.3 (Argentina); 81.4 (Spain); 81.12 (New Zealand); 81.13 (Slovakia); 81.14 (Canada); 81.15 (Slovenia). See also, A/HRC/18/8, para. 81.5 (Ecuador).

<sup>7</sup> PWDSI, issue 1, p.3.

<sup>8</sup> CS, section VII, recommendation 2.

<sup>9</sup> ICAAD, para. 17.

- <sup>10</sup> ICAAD, para. 23.  
<sup>11</sup> KAHRF, para. 7.2, recommendation 3.  
<sup>12</sup> JS1-DSE, section 3.0 on background and framework, part on Human Rights Reporting, p.2.  
<sup>13</sup> ICAAD, para. 16.  
<sup>14</sup> ICAAD, para. 21.  
<sup>15</sup> JS1-DSE, section 4.2 on Right to Health, part on Disability, p.5.  
<sup>16</sup> JS1-DSE, section 4.2 on Right to Health, part on Disability, recommendation, p.5.  
<sup>17</sup> KAHRF, para. 5.2.  
<sup>18</sup> KAHRF, para. 7.2, recommendation 2.  
<sup>19</sup> For the full text, see A/HRC/18/8, paras. 80.15 (Hungary) and 80.31 (Slovenia).  
<sup>20</sup> GIEACPC, summary, p.1.  
<sup>21</sup> See, A/HRC/18/2, advance unedited version, Report of the Human Rights Council on its eighteenth session, para. 374.  
<sup>22</sup> GIEACPC, para. 1.1.  
<sup>23</sup> GIEACPC, summary, p.1.  
<sup>24</sup> ICAAD, para. 2.  
<sup>25</sup> JS1-DSE, part on violence against women, p.6.  
<sup>26</sup> ICAAD, para. 3.  
<sup>27</sup> ICAAD, para. 1.  
<sup>28</sup> JS1-DSE, JS1-DSE, part on violence against women, p.6.  
<sup>29</sup> JS1-DSE, part on violence against women, recommendations, pp.6-7.  
<sup>30</sup> ICAAD, para. 7.  
<sup>31</sup> ICAAD, para. 11.  
<sup>32</sup> ICAAD, para. 15.  
<sup>33</sup> FSC, pp.1-6.  
<sup>34</sup> FSC, introduction, para. 3.  
<sup>35</sup> FSC, Issues section, point iii, p.5.  
<sup>36</sup> FSC, recommendations, i, iii -vii, pp.5-6.  
<sup>37</sup> ICAAD, para. 3.  
<sup>38</sup> ICAAD, para.6.  
<sup>39</sup> ICAAD, para. 5.  
<sup>40</sup> ICAAD, para. 4.  
<sup>41</sup> FSC, section on the Royal Solomon Islands Police Force, p.1.  
<sup>42</sup> FSC, recommendations, p.2.  
<sup>43</sup> FSC, section on Public Solicitor's Office, pp.2-3.  
<sup>44</sup> FSC, section on Public Solicitor's Office, including recommendations, pp.2-3.  
<sup>45</sup> FSC, section on courts, including issues, pp.3-4.  
<sup>46</sup> ICAAD, para. 14.  
<sup>47</sup> FSC, section on courts, recommendations, p.4.  
<sup>48</sup> JS1-DSE, part on corruption, p.5.  
<sup>49</sup> JS1-DSE, part on corruption, recommendations, p.6.  
<sup>50</sup> For the full text, see A/HRC/18/8, paras. 80.38 (Norway); 81.49 (France); 81.50 (Slovenia); 81.51(Spain).  
<sup>51</sup> KAHRF, para. 2.2.  
<sup>52</sup> KAHRF, paras. 2.3 and 2.4.  
<sup>53</sup> KAHRF, para. 7.2.  
<sup>54</sup> ICAAD, para. 13.  
<sup>55</sup> ICAAD, para. 14.  
<sup>56</sup> ICAAD, para. 22, recommendations.  
<sup>57</sup> JS1-DSE, section 4.4 on right to work, p.7.  
<sup>58</sup> JS1-DSE, section 4.4 on right to work, recommendation, p.7.  
<sup>59</sup> JS1-DSE, section 4.4 on right to work, recommendation, p.7.  
<sup>60</sup> JS1-DSE, section 4.5 on right to social security, part on unemployment, pp.7-8.  
<sup>61</sup> JS1-DSE, section 4.5 on right to social security, part on unemployment, recommendation, p.8.  
<sup>62</sup> JS1-DSE, part on corruption, pp.5-6.  
<sup>63</sup> JS1-DSE, section 4.2 on right to health, p.4.

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- <sup>64</sup> JS1-DSE, section 4.2 on right to health, recommendations, p.4.  
<sup>65</sup> JS1-DSE, section, 4.6 on education, pp.8-9.  
<sup>66</sup> JS1-DSE, section, 4.6 on education, recommendations, p.9.  
<sup>67</sup> ICAAD, para. 26.  
<sup>68</sup> For full text, see A/HRC/18/8, paras. 81.30 (Thailand); 81.31 (Ecuador) and 81.32 (United States of America). See also, A/HRC/18/2, advance unedited version, Report of the Human Rights Council on its Eighteenth session, para. 376.  
<sup>69</sup> ICAAD, para. 27.  
<sup>70</sup> ICAAD, para. 28.  
<sup>71</sup> PWDSI, issue 2, p.3.  
<sup>72</sup> PWDSI, issue 2, p.3.  
<sup>73</sup> PWDSI, issue 2, p.3.  
<sup>74</sup> PWDSI, issue 2, p.3.  
<sup>75</sup> PWDSI, issue 2, p.3.  
<sup>76</sup> PWDSI, issue – Gaps in mainstreaming Disability in Government Policies, pp.3-4.  
<sup>77</sup> PWDSI, p.4.  
<sup>78</sup> PWDSI, p.4, recommendations.  
<sup>79</sup> PWDSI, p.4.  
<sup>80</sup> PWDSI, p.4, recommendations.  
<sup>81</sup> PWDSI, p.4.  
<sup>82</sup> CS, section II, Background.  
<sup>83</sup> CS, section III, Climate change and effects on indigenous peoples, pp.2-3.  
<sup>84</sup> CS, section VI on land rights, pp.4-5.  
<sup>85</sup> CS, section VII, recommendations, p.5.  
<sup>86</sup> CS, section IV on logging, p.3.  
<sup>87</sup> JS1-DSE, section 4.0 on implementation, part 4.1 on right to life, p.2.  
<sup>88</sup> JS1-DSE, section 4.0 on implementation, part 4.1 on right to life, pp.2-3.  
<sup>89</sup> JS1-DSE, section 4.0 on implementation, part 4.1 on right to life, recommendations, p.3.  
<sup>90</sup> JS1-DSE, part on Mining, p.3.  
<sup>91</sup> JS1-DSE, part on Mining, recommendations, pp.3-4.  
<sup>92</sup> CS, section V, conservation, p.4.  
<sup>93</sup> CS, section IV on logging, pp.3-4.  
<sup>94</sup> JS1-DSE, part on Mining, recommendation, p.4.  
<sup>95</sup> CS, section V, Conservation, p.4.  
<sup>96</sup> CS, section V on conservation, p.4.  
<sup>97</sup> CS, section III, Climate change and effects on indigenous peoples, p.3.
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