

Universal Periodic Review
(24th session, January-February 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Solomon Islands

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	10/06/1992 Accession		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)			N/A	Right to take part in cultural life
Convention on the			N/A	Right to take part in

Protection and Promotion of the Diversity of Cultural Expressions (2005)				cultural life
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II. **Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework:

1. The **Constitution of Solomon Islands of 1978**¹ does not enshrine the right to education.

2. However, with regard to the protection of freedom of conscience, **Article 11** states the following:

“[...] (2) Every religious community shall be entitled, at its own expense, to establish and maintain **places of education** and to manage any place of education which it wholly maintains.

(3) No religious community shall be prevented from providing **religious instruction** for persons of that community in the course of any education provided at any place of education which it wholly maintains or in the course of any education which it otherwise provides.

[...] (4) Except with his own consent (or, if he is a person who has not attained the age of eighteen years, the consent of his guardian) **no person attending any place of education shall be required to receive religious instruction or take part in or attend any religious ceremony or observance** if that instruction, ceremony or observance relates to a religion other than his own.

[...] (7) Nothing in this section shall affect the power of Parliament to prescribe the curriculum and related matters in all places of education within Solomon Islands.”

3. Regarding the protection of discrimination, **Article 15** specifies that:

¹ <http://www.unesco.org/education/edurights/media/docs/5b11b6acfab78e248b2915ecec32f5ab126ee240.pdf>, http://www.wipo.int/wipolex/en/text.jsp?file_id=198247, Accessed on 16/03/2015

“[...] (2) [...] no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or performance of the function of any public office or any public authority.

[...] (4) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision-

[...] (b) with respect to persons who are not citizens of Solomon Islands;

[...] (f) for the advancement of the more disadvantaged members of the community;

(g) where persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society. [...]"

1.2. Legislative Framework:

4. The **Education Act of 1996**² aims to “make provision for the structure of the education system of Solomon islands and for matters connected therewith and incidental thereto”.³

5. **Article 17** reads "The minimum age of entry into primary schools shall be six and the maximum age shall be nine as the Minister may by order specify."

6. With regard to enrolment and hours of instruction, **Article 18** provides: "(1) The Permanent Secretary shall, in respect of all schools, prescribe-

(a) the minimum number of hours of teaching instruction per day;

(b) the minimum number of days in every year that teaching instruction is to be given;

(c) the dates of terms and holidays;

(d) the maximum enrolment for the school and the staffing ratio for the school.[...]"

7. With regard to curriculum, **Article 23** states that "The curricula to be followed in all schools shall be approved by the Minister, following the submission to him of such curricula by such committee or committees as he may authorise to examine or draw up curricula on his behalf."

² <http://www.unesco.org/education/edurights/media/docs/aa12258de9cecedbbe0134b4df2ad490e7300eae.pdf>, <http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/sol013.dir/doc.pdf>, Accessed on 16/03/2015

³ Education Act of 1996, p. 3, accessible at: <http://www.unesco.org/education/edurights/media/docs/aa12258de9cecedbbe0134b4df2ad490e7300eae.pdf>, Accessed on 16/03/2015

8. According to **Article 24**, "In all schools the language or languages to be used as the medium of instruction shall be that or those prescribed by the Minister, either generally or specifically."

9. Regarding Religious instruction, **Article 27** states the following: "Where pupils of any particular religious denomination attend a school, a minister of that denomination may give religious instruction to such pupils for a minimum of one hour per week at such time as the Education Authority may direct."

10. **Part VI** of the Act focuses on Teachers status and establishes provisions regarding "Teacher to be registered", "Application for registration", "Certificate of registration", etc (**Articles 29 to 37**).

11. With regard to financing of education, **Article 38** states that "(1) The Minister may after consultation with the National Education Board cause grants for educational purposes to be paid to Education Authorities. [...]"

12. Regarding School fees, **Article 40** specifies the following: "(1) Where school fees are payable at the date of commencement of this Act the Minister, after consultation with the National Education Board, may prescribe the range of such fees payable in respect of tuition and boarding at any school.

(2) No Education Authority shall charge fees at any school for which it is responsible without having received the prior approval of the Minister to the level of such fees and the Minister may make rules for the application of the fees charged."

13. **Article 41** adds that "Where fees are charged at any school, the conditions under which any remission of such fees may be granted by the Education Authority shall be prescribed by the Minister" and **Article 42** states: "(1) Unless otherwise determined by the Minister, it shall be the responsibility of the Head Teacher of a school to collect school fees. (2) It shall be the responsibility of the Education Authority to determine the proper disbursement of collected fees, and to ensure that proper accounts are kept and safeguards are employed."

14. "The Minister of Education is consulting with people in the Solomon Islands on **whether an amendment should be made to the Education Act** to specify the age at which parents would be required to enrol their child in a primary school. He is considering two possibilities. One possibility is to require all children to be enrolled in a primary school by age 6. Another possibility is to require all children to be enrolled in a primary school by age 7. The reason for seeking to change the current law is that the early years of a child's life are critical for that child's development. While parents have a central role in nurturing and developing their child, the education system also has an important role. Regular attendance at school is essential to assist

students to maximise their potential. Early access to education at primary school helps every child develop a range of skills and understandings needed in society.”⁴

15. “The Government is currently reviewing the "Education act" as a way forward in making sure that its commitments on CRC and international agendas such as Education for all goals (EFA) and MDG should be reflected in the current education act review. In reviewing the education act, the right to educate will then be legislated and thus will result in implementing the free fee policy and other policies with further political will. The Government is working towards making Community Education as one its priorities with integrating Post school literacy education as one of its key area of focus.”⁵

16. In 2014, Solomon Islands adopted the National University (amendment) Bill no. 15 of 2014.⁶ It amends provisions of the Solomon Islands National University Act 2012 relating to the Council of the University.

1.3. Policy Framework:

i) General information

17. “This **Education Strategic Framework 2007-2015**⁷ differs from its predecessor (the Education Strategic Plan 2004-2006) in a number of ways:

- Its focus is a medium to longer term strategic view of the Solomon Islands education system.
- It concentrates only on high-level goals, outcomes and objectives.
- It includes an analysis of key policy issues, and key anticipated policy outcomes.
- It provides a benchmark against which other planning documents and proposed initiatives can be measured.
- Detailed short-term activities have been eliminated, since these activities are now incorporated in the medium term National Education Action Plan 2007-2009.

⁴ Education Strategic Framework 2007-2015, p. 22, accessible at:

<http://www.unesco.org/education/edurights/media/docs/a8bc514a1a8a99350548e6fd2f53b3095c1a1f7c.pdf>,

Accessed on 16/03/2015

⁵ UPR info, Solomon Islands Mid-term Implementation Assessment, p. 8, [http://www.upr-](http://www.upr-info.org/sites/default/files/document/solomon_islands/session_11_-_may_2011/mia-solomon_islands.pdf)

[info.org/sites/default/files/document/solomon_islands/session_11_-_may_2011/mia-solomon_islands.pdf](http://www.upr-info.org/sites/default/files/document/solomon_islands/session_11_-_may_2011/mia-solomon_islands.pdf), Accessed on 16/03/2015

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[http://www.parliament.gov.sb/files/committees/bills&legislationcommittee/2014/Solomon%20Islands%20National%20University%20\(Amendment\)%20Bill%202014.pdf](http://www.parliament.gov.sb/files/committees/bills&legislationcommittee/2014/Solomon%20Islands%20National%20University%20(Amendment)%20Bill%202014.pdf), Accessed on 16/03/2015

⁷ <http://www.unesco.org/education/edurights/media/docs/a8bc514a1a8a99350548e6fd2f53b3095c1a1f7c.pdf>
<http://www.paddle.usp.ac.fj/cgi-bin/paddle?e=p-01addle-paddle-00-1-0-1--0-10-TX--4----TX--0-111--1-en-50--0-20-home---10031-000-1-OutfZz-8-00-20-solomonislands---00-3-1-000--0-0-11-0utfZz-8-00&a=file&d=sol031>,

Accessed on 16/03/2015

- Some activities have been deferred for consideration later in the planning cycle.

18. This Education Strategic Framework 2007-2015 is therefore intended to be a document that provides overall longer term strategic direction and oversight for the Solomon Islands education system out to 2015. The broader policy issues have been presented as higher level objectives in the context of this longer time frame. [...]”⁸

19. “[...] At the moment, a free fee policy is in place, however, parents must pay other fees to the school. This means that many children will not attend school; this includes children with disabilities.”⁹

2. COOPERATION:

20. Solomon Islands is **party** to the 1960 UNESCO Convention against Discrimination in Education since 19/03/1982.

21. Solomon Islands did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999)
- **Seventh Consultation** of Member States (covering the period 2000-2005)
- **Eighth Consultation** of Member States (covering the period 2006-2011)

22. Solomon Islands did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008)
- **Fifth Consultation** of Member States (covering the period 2009-2012)

23. Solomon Islands did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it reported within the framework of the **Second Consultation** of Member States (2011).

⁸ Education Strategic Framework 2007-2015, p. 9, accessible at:

<http://www.unesco.org/education/edurights/media/docs/a8bc514a1a8a99350548e6fd2f53b3095c1a1f7c.pdf>,

Accessed on 16/03/2015

⁹ UPR info, Solomon Islands Mid-term Implementation Assessment, p. 8, <http://www.upr->

[info.org/sites/default/files/document/solomon_islands/session_11_-_may_2011/mia-solomon_islands.pdf](http://www.upr-info.org/sites/default/files/document/solomon_islands/session_11_-_may_2011/mia-solomon_islands.pdf), Accessed on 16/03/2015

24. Solomon Islands is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

25. Freedom of expression is guaranteed under Part II, Article 12 of its Constitution.¹⁰

26. The Penal Code regards defamation as a misdemeanour. It does not specify in what form defamation is punished.¹¹

27. There is no freedom of information legislation in Solomon Islands.¹²

2. MEDIA SELF-REGULATION

28. Self-regulatory mechanisms of the media exist through an entity such as the Media Association of Solomon Islands (MASI). It has also developed a Code of Ethics for journalists and media practitioners.¹³

3. SAFETY OF JOURNALISTS

29. UNESCO recorded no killing of journalists in the Solomon Islands until 2015. Journalists operate in a safe environment.

III. RECOMMENDATIONS

30. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

¹⁰ See the Constitution of the Solomon Islands at the government's official website: <http://www.parliament.gov.sb/files/business&procedure/constitution.html>.

¹¹ See part XIX, Article 191-198 of the Penal Code, http://www.paclii.org/cgi-bin/sinodisp/sb/legis/consol_act/pc66/pc66.html?stem=&synonyms=&query=speech.

¹² See the Pacific Media Assistance Scheme (PACMAS) report on Solomon Islands: State of media & communication report 2013.

¹³ The Media Association of Solomon Islands has been a reported issue in various bulletins (see: <http://www.abc.net.au/news/2014-05-03/an-fiji-world-press-freedom-day/5428354>)

31. In the Report of the Working Group on the Universal Periodic Review of 11 July 2011, various recommendations were made to Solomon Islands.

32. The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of Solomon Islands, which considers that they are already implemented or in the process of implementation:

- i. **80.31. End all forms of corporal punishment of children in all settings, including in the home and in schools, by enforcing its prohibition (Slovenia);**
- ii. **80.44. Implement public awareness and education programmes on sexuality aimed at adolescents that includes information on contraceptive health, family planning, sexual and reproductive health, sexually transmitted diseases and HIV/AIDs (Norway);**
- iii. **80.45. Seek, in cooperation with relevant international organizations and stakeholders, to include human rights education in school curricula, as appropriate (Philippines);**
- iv. **80.46. Put greater efforts to ensure that human rights awareness, including the issue of gender equality, is included in the school curricula (Indonesia);**
- v. **80.47. Continue implementing programmes and measures to improve the enjoyment of the right to education and the right to health (Cuba);**
- vi. **80.48. Continue to work, with development partners, towards compulsory basic education for all children, building on the progress and reforms to date (New Zealand);**
- vii. **80.49. Continue efforts to reduce illiteracy by implementing measures to ensure girl's and women's access to all levels of education (Norway).**
- viii. **81.33. Seek further technical assistance from OHCHR and other relevant agencies in order to promote human rights education and capacity-building, especially for public sector employees as well as for its preparation for reporting under international instruments (Thailand);**

- ix. **81.45. Implement the recently adopted Human Rights Council resolution on children working and/or living on the street and give priority attention to the prevention of this phenomenon by addressing its diverse causes through economic, social, educational and empowerment strategies. These include proper birth registration, health care, education, awareness-raising and assistance to families (Hungary);**
- x. **81.56. Take measures so as to ensure that all children can enjoy their right to free and compulsory basic education, and establish a school programme on human rights education and training (Morocco);**
- xi. **81.57. Increase efforts necessary to ensure that education for boys and girls is free, compulsory and accessible (Mexico);**
- xii. **81.58. Provide for free, compulsory education, accessible to all, with particular care paid to disabled children by allocating sufficient financial and human resources to the education system (Slovakia).**

33. Analysis:

Solomon Islands adopted an Education Strategic Framework (2007-2015). It is also currently reviewing its Education Act. However, according to available information, no sufficient specific measures have been taken to ensure education for all, particularly for women, children and persons with disabilities; to end all forms of corporal punishment in schools; nor to provide human rights education and training.

34. Specific Recommendations:

1. Solomon Islands should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. Solomon Islands could be encouraged to further provide education for all, particularly by implementing inclusive education programmes for women, children and persons with disabilities.
3. Solomon Islands could be encouraged to take additional measures to raise awareness on the negative aspect of corporal punishment and promote a comprehensive education.
4. Solomon Islands could be encouraged to further promote human rights education and training.

Cultural rights

35. Solomon Islands is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Solomon Islands is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

36. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), Solomon Islands is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Solomon Islands is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

37. The Solomon Islands are recommended to decriminalize defamation, and place it within a Civil Code that is in accordance with international standards.¹⁴

38. The Solomon Islands are further encouraged to introduce a freedom of information legislation that is in accordance with international standards.¹⁵

¹⁴ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

¹⁵ See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and

Freedom of scientific research and the right to benefit from scientific progress and its applications

39. **Solomon Islands**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Solomon Islands** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Solomon Islands** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.

Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.