

Solomon Islands 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the Solomon Islands during the year.

Significant human rights issues included credible reports of: government corruption; laws criminalizing consensual same-sex sexual conduct between adults, although the law was not enforced; and the existence of certain of the worst forms of child labor, including commercial sexual exploitation.

The government had mechanisms in place to identify and punish officials who committed human rights abuses, although there were no reports of investigations or prosecutions during the year.

Section 1. Respect for the Integrity of the Person

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, and Other Related Abuses

The law prohibited such practices, and there were no credible reports that government officials employed them. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

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

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

Independent Monitoring: Although government procedures permitted monitoring by independent human rights observers, there were no reports of such visits.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements.

At the request of the government and subject to bilateral agreements, police from the People's Republic of China, Australia, Fiji, New Zealand, and Papua New Guinea were deployed in the country in support of the country's police force and were duly authorized to act with police powers according to the country's law.

Arrest Procedures and Treatment of Detainees

Only a magistrate or judge could issue arrest warrants, although police had the power to arrest without a warrant if they had a reasonable belief a person committed a crime. The law required 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. 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 provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provided 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 judicial backlogs.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights. Demonstrators were obliged to obtain permits, which the government generally granted.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

Access to Asylum: The law did not provide for granting asylum or refugee status, and the government had not established a system for providing protection to refugees. The government did not grant refugee status or asylum, and there were no known refugees in the country.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on equal and universal suffrage. The weakness of political parties, political fragmentation in parliament, and corruption did not generally provide voters with the basis to make a clear choice among potential governing coalitions.

On June 26, the leader of a group of independent parliamentarians, John Kuku, filed a case in the High Court seeking a ruling on whether parliament's September 2022 constitutional amendment extending the government's term in office and delaying parliamentary elections one year (to May 2024) was lawful and constitutional. Kuku argued on procedural grounds the amendment was not lawful and constitutional and therefore, since May 15, all seats in parliament were vacant and all subsequent parliamentary proceedings, including passage of any bills or motions, were null and void. In September the High Court granted the defendants' motion to dismiss the

case, finding that parliament and not the judiciary was the appropriate venue for addressing procedural concerns. Following the ruling, the prime minister directed the attorney general to ask parliament to decide whether members who had voted no on the original 2022 constitutional amendment ceased thereby to be members of parliament and should, accordingly, be removed from parliament. As of November, parliament had not acted.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: Observers regarded the 2019 national parliamentary elections as generally free and fair, although there was evidence of vote buying.

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 required all candidates to present party certificates. The formation of a governing coalition after an election was the result of opaque negotiations among parliamentarians.

Participation of Women and Members of Marginalized or Vulnerable Groups: No law limited participation of women or members of marginalized or vulnerable groups in the political process, and they did participate; however, gender discrimination, an expectation that women should be focused on family, lack of access to fundraising resources and knowledge,

and a fear of gender-based violence aimed at women in public office limited the role of women in government. Despite a legal quota requiring 10 percent of all candidates for the National Parliament to be women, the number of women candidates continued to be low.

Section 4. Corruption in Government

While the law provided criminal penalties for corruption by officials, the government implemented the law inconsistently; officials sometimes engaged in corrupt practices with impunity.

Corruption: Corruption was widely held to be pervasive in the government, especially with respect to the forestry, mining, and fisheries sectors.

In February the Auditor General reported on its audit of the use of COVID-19 funding. The report identified a lack of transparency and accountability pointing to fraud, possible corruption, mismanagement, and regulatory irregularities. Although the report urged criminal investigations in several cases, neither the prosecutors nor police appeared to take the charges seriously. The generally vague language accurately depicted societal dissatisfaction, combined with demoralized tolerance, for official misconduct and malfeasance. A similar audit was underway on funding for the Pacific Games.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and

the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several 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 established an Office of the Ombudsman with power to subpoena and investigate complaints of official abuse, mistreatment, or unfair treatment. Although the office was independent, a lack of resources limited its effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women, including spousal rape, was a crime with a maximum penalty of life imprisonment. Domestic violence was a crime with a maximum penalty of three years in prison and a substantial fine. Gender-based violence, including rape and domestic abuse,

remained a serious problem and was underreported. Data from a 2021 UN Women report stated 63.5 percent of women would experience physical or sexual intimate partner violence in their lifetimes. 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.

As part of the police curriculum, officers received specialized training on how to work with rape survivors. A police sexual assault unit, staffed mostly by women officers, supported survivors and investigated charges. In reported cases of domestic abuse, survivors often dropped charges before a court appearance or settled cases out of court. When charges were filed, the time between charging and a subsequent court hearing could be as long as two years. The magistrates' courts treated physical abuse of women the same as any other assault, but prosecutions were rare due to low judicial and police capacity and gender discrimination.

The law provided for access to counseling and medical services, legal support, and a safe place within the community for survivors of domestic violence who could not return home. The government referral system meant to coordinate these services often lacked funding, especially in rural areas.

Nongovernmental organizations operated 11 safe houses throughout the country. These received funding and support from church groups and international donors but not from the government. One safe house in the

capital, Honiara, provided professional training and workshops and paralegal counseling for survivors of gender-based violence. The Family Support Center and a church-run facility provided counseling and other support services for abused women.

Other Forms of Gender-based Violence or Harassment: Customary bride-price payments remained common and contributed to the perception of ownership of women by men. Sexual harassment was not illegal and was a widespread problem.

Discrimination: While the law accorded women equal legal rights, including the right to own property, most women were limited to patriarchal family roles; fear of pervasive gender-based violence prevented them from taking more active roles in economic and political life. No laws mandated equal pay for work of equal value. The government did not enforce equal rights laws effectively.

Women experienced discrimination in employment, especially in attaining managerial positions. Women were predominantly employed in low-paying and low-skilled jobs. A significant gender gap existed in senior positions, and women were not guaranteed equal pay for equal work. A shortage of jobs and the digital gender divide compounded limited access to, and advancement opportunities in, the workforce for women.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Although the *National Population Policy 2017-26* aimed to improve access to sexual and reproductive health services for sexual violence survivors, this goal appeared to be aspirational. Because of the extreme weakness of the health-care system, no such services were available. Emergency contraception for survivors of sexual violence was not available.

A 2022 survey in three provinces and Honiara by the Solomon Islands Planned Parenthood Association found that contraceptive use by women of reproductive age had “decreased over time” from 27 percent in 2013. The report, however, did not provide an estimated rate for 2022. According to the study, because contraception was frowned upon, women were given unreliable information, “leading to drastic situations” when they became pregnant. According to *The Island Sun* newspaper, “Participants in the report shared that unwanted pregnancies drive women to either seek unsafe termination methods, abandoning (sic) the baby, or suicide.” The report noted that women who were married or in a relationship were generally forbidden to use contraception because of their partner’s cultural or religious views.

According to the World Bank, the maternal mortality ratio was 104 per 100,000 live births in 2017 due to factors including a high adolescent birth rate (79 per 1,000 girls ages 15 to 19), minimal access to antenatal care, and a high unmet need for contraception. More recent data were not available.

Systemic Racial or Ethnic Violence and Discrimination

The law and constitution protected racial and ethnic minorities from discrimination; the government enforced the law effectively.

The country had 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 country. Tensions and resentment on Guadalcanal Island persisted between Guadalcanalese and those from the island of Malaita, including over jobs and land rights.

Children

Birth Registration: Birth registration was provided on a nondiscriminatory basis. Registration delays did not result in the denial of public services to children.

Education: Education was neither free nor compulsory. The government policy was to cover operational costs for children ages six to 15 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. The government closed all schools in the country from October 27, 2023, to January 15, 2024, for the Pacific Games. School facilities in Honiara were repurposed as dormitories to host visiting athletes. No grounds were given

for closing schools outside the capital. There were no plans for making up the lost weeks.

Child Abuse: The law prohibited child abuse; however, child sexual and physical abuse remained significant problems.

In August a man, age 41, was sentenced to 20 years' imprisonment for having sex with his stepdaughter three times in 2019, when she was 10. The survivor dropped out of school after the assaults.

Also in August, a man was taken into custody for allegedly raping his two nieces, ages 14 and eight, multiple times in 2022 and 2023. He allegedly first raped the older of the two girls when she went to fetch water and to have a swim, and he threatened to cut her neck if she told anyone. He allegedly raped her two other times when she was returning from selling produce at a local market. The man allegedly exposed himself to the girl age eight when she was sweeping outside her house. Although she tried to run away, the defendant carried her to his house and allegedly sexually abused and raped her. The perpetrator hid for seven months but was captured by local villagers when he again attempted to assault one of the girls on August 21.

The law granted children the same rights and protections as adults, with some exceptions. By law the Social Welfare Division of the Ministry of Health and Medical Services coordinated child protection services and authorized courts to issue protection orders in cases of serious child abuse

or neglect. No laws specifically prohibited the use of children in illicit activities such as drug trafficking.

Despite numerous prosecutions, government efforts were unable to effectively curb child sexual abuse or neglect and domestic violence against children.

Child, Early, and Forced Marriage: Both boys and girls could legally marry at age 15, and the law permitted 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 was 15. The maximum penalty for an adult having sexual relations with a girl younger than age 13 was life imprisonment, and for sexual relations with a girl age 13 to 15, the maximum penalty was 15 years' imprisonment. Consent was not a permissible defense under these provisions; however, a reasonable belief the victim was age 16 or older was a permissible defense. Selling or hiring minors for commercial sexual exploitation was a criminal offense. There were reports of workers in logging camps sexually exploiting girls as young as 12, but in most cases official charges were not filed.

Child pornography was illegal, with a maximum penalty of 10 years' imprisonment. The commercial sexual exploitation of children was a crime, as were participation in or the use, distribution, or storing of sexually exploitative materials involving children. Commercial sexual exploitation of

children carried a maximum sentence of 20 years' imprisonment. There was no reliable information on enforcement of the law.

Antisemitism

The Jewish community was very small, and there were no reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Sodomy was illegal, as were “indecent practices between persons of the same sex.” The maximum penalty for the former was 14 years' imprisonment and five years' imprisonment for the latter. There were no reports of arrests or prosecutions directed at lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons under these provisions, and authorities generally did not enforce these laws.

Violence and Harassment: There were no reports of violence against persons based on sexual orientation or gender identity, although stigma could have hindered reporting abuses.

Discrimination: There were no antidiscrimination ordinances to protect LGBTQI+ persons. No criminal justice mechanisms existed to aid in the prosecution of bias-motivated crimes against LGBTQI+ individuals. There were no reports of open discrimination against LGBTQI+ persons, but lack of reports could have been due to sociocultural pressure and stigma.

Availability of Legal Gender Recognition: There was no legal process for individuals to update their gender markers on identity documents to bring them into alignment with their gender identity. There were no nonbinary or intersex options on government documents.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of involuntary or coercive medical practices or so-called conversion therapy targeting LGBTQI+ individuals. There were no laws or regulations against such practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: While there were no ordinances imposing such restrictions, sociocultural pressure and stigma effectively blocked any public discussion of LGBTQI+ matters.

Persons with Disabilities

No law or national policy prohibited discrimination against persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandated access to buildings, information, communications, transportation, or health services for such individuals. Very few buildings were accessible to persons with disabilities. The law required 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 do so.

No law required reasonable accommodations in the workplace, and high unemployment nationwide made it difficult for persons with disabilities to find work, particularly in rural areas.

Government facilities or services for persons with mental disabilities were very limited. The National Referral Hospital in Honiara treated mental disability on an outpatient basis and referred in-patients to the National Psychiatric Unit at Kilu'ufi Hospital in Malaita Province, which had a 20-person capacity.

Other Societal Violence or Discrimination

Violence related to accusations of sorcery was reported. Such violence typically targeted young women, widows without sons, and the elderly. In January a family escaped Sagasa village and moved to Patchuava village in Choiseul Province after being threatened for alleged sorcery following the death of a woman. A man who burned down the family's house in Sagasa village was arrested on suspicion of arson.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers in the formal sector to form and join unions, conduct legal strikes, and bargain collectively. The law prohibited antiunion discrimination but did not specifically provide for reinstatement of workers fired for trade union activity. The law permitted strikes in both the public and private sectors. Strikes required a notice to the government 28 days prior to the strike to be legal. The government had discretionary power to cancel and suspend registration of unions, a power that could take effect even while under judicial review.

The law did not provide for organizing or collective bargaining rights to workers in the informal sector. Additionally, the law limited 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; its small penalties were not commensurate with those for other laws involving denials of civil rights. There was no reliable information on how often penalties were applied against violators. The penalty for antiunion discrimination was not effective, in part because employers could afford to pay the fine and could easily replace workers. Penalties for illegal strikes, on the other hand, served as a deterrent for workers 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. Employees were protected from arbitrary dismissal or lockout during arbitration. The three-member panel, composed of a chairperson appointed by the judiciary, a labor representative, and a business representative, was independent and neutral. The panel's decisions were binding on both 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 most workers if disputes were not resolved quickly.

The Workers Union of Solomon Islands actively negotiated with private sector employers.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a national minimum wage above the poverty level for all sectors. The standard workweek was 45 hours and was limited to six days per week. The law provided for not less than one and a half times the normal rate of pay for overtime work and a rate not less than twice the regular hourly rate of pay for authorized public holidays.

Occupational Safety and Health: Occupational safety and health (OSH) laws required employers to provide a safe working environment and forbade

retribution against any employee who sought protection under labor regulations. These laws were appropriate for main industries. Laws on working conditions and safety standards applied equally to foreign workers and citizens. Some workers could not remove themselves from situations endangering their health or safety, particularly in the fishing and logging industries, without jeopardy to their employment. OSH experts did not actively identify unsafe conditions, including lack of personal protective equipment against COVID-19, or respond to workers' OSH complaints.

Workers in the logging, construction, and manufacturing sectors were subject to hazardous and exploitative work.

Wage, Hour, and OSH Enforcement: The commissioner of labor in the Ministry of Commerce, Industry, Labour, and Immigration; the public prosecutor; and police were responsible for enforcing labor laws. The government, however, did not effectively enforce wage, overtime, or OSH laws in all sectors of the formal economy. The law did not specify penalties for violations, significantly weakening effective enforcement. There was no reliable information on how often penalties were applied against violators.

While inspectors had the authority to conduct unannounced inspections, the number of labor inspectors was insufficient to monitor labor practices routinely, particularly in extractive sectors outside of the capital. The government's minimal human and financial resources also limited its ability to enforce the law in smaller establishments, the informal economy, and the

subsistence sector. An active labor movement and an independent judiciary, however, helped provide effective oversight of labor law enforcement in major state and private-sector enterprises.

There were some accusations regarding pay rates for local workers at the Chinese-built Pacific Games Stadium construction site; China stated all workers were paid according to local labor laws and received at least the minimum wage. Workers, however, were upset they were paid less than Chinese workers for the same work.

According to a 2021 UN report, 75 percent of workers were in the informal sector. Wage and safety standards applied to the informal sector but were not enforced. No government entity provided protection services to workers in the informal economy.