

SOLOMON ISLANDS

**Weak human rights
infrastructure, discrimination
and violence against women,
and restricted access to water
and sanitation**

*Amnesty International
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Periodic Review, May 2011*

**AMNESTY
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INTRODUCTION

In this submission prepared for the Universal Periodic Review of Solomon Islands in May 2011, Amnesty International focuses on the Solomon Islands' poor reporting and implementation under core international human rights treaties, the lack of a National Human Rights Institution, violence against women and restrictions on the right to water and sanitation in informal settlements.

NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

While Solomon Islands is a state party to a number of core international human rights treaties, the reporting and implementation of its obligations under these treaties have been poor.

Since ratifying the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1982, Solomon Islands has only reported once and as of November 2010, its 2nd–15th periodic reports are outstanding. Similarly, since its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002, there has been no reporting to the CEDAW Committee on the implementation of its obligations under the treaty. Furthermore, reports remain outstanding to the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

A Regional Assistance Mission to the Solomon Islands (RAMSI), spearheaded by Australia and supported by Pacific Island governments, is now mainly responsible for law and order in the country and helping to strengthen the machinery of government. Amnesty International is concerned, however, that human rights violations which took place before, during and after the 1997 – 2003 conflict have barely been investigated and addressed. The Truth and Reconciliation Commission of Solomon Islands,¹ launched in April 2009, faces many administrative challenges, including a lack of support from the government and severe budgetary constraints. By August 2010 the Commission had collected only 120 out of the 5000 statements it wanted to publish when its mandate ends in January 2011.

NATIONAL HUMAN RIGHTS INSTITUTION

Solomon Islands does not have a National Human Rights Institution. Amnesty International welcomes, however, the government's intention, outlined in the National Plan of Action for Human Rights in January 2010, to consider establishing such an institution. The National Human Rights Institution should play a key role in advising the government with regard to its national and international human rights obligations and have powers to investigate reports of human rights violations throughout the country. It would also complement the accountability mechanisms that are already in place, such as the courts of justice, the Ombudsman's Office and the Leadership Code Commission.

GENDER DISCRIMINATION AND TEMPORARY SPECIAL MEASURES

In March 2010, the government launched its National Policy on Gender Equality and Women's Development which aims to "put gender equality at the heart of economic and social progress, giving equal value to the roles and responsibilities of Solomon Islands' women and men". Since 2001, Solomon Islands women have been pushing for increased representation in Parliament including through temporary special measures as provided for in Article 4 of CEDAW. In the 50-seat Parliament, there are currently no women representatives. In the national elections in August 2010, 25 women contested, but none of them won a seat.

In 2009, women's groups lobbied the government for increased representation in Parliament by women and were given the opportunity to make submissions on this issue to the government caucus. Despite assurances from the government that these submissions were in line with the government's policies, it chose to ignore the submissions. The women's groups who had advocated for affirmative action for women's representation in Parliament told Amnesty International that they were very disappointed with the lack of commitment and understanding by members of the government and the Parliament on the need for equitable gender representation in the legislature.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

VIOLENCE AGAINST WOMEN

Violence against women in Solomon Islands continues to be highly prevalent. A 2009 survey conducted by the Secretariat of the Pacific Community and the government revealed that 68% of women and girls between the ages of 15 and 49 had experienced physical and/or sexual violence by their partners or other family members.

Amnesty International welcomes the government's adoption of a Gender Policy in March 2010 and its intention to adopt specific legislation to address violence against women. These initiatives, following the 2009 survey, came as a result of lobbying efforts by women's groups and the strong commitment of officials in the Ministry of Women, Youth and Children Affairs.

In August 2010, when Amnesty International met with women's organizations dealing with violence in Honiara, it became clear that women continue to experience domestic violence despite various attempts by the police and other government bodies to end such violence. Violence against women within the family continues to be seen as a private issue and the police are often reluctant to intervene. On 11 August 2010, for instance, a woman was beaten by her husband in one of Honiara's main streets, in full view of three police officers in a police vehicle. The officers did not intervene, but attended to the woman after the beating. They did not arrest the perpetrator. The officers refused to take her statement at the scene and asked her to come to the police station to give her

statement.²

Amnesty International's investigations also revealed that lawyers in the Public Solicitor's Office (PSO) had refused to represent victims of domestic violence seeking a restraining order from the court unless the victim had visible injuries to her body.³ In several cases dealt with by the Family Support Centre in Honiara, survivors of violence stated that they had been told by PSO lawyers to 'come back when you have a black eye'.⁴ In many cases women seeking assistance to obtain a restraining order after being threatened by their partners with a knife had been asked to come back to the PSO several days later because their complaint was not seen as important enough or requiring urgent attention due to the absence of physical injuries. In such circumstances, women fearful of returning to their homes had sought refuge at the Family Support Centre, who then intervened with the police and the PSO on their behalf. Officials in the PSO told Amnesty International that they were short-staffed and that other important cases required their attention.

Women living in the slums also face a high risk of physical and sexual violence, especially when they are collecting water or going to use the toilets. In one afternoon, over a two and a half hour period, Amnesty International observed close to 100 young women and girls coming to collect water from the communal pipe in the squatter settlements. In the same period, only two elderly men came to get water.⁵ When asked why only young women and girls were collecting water and not the men, the women told Amnesty International that the men were either playing sports or drunk with *kwaso*, the local home-brewed alcohol. Young women and girls are also often at risk of verbal, physical or sexual assaults by gangs of young, intoxicated men. The young women in the settlements who were interviewed by Amnesty International spoke of gang rape as their greatest fear.

RIGHT TO WATER AND SANITATION IN INFORMAL SETTLEMENTS IN HONIARA

As a state party to the International Covenant on Economic, Social and Cultural Rights, Solomon Islands is obliged to ensure that its citizens have access to clean water and sanitation. However, informal settlements in Honiara have mushroomed, putting much pressure on infrastructure and services within the city and consequently denying its occupants access to clean water and sanitation.

For instance, more than 4,000 people living in four squatter settlements in Honiara (Kobito 1, Kobito 2, Kobito 3 and Kobiloko Settlements) have to share piped water from only one broken pipe that is located in the valley in Kobito 1 settlement.⁶ Those collecting drinking water have to walk up to 1-1.5 kilometres to collect water from the broken pipe twice daily. Each person carried 10-12 bottles of water (of between 1-2.5 litres each and weighing in total 15-20 kilos) back to their households.

In Kobito 2 Settlement, the community has to use a stream in the settlement for bathing as well as for cooking and washing. A small dam was built a few years ago by community members with funding from the Honiara Town Council and UNICEF. While it has provided several thousand people with access to water for washing and bathing, the water is contaminated with domestic waste. This, however, does not deter people from using this water for drinking as the alternative water source is almost 1.5 kilometres away.

Women and children bathe publicly in the stream. Some of the women complained that it was sometimes difficult for them to wash themselves properly in the open streams when they are menstruating because of the lack of privacy and because of the fact that they use the same stream to wash their clothes and cooking and eating utensils.

Poor sanitation coupled with unsafe water sources increase the risk of water-borne diseases. Health professionals interviewed by Amnesty International in Honiara expressed concern that many in the informal settlements suffer from diseases such as dysentery, diarrhoea and cholera due to contaminated water sources and the lack of sanitation.

Residents in several settlements share toilets with five or six other households. Pit toilets are often constructed on the sides of steep ridges and hillsides. These pose a contamination risk to the streams which are often at the bottom of these ridges and are used for drinking water and other household uses such as cooking. Another risk is the danger to those using the pit toilets at night; they are not lit, as there is no electricity, and kerosene lamps are used to get to and from the toilets. Amnesty International was told of many incidences where people had injured themselves while losing their footing on the path to the toilets or, worse, falling into an open pit toilet.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Solomon Islands:

International human rights instruments

- To ratify the International Covenant on Civil and Political Rights and its Optional Protocols, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities;
- To report in a timely, open, extensive and thorough fashion, with the assistance of the international community and governments and organizations in the region, on the implementation of its treaty obligations, providing a clear framework for how it aims to ensure that the people of Solomon Islands enjoy the rights and freedoms outlined in these treaties.

National human rights institution

- To immediately begin work on establishing a National Human Rights Institution (NHRI) with both advisory and investigative functions and in full compliance with the Paris Principles;
- To appoint a taskforce to oversee the establishment of the NHRI, and in particular to ensure that it has adequate professional expertise in human rights and

other relevant fields, as well as representation of women, youth, people living with disabilities and others from marginalised and disadvantaged communities.

Gender discrimination and temporary special measures

- To promptly implement the National Policy on Gender Equality and Women's Development and to ensure that there is de-facto equality between women and men in domestic law;
- To modify or repeal existing laws and regulations that discriminate against women and girls;
- To ensure that all public servants are aware of the Gender Policy and are adequately trained in how to incorporate its provisions into their work in relation to women and development;
- To fulfil its obligations under Article 4 of CEDAW and to put in place temporary special measures to ensure that women are represented in national and provincial leadership positions in the country.

Violence against women

- To enact specific legislation to criminalize all forms of violence against women, including within households, as a matter of urgency;
- To ensure that the police, prosecution, Public Solicitor's Office and support services are given adequate resources to combat violence against women through training, awareness raising and implementation of a "no-drop" policy;
- To ensure that the police independently and impartially investigate, and where substantiated, prosecute all complaints by women of physical and sexual violence;
- To provide policy directions to the Public Solicitor's Office to ensure that women and young girls seeking its assistance be given the attention and support they need.

Right to water and sanitation in informal settlements

- To undertake an immediate survey of the situation with regard to water and sanitation in Honiara and other towns in the country;
- To take immediate measures to ensure that water of adequate quality and quantity is provided for all the informal settlements, including through the provision of water tanks;
- To undertake awareness-raising campaigns on the treatment of drinking water and proper sanitation;
- To set up a task force comprising of government representatives; members of Honiara City Council, specifically those who represent the residents in the settlements; and representatives of the residents in the settlements, including women, youth, elderly and those with disabilities. The task force should be tasked with developing a coordinated approach to ensuring that people have access to clean water and sanitation facilities.

ENDNOTES

¹ Established under The Truth and Reconciliation Commission Act 2008 (No. 5 of 2008).

² Amnesty International interviewed three eyewitnesses to the incident and the Family Support Centre staff member handling the case, 16 August 2010, Honiara, Solomon Islands.

³ Amnesty International discussion with survivors of violence, 18 August 2010, Honiara, Solomon Islands.

⁴ Amnesty International discussion with representative from the Family Support Centre, 16 August 2010, Honiara, Solomon Islands.

⁵ Ibid.

⁶ Amnesty International discussion with representatives of the settlements, August 2010, Honiara, Solomon Islands.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE¹

Solomon Islands. End Impunity through Universal Jurisdiction (No Safe Haven Series No. 6), 7 December 2009, AI Index: ASA 43/002/2009.

Solomon Islands: The Truth and Reconciliation Commission cannot work in isolation, 28 April 2009, AI Index: ASA 43/001/2009.

¹ These documents are available on Amnesty International's website:

<http://www.amnesty.org/en/region/solomon-islands>

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