



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Initial reports of States parties due in 1997

Addendum

SOLOMON ISLANDS*

[28 February 2001]

* This report has been issued without formal editing.

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Introduction

1. The land and the people of Solomon Islands

1. The Solomon Islands form an archipelago in the South-West Pacific about 1,900 kilometres north-east of Australia lying between longitudes 155 and 170 degrees east and latitudes 5 to 12 degrees south. With terrain ranging from ruggedly mountainous islands to low lying coral atolls, the Solomon Islands is a 1,400-kilometre chain from Papua New Guinea to Vanuatu. The capital, Honiara, is located on the island of Guadalcanal.
2. There are six large islands, Choiseul, New Georgia, Santa Isabel, Guadalcanal, Malaita and Makira; about two dozen small islands and many small islets, atolls and reefs comprising in all 922 islands or atolls scattered over 800,000 square kilometres of sea. The landmass is 28,369 square kilometres, 30 per cent of which is considered potentially arable. The islands are part of the Pacific volcanic rim with several active and dormant volcanoes. The islands also lie on a major earthquake belt and all islands are subject to earthquakes.
3. The weather is hot with daily mean temperatures between 21 and 30 degree Celsius and very humid. Yearly rainfall averages 3,000 to 3,500 millimetres. Although there are no clearly defined seasons, the heaviest rainfall comes from December to March. Cyclones also occur during this period. The worst cyclone in memory, Cyclone Namu, in 1986 resulted in more than US\$ 100 million worth of damage and over 100 people dead.
4. At the end of 1996 the Solomon Islands had an estimated population of 402,000 with an annual growth rate of 3.2 per cent. Fertility levels are high with an estimated rate of 5.4 in 1995 but is on a decline. Similarly, crude birth rates and crude death rates are also declining (see table 1). The population is characterized by a young age structure with about 45 per cent of the population less than 15 years of age. The infant mortality rate was estimated to be 38 per 1,000 live births in 1995 and life expectancy for males and females, at 65 years in 1995. The maternal mortality rate based on the sisterhood method was 549 per 100,000 births in 1992; it is widely believed that the rate is an overestimate. The country is still in the early stages of demographic transition characterized by the decline in population growth rates and fertility. There is evidence of a decrease in mortality rates from infectious diseases.

Table 1
Demographic indicators

Indicator	1976 ^a	1986 ^b	1995 ^b	2000 ^b
Total population	196.823	285.176	394.003	431.000
Population growth rate (%)	2.5	3.5	3.1	3.1
Total fertility rate (women 15-49 years)	7.4	6.1	5.4	5.1
Crude death rate (per 1,000 pop.)	10.0	10.0	7.0	6.0
Crude birth rate (per 1,000 pop.)	45	42	38	37
Infant mortality rate (per 1,000 live births)	67	38	38	36
Average life expectancy at birth (years)	54	60	65	67

^a From Government Census reports (1976, 1986) - Ministry of Finance, Statistics Office.

^b Estimates from World Bank reports (World Bank (1994) Health Priorities and Options in Pacific Member Countries).

5. The people live in over 5,000 villages, seven townships and the capital, Honiara, with an estimated population of 63,000 persons in 1995. Only 16 per cent of the population resides in urban or peri-urban areas; however, rural to urban migration is high (MHMS, 1996).

6. Solomon Islands is home to people of many races, cultures, languages and customs. The predominant race is Melanesian (93.3 per cent) followed by Polynesian (4 per cent), Micronesian (1.5 per cent) and others (1.2 per cent). The majority of Solomon Islanders are Christians (99 per cent). Although Christianity has had a profound influence, traditional social structures and customs remain important. Kinship, traced patrilineally amongst some peoples but most commonly matrilineally, remains the basis of Solomon Islands culture. Traditionally Solomon Islanders have lived closely within their own kin group and have been bound by group norms and obligations rather than individual expectations. This aspect of culture is known as the "wantok system". The wantok system emphasizes the responsibilities that group members have to care for each other and to help each other with food, shelter, clothing, monies and work. Family ties in Solomon Islands are very strong. The young, sick and old always have the care of the extended family and children freely move and are cared for amongst the family members including even distant relatives. The social network is an effective safety net for Solomon Islands' children and continues to protect most people from absolute poverty.

7. About 87 distinct languages are spoken throughout the country. Pijin is the lingua franca and English is the official language. Use of Pijin generally decreases as one leaves the town areas and Guadalcanal Province. Dissemination of information in understandable forms, therefore, can be a challenge in the Solomon Islands. This also has implications for the dissemination of the Convention on the Rights of the Child (CRC) as well as this initial country report.¹

2. The political system and economy

8. The Solomon Islands, which gained independence from Great Britain on 7 July 1978, is a sovereign democratic State and has a unicameral legislature, the National Parliament with 47 elected members. It is administratively divided into nine provinces and a municipal authority, each with their own political and administrative structures, thereby resembling a federal system of government.

9. The Parliament members are elected either on a political party basis or as independents, for a four-year term of office. After elections took place on 6 August 1997, the Solomon Islands Alliance for Change (SIAC), a coalition, organized to form the present Government. There is currently one female Member of Parliament, although 14 women stood for election in 1997.

10. Solomon Islands is a member of the Commonwealth. The British Monarch, as Head of State, is represented locally by a governor-general who is recommended to the Queen by the National Parliament. The governmental and political institutions of Solomon Islands are firmly established in theory and practice on principles and systems of democratic governance. These institutions have an exemplary record on human rights consistent with the high ideals of the United Nations Charter. Civil order, harmonious ethnic and religious relations and a peaceful social environment have characterized the Solomon Islands in its relationships with both its

regional and global neighbours. The Papua New Guinea “Bougainville Crisis” in the past few years has, however, had its spillover effects, straining the political relationship between the two countries. Solomon Islands, in providing humanitarian services - especially medical care and shelter - for the women and children of Bougainville who have crossed the border to Solomon Islands, has been wrongly accused by Papua New Guinea of siding with the rebels on Bougainville. Papua New Guinea has violated international laws by staging military incursions into Solomon Islands with resultant damage to properties and killing of several Solomon Islanders in the process. The crisis reached critical levels in June 1996. At that time Solomon Islands presented its case before the United Nations for resolution in a peaceful manner. Currently, the Prime Ministers of the Solomon Islands and Papua New Guinea are actively involved in seeking a peaceful resolution in Bougainville.

[Editorial Note: In early July 1997, Solomon Island’s Government signed a border treaty with Papua New Guinea.² The Solomon Islands Government facilitated the first round of peace talks held 5-18 July 1997 by ensuring safe passage of Bougainvillean leaders to and from talks held in Burnham (Christchurch) New Zealand.³ The talks produced the Burnham Declaration that called for a ceasefire, withdrawal of the PNG defence forces and acceptance of the United Nations peacekeeping force on the island.⁴ A Solomon Islands Government delegation participated for the first time as an observer in the second round of peace talks in Burnham from 1-10 October. At that time it was “agreed that traditional border crossing arrangements on the PNG an [sic] Solomon Islands border may be set up in the same manner as in the border agreement with Australia and Indonesia”.⁵ An unarmed force of 150 New Zealand troops began landing on Bougainville in December 1997. Up to 260 troops were ultimately to be deployed there from New Zealand, Australia and other South Pacific countries.⁶ The Prime Ministers of both PNG and Solomon Islands spent Christmas 1997 on Bougainville to emphasize their personal commitments to resolution of the crisis. There was great optimism that the truce would be a precursor to a full cessation of violence in Bougainville. Subsequent peace talks, facilitated by the Prime Minister of Solomon Islands, have been held in New Zealand (January 1998)⁷ and Australia.]

11. The 1978 Constitution, the supreme law of the Solomon Islands, emphasizes fundamental rights and freedoms of its citizens and conforms to all major United Nations instruments regarding representation, customs, traditions, cultural inheritance and land rights. Citizenship is acquired by birth, descent, and naturalization or by registration. The Constitution guarantees the rights of the individual to life, security, property, expression, protection of privacy, assembly, association and religion.

12. The economy of Solomon Islands is dualistic with a large rural subsistence sector and an urban monetized sector. The subsistence agricultural sector provides the main source of livelihood for about 86 per cent of the population. Economic activity is dominated by production for local consumption and some export of primary commodities, principally of logs, fish, palm oil and copra. Minerals such as gold, nickel, bauxite and oil are also being explored. Mining for gold and nickel is now underway. Per capita Gross National Product (GNP) was estimated at US\$ 560 in 1992. During 1990-95 annual economic growth averaged 5.4 per cent. Gross Domestic Product (GDP) in 1995 was 7 per cent, an increase of 1.8 per cent from 1994.

Using the UNDP Human Development Index the country is ranked 125 in the Low Human Development Category.⁸ The primary goal of the government economic policy is improvement of the welfare of the majority of Solomon Islanders. Thus the macroeconomic policy goals for the period 1997 to 2001, as stipulated in the Government Statement of Policies, are to:

Re-direct and redeploy resources from the public sector to the private sector;

Provide a stable economy that ensures low inflation and interest rates, increased rate of employment, stable exchange rate and reduced balance of payments deficit;

Re-establish confidence in the securities market by settling outstanding securities debts;

Broaden the tax base and reduce appropriate tax rates;

Encourage private investment, both local and foreign, through the provision of a cohesive policy framework and consistent decision-making;

Improve public finance and the accountability system;

Emphasize the sustainable harvesting of the country's forest, marine, mineral and agricultural resources that yield various benefits to the resources and the Government.⁹

13. Despite good economic prospects, employment opportunities increased only marginally in the period 1993-1996. Of an estimated labour force size of 158,310 in 1995, only 34,211 (21.6 per cent) were in formal employment; the majority (78.4 per cent) were in subsistence livelihood. Between 1986 and 1996 an average of only 600 jobs were created annually in the formal sector to cater for only 10 per cent of the total emerging labour force. This meant that the remaining 90 per cent would either have been absorbed into the informal or subsistence sector or would have joined the ranks of the unemployed. Youth unemployment is increasing.

14. The SIAC government moved to devalue the Solomon Islands Dollar by 20 per cent on Monday, 15 December 1997. The effects of this decision on the welfare of children remain to be seen. The intention was to stimulate exports and decrease dependence on imports. Most Solomon Islands exports consist of raw products, i.e. round log timber or processed products such as frozen, dried or tinned fish, palm oil, kernels and copra. Many of these markets currently suffer constraints beyond those of price; therefore, the positive effects sought by the devaluation are likely to be delayed. In addition, there may be adverse consequences for some locally produced goods and services, for example:

There is no local feed industry for chicken or other livestock production, so local meat and egg production may be hindered by prices of imported feed. Certainly these protein foods will become more expensive in the short run and reliance on more economic protein sources should increase. Alternatively, protein may be further eliminated from children's diets, especially in town areas, which operate on a cash economy;

Solomon Islands are geographically widely dispersed; therefore, outreach programmes are heavily reliant on imported fuel. Programmes receiving external donor support for transport costs may actually improve the value of their programmes in real terms. However, many donors view transport costs as a maintenance expense and, therefore, expect Government to pay such costs. Therefore, government programmes' outreach efforts will have to be curtailed. It is predictable, therefore, that there are likely to be adverse effects upon the delivery of services affecting children in many instances;

Transport operators have raised fares, which are already difficult to meet for people with low earnings. This also affects the cost and availability of market produce, usually grown some distance from market centres. Bus operators have raised fares effective March 1998. Children within Honiara town area experienced a 100 per cent fare increase from 50 cents to \$1.00. Solomon Islands College of Higher Education (SICHE) students' rates rose 200 per cent to reflect their age status as adults, from 50 cents to \$1.50. Adult town riders' fares increased 50 per cent, from \$1.00 to \$1.50. Long distance fares went up lesser percentages in acknowledgement of the dependence of these riders on this means of transport.¹⁰

15. The effects of the monetary devaluation upon children who live in town may be significant, especially as some school children in town already may suffer nutritionally and are dependent on public transport to reach school on time.

C. Situation analysis of children

16. The extended family system in Solomon Islands is under pressure from socio-economic changes whereby the shift to a monetized economy is slowly eroding the traditional social security system, which is based on a rural subsistence economy. Families are becoming more dependent on cash rather than on their land with its rich resources for their livelihood. Some members of families are being bribed by foreign companies for their resources such as timber and fish, which have been harvested at unsustainable levels. Monies received as royalties from such business ventures often benefit only a few members of the family rather than being distributed on a communal interest basis.

17. Education is neither compulsory nor free. Estimates in 1993 suggested 25 per cent of children leave school after completion of grade six and only 5.6 per cent of children enrolling in grade one will complete secondary education at grade 11. The main reason for the school dropouts is lack of adequate schools hence the term "pushouts" has been used as frequently the term "dropouts". Educational opportunity for the girl child in a family is often subordinated to that of the boy. However, this situation is beginning to change toward more equal opportunities for boys and girls. Many parents have historically been reluctant to allow girls to leave the protection of the village. Only 37 per cent of secondary school students in 1995 were girls.¹¹ Early childhood education has been promoted since 1986.

18. There are clearly significant social problems emerging in the country. Many of these problems affect young people, e.g., single teenage motherhood, sexually transmitted disease (STD), youth delinquency, sexual and physical abuse, youth suicide, alcohol and drug abuse are reported to be on the increase.¹² Rural-urban migration, amongst the young and educated, is a

growing phenomenon. Both Honiara and the recently established Noro Township have attracted increasing numbers of young people and families, adding to increasing pressures on existing infrastructure. Those who migrate from villages have to face conflicts between traditional and modern values. Frequently people are ill prepared to handle this conflict and find they begin indulging in unhealthy behaviour and lifestyles.¹³ Increasing divorce rates indicate a weakening of traditional family unit upon which children depend for their security. Such factors may be giving rise to the recent phenomenon of homeless children. There is concern now that such phenomena may grow more serious in the future. Youth unemployment, particularly in town centres, is a contributing factor to the number of crimes committed by this age group.

19. Considerable progress has been made in improving the health status of children in the past decade. Mortality and morbidity from infectious diseases are decreasing. However, acute respiratory infections, diarrhoea, malaria and other infectious diseases remain important health problems for children in Solomon Islands.¹⁴

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken in the past two years to harmonize national law and policy with the provisions of the Convention

20. The Cabinet of Solomon Islands formally established in August 1993 the National Advisory Committee on Children (NACC) consisting of representatives of government, non-governmental organizations (NGOs) and church organizations. NACC has an advisory role to the Government on child issues and was charged with the task of formulating a National Policy on Children and Plan of Action. To date that policy and plan of action has not been endorsed by Cabinet.

21. Also in 1993, the legal representative in the NACC briefly reviewed existing national laws as they related to the provisions of the CRC and drafted a Child Rights Bill. The draft Child Bill sought to ensure that the provisions of the CRC (especially articles 6, 13, 14, 15, 16, 31, 32, 36, 37 and 40) should have the force of law in Solomon Islands. The draft bill was kept in abeyance as the Law Reform Commission (LRC) appointed in 1995 was still in the process (at the time of this report preparation) of reviewing and recommending reforms where required to existing laws. NACC decided that it should make a submission to the LRC to revise relevant existing laws taking into consideration the CRC provisions; however, to date this has not been done.

22. Existing laws related to human rights, women and children were mainly derived from the laws of the United Kingdom and are mostly consistent with the provisions of the CRC. The Solomon Islands Constitution Chapter II contains a list of individual rights and freedoms conferred upon all citizens, which include:

Right to life;

Right to personal liberty;

Freedom from inhumane treatment, including inhuman or degrading punishment;

Protection of the law;

Right to freedom of thought, religion or belief;

Right to freedom of expression;

Right to freedom of movement within Solomon Islands;

Protection from discrimination on the ground of colour, race, place of origin, creed or sex or political opinion.

These rights and freedoms are subject to exceptions especially on the grounds of public interest.

23. In 1994, the Government created the Ministry for Youth, Women, Sports and Recreation (MYWSR) and charged it with the responsibility of dealing with children's issues. It was the lead ministry in Government for children's affairs until early 1997 when it was abolished.¹⁵ Questions concerning the present status of NACC chairmanship and of children, generally, should be resolved by the current SIAC government's re-establishment of a Ministry of Youth, Women and Sports. Although there have been efforts within MYWSR in the past to establish a position within the Youth Division dedicated to children's affairs, the close association between youth and children's issues may be problematic.¹⁶ Issues - excluding health - affecting children under the age of 15 have historically been closely tied to the lead ministry for women's affairs. This association, while better than nothing, has obscured the importance of issues affecting children, who constitute a large group of Solomon Islands' citizenry. School age children and their concerns are considered to come under the auspices of the Ministry of Education. However, a large number of the 5 to 18 year old age group is not in school and, therefore, overlooked by policy makers. There has been little evidence since early 1997 to suggest that children's issues are of more than peripheral interest to the Government. *In January 1998, it was discovered there was no governmental portfolio for children.* The NACC continues to seek within the public sector, establishment of a children's affairs officer whose primary job description would include monitoring progress on the implementation of the CRC and a children's policy. This would ensure that inputs from various sectors are shared and coordinated. Establishment of such a position would also facilitate development of a national database and ensure emplacement of necessary monitoring practices for the implementation of the CRC as well as a children's policy, once adopted by Cabinet.

24. According to NACC minutes, dated 6 September 1994, a draft children's policy paper¹⁷ was at that time to have been submitted to the Minister of MYWSR. This was to have been facilitated by the Permanent Secretary (PS) for MYWSR who was to advise the Minister. After the draft child policy was finalized the NACC's policy subcommittee was to have met with the PS of MYWSR. The PS of MYWSR was then to prepare the necessary cabinet paper for transmission to the Cabinet for approval/endorsement. NACC minutes, dated 2 February 1995, stated that a policy subcommittee was then arranging to meet with a new Minister and PS for the MYWSR.¹⁸ Subsequent NACC minutes, dated 13 April 1995, stated that the PS of MYWSR had become the chair of the NACC. The 1 June 1995 minutes stated that the required cabinet paper would be prepared by the NACC.¹⁹ Minutes dated 14 March 1996 confirm that the policy and/or cabinet paper had been presented to the Policy and Evaluation Unit of the Office of the

Prime Minister toward the end of 1995. As of March 1998 the policy had not emerged from the Policy and Evaluation Unit for presentation to Cabinet. Uncertainty about ministerial leadership for the NACC since March 1996 has contributed to the plan's failure to be presented to Cabinet for endorsement.

25. A draft National Women's Policy was also completed in 1994 and debated in Cabinet several times. The draft policy is currently being revised to take into consideration the wishes of the Cabinet. Cabinet concerns have focused on reconciling the issue of preservation of local culture with the roles women play in society; especially their role as parents, while recognising the need to raise the status of women and promote gender equity. A working group has been formed headed by the President of the National Council of Women (NCW) to review the policy and develop strategies to facilitate its passage. The other objective of the working group is to look at ways to strengthen the NCW. As of February 1998, no National Women's Policy has yet been adopted; however, it is still on the Government's agenda.

26. The Prime Minister signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action of the 1990 World Summit for Children in November 1992. Since then, the Ministry of Health and Medical Services has incorporated in its health policies, programmes and activities the health sector World Summit goals as reflected in its National Health Plans 1990-1994 and its new Draft Plan 1997-2001.

27. The Ministry of Health has formulated and submitted for Cabinet endorsement the following policies:

National Food and Nutrition Policy in 1995;

Breastfeeding Policy in 1996;

Revised Expanded Programme of Immunization Policy (that includes Hepatitis B vaccination despite its costs) in 1995.

These policies specifically considered and included the provisions of the CRC and the interest of the child as related to child survival, protection and development. Copies of the policies have been circulated widely including amongst the private sector. Public awareness programmes have been conducted, especially in implementing the provisions of the Breastfeeding Policy which encourages working women to continue to breastfeed by providing time throughout the day to do so.

28. With the goal of providing greater numbers of children access to higher levels of education and also provide for a steady increase in the provision of education services, education policy recently changed. Schools that are committed to establishing secondary level grades are now allowed to create and add them incrementally to existing primary schools. For example, Form 1 (Grade 7) - added to a school previously terminating with Grade 6 - effectively offers more places to students who would have become "push outs" due to lack of sufficient school facilities into which to transfer. Under this plan additional grade levels will be added as staff and materials become available until a full secondary school exists at the site in addition to the original primary school.

29. A National Youth Policy Workshop, sponsored by the Commonwealth Youth Programme (CYP) was conducted in Honiara 15-17 April 1997. An eight-member task force comprising representatives from government, young people, non-governmental organizations and churches was chosen to draft a national youth policy. Another aspect of their work was to put more substance into the National Youth Policy White Paper, drafted in the 1980s to look at the interests of the country's youth. By the year 2000 Solomon Islands should have a fully completed National Youth Policy framework that can help organizations to develop relevant programmes and activities for Solomon Islands' youth.

30. Plans are currently under way via the Ministry of Police to involve youth and other members of the unemployed in community policing projects with the aim to help them develop skills useful to their development. A branch of the police force known as the Special Constabulary could attract more young people into police work, offering motivation and involvement in constructive programmes while addressing the growing dissatisfaction amongst youth who are currently unable to find employment. Another goal of community policing is the improvement of relations between police and the respective communities in which many young people are unemployed.²⁰

B. Measures taken to strengthen, monitor and implement the Convention

31. The NACC is the national authority charged with the responsibility of monitoring and reporting on the CRC implementation process. The NACC terms of reference and membership were revised in 1996 to include new members such as the Family Support Centre (FSC) and the Ministry of Justice. Steps are being considered to make NACC an independent body with authority to influence decisions at all levels on child issues via legal provisions in a "Child Rights Act". The legal representative in NACC is responsible to pursue this objective.

32. A training workshop on "monitoring of the CRC" was also conducted in October 1995 for participants of various sectors including NGO representatives. The workshop imparted knowledge and equipped participants with necessary information and basic monitoring tools and processes. The expected roles of the participants were to monitor and report on the implementation of CRC activities in their sectors. The NACC members' additional roles now include the incorporation of the CRC provisions in their respective sectoral plans.

33. In 1995 a group of individuals representing the National Council of Women, the police force, NGOs and the social welfare department formed a coalition called the Victim Support Group (VSG). Their basic task was to see how best the issues of domestic violence and all forms of abuse (physical, verbal, emotional and sexual) could be addressed. In such circumstances women and children are usually the victims or suffer the indirect effects of living in an abusive household. The VSG was successful in obtaining funding support mostly from international aid donors. A major achievement of the VSG was the establishment in 1995 of the Family Support Centre (FSC). The FSC aims to address the high incidence of domestic violence, sexual abuse and child abuse via counselling for individuals, couples and other family members and via awareness raising programmes and limited legal services. The Family Support Centre promotes the concept of violence free families and relationships through its programmes and services.

34. The Law Reform Commission (LRC)²¹ has been set up since accession to CRC and is currently examining marriage and divorce laws, land tenure and other laws. *Any person, organization or interested party may make submission to the Chairman of the Law Reform Commission.* Submissions may include proposals for changes to existing laws. After consideration of these proposals and further research, the LRC may recommend changes to the Minister of Justice who instructs the Attorney General's Chambers to draft the proposed amendment or law. The law is then presented to Parliament in the form of a Bill, and if passed, becomes an Act of Parliament. The potential exists then for current legislation to be modified, especially with regard to protecting children from current inequities in the law or addressing directly needs which are absent from existing laws. In this way the presence of the LRC has the potential to facilitate change in a very tangible way.

C. Measures to make the principles and provisions of the Convention widely known to adults and children alike

35. The NACC as part of its role of advocacy of the CRC has produced/published the following information documents:²²

“Children First”, in 1993, where several thousand copies were printed and distributed to all sectors including schools and private organizations. “Children First” outlined in simple English the basic facts of our children's situation as determined by the UNICEF sponsored “Situation Analysis of Women and Children in the Solomon Islands” done in 1991. This analysis stated what actions need to be taken and also provided a brief outline of children's rights in the CRC. The publication was very popular and so multifaceted that it has been used as resource material by schools, churches and other institutions. It has also been translated into several local languages;

“Kids Come First” is a quarterly publication of NACC, first published in 1994, which disseminates news and views on child issues and the CRC. It is distributed amongst health-care workers and also widely to the public. A feedback form is always attached which recipients are asked to fill in and return;

“Children's Calendars for 1995, 1996 and 1997” have been produced highlighting issues on children and women in relation to the CRC. Photographs of children and relevant articles of the CRC are mentioned to target the adult audience. Unfortunately there was no calendar produced for 1998;

Leaflets have been produced on the CRC for interested groups, e.g. the Honiara Pre-school Association, and for particular occasions, e.g. Family Health Week;

An updated edition of SIG/UNICEF's Solomon Islands' Situation Analysis of Children was due to have been published in 1997. It is unclear when an updated version will be published.

36. Soroptimists International Solomon Islands (SISI) produced “Happy Healthy Family” in partnership with MHMS in July 1997. It was printed bilingually using English and Pijin text. Using simple illustrations, its content discusses essential child health information, including: immunization, diarrhoea, birth-timing, safe-motherhood, breastfeeding, child growth, managing coughs, colds and flu, hygiene, malaria, child development and AIDS. It specifically relates its purpose to the goals of the CRC and is intended for use by health workers, adult literacy groups, teachers, teacher trainers, religious leaders, political leaders, women’s groups, youth groups and other community groups. Assistance from interested community service organizations like SISI continues to help the Government meet its ongoing need for simple health information.²³
37. In cooperation with the media, especially the Solomon Islands Broadcasting Corporation (SIBC), special radio programming on children’s issues - with the active participation of children themselves - was done twice, in 1995 and 1996. The Children’s Day of Broadcast was originally envisioned as an annual event where various activities such as stories, interviews with children, songs etc. would be broadcast nationwide including panel discussions and telephone question-and-answer sessions. The focus of these activities for the past two years has been on aspects of the CRC. As a result of this annual day of broadcast, a daily radio programme for children has been revived. This includes contributions from children themselves, awareness raising on the CRC, stories for children, etc.²⁴
38. Other radio coverage of the CRC includes a weekly spot on a programme directed to adults. Parents are targeted and informed of their children’s rights and needs in order that they better understand the role of parenting in supporting children’s needs. Such information is valuable for parents in learning to identify which of their actions may not be helpful to the development of their children. Plans include continued periodic radio spots, a regular radio programme exclusively on children’s rights, newspaper advertising and leaflets on various aspects of the CRC.
39. Talks are held with church workers, health workers, nurses, etc. who have close contacts with parents in communities and who also have their respect. They are informed on specific knowledge of the CRC and relate this to their work when advising or counselling parents and/or families. Talks are also conducted at local schools and directed specifically to introducing aspects of the CRC to students and staff.
40. The CRC has been copied, reproduced and circulated to all relevant sectors, especially to the participants of the 1995 CRC reporting workshop, for their reference and information. It is the intention of NACC to ensure the inclusion of the CRC provisions into the curricula of schools, training institutions, etc.
41. The Distance Education project with the Ministry of Health and Medical Services (MHMS), has created a new “Paediatric Course” component for distance nurse training, includes a course unit which mentions the goals of the CRC. By illustrating course assignments utilising local situations, the concepts of the CRC will become more concrete for the health-care workers who use this opportunity to update their skills. Awareness of Solomon Islands’ children’s rights and needs amongst health workers is directly addressed and increased through such measures. The Paediatric Course is currently being implemented. The training programme itself is quite popular and currently has a significant waiting list.

42. The Family Support Centre has covered the CRC topic during several workshops. The First Child Abuse Awareness Raising Workshop involved 20 participants, mainly teachers and nurses and was held 27-28 May 1996. A guest speaker from NACC spent about an hour talking about the articles of the Convention. Each participant received a copy of the Convention. The Second Child Abuse Awareness Raising Workshop was held 4-5 December 1996 and also devoted about an hour to the CRC. There were 13 participants and each received a copy of the Convention. A Family Violence Workshop, held 6-9 May 1997 in Munda, Western Province, again allocated an hour to raising awareness of the Convention. There were 30 female participants who learned about the Articles of the Convention and about the rights of children. Representatives of the Centre frequently conduct workshops, other talks and lectures in which child abuse and rights of children are covered; however, time constraints have usually made detailed discussion of the Articles impractical. The Convention on the Rights of the Child will continue to be included in future workshops, lectures, talks and radio programmes conducted by the Family Support Centre.

43. There are currently plans to improve student teachers' understanding of the CRC and involve non-student young people in theatre productions devoted to disseminating the goals of the CRC. This work is being developed through a volunteer drama instructor placed in the Solomon Islands College of Higher Education in Honiara and is to be facilitated by funding from UNICEF. This project should commence in September 1998.

D. Preparation of the initial report

44. The process of preparing this report has been prolonged. Cabinet formally established the National Advisory Committee on Children in August 1993.²⁵ Solomon Islands' Government acceded to the Convention on the Rights of the Child in October 1994. The instrument of accession was sent to the United Nations as of 6 April 1995, bringing the CRC into force in Solomon Islands in early May 1995. With a view to compiling this report, steps were taken in early 1995 by the Permanent Secretary of the Ministry of Youth, Women, Sports and Recreation to advocate for a full-time officer responsible for children's affairs within the Ministry of Youth, Women, Sports and Recreation.²⁶ This position was never established and the Ministry itself was dissolved early in 1997.²⁷ In October 1995 a workshop was held in Honiara for Committee members and others considered integral to the reporting process. Although there was good attendance, momentum for executing the report was not established. In May 1996 guidelines were sent out to "responsible people" to help them prepare component reports.²⁸ In September 1996 another workshop was to have been held in Honiara to provide additional guidance to members of the NACC involved in reporting; however, this workshop did not eventuate.

45. The goal of the Committee was to involve its members in writing portions of this report relevant to their own particular areas of expertise.²⁹ As is often the case in committees, the NACC did not enjoy full participation of its rostered members in this task.³⁰ Some active Committee members, though taking their assignments seriously, found it quite difficult to devote necessary time away from their other duties towards this project. Several others found that their particular assignments required more research time due to the demands of working with a relatively unfamiliar topic. Therefore, many months passed and the two-year April 1997 reporting deadline was quite close before any component reports materialized.³¹

46. Once significant numbers of component reports began to be received in early 1997 it was apparent that not all writers had adequately addressed the guideline questions. This occurred either because writers were not aware of either relevant statistics or other information particular to a topic question, or perhaps writers may have felt guideline questions were not relevant to Solomon Islands' situation. With the support of the NACC Secretariat, a volunteer editor began working in March 1997 to edit component reports and query various sources for more information relevant to the guideline questions. This process was neither efficient nor very productive. This also resulted in significant editing delays when information was promised, but then delayed or never produced.

47. A skeletal first draft was distributed in June 1997 amongst the NACC Committee members for feedback. Written comments were returned from active members only. *No feedback was received from the inactive majority.* Two working meetings addressed some of the gaps in information in the early sections of the first draft report. Subsequently, some of the gaps and differences of opinion regarding information in that draft were ameliorated. The subsequent three drafts, however, have not benefited from similar working group input.³² Omissions in report content combined with weak Committee participation have continued to present difficulties for the final draft of this report. For example, without representation from Solomon Islands Christian Association (SICA) there is no substantial information in the report on the efforts to meet children's needs through measures implemented by churches. Many inconsistencies in dates and data continue to be discovered. Without NACC members' input, careful reading and revision for inconsistencies, the accuracy of some statements may certainly be called into question. With the report's publication there is, of course, the likelihood that relevant information previously "unavailable" may suddenly surface. The editor had hoped to obtain more assistance locating such information before the report was finalized.

48. Statistics relevant to children have been consistently unavailable from different sectors. Generally speaking, there has been no emphasis, historically - in many governmental ministries - to take due note of children, with the notable exceptions of the Ministry of Health and Medical Services³³ (MHMS) and the Ministry of Education and Human Resource Development (MEHRD). Non-governmental organizations have also been very weak in terms of internal data collection. Many organizations do not track numbers of people reached at workshops or talks conducted. It is also unusual for youth organizations to keep records of membership, e.g. Girl Guides, Boy Scouts, church youth groups, etc. There is no national database for collection of such information despite the existence of the National Youth Congress and the Ministry of Youth, Women and Sports.

49. There are few graphs or tables shown in the report section devoted to education, while the section on health has quite a number of tables, graphs and figures. In the case of governmental sectors this inconsistency has a great deal to do with the degree to which particular ministries participated in report writing. Additionally, editorial requests for information have only infrequently been made outside of the Committee membership.³⁴ This has resulted in asking the same people for more information and has meant only limited discovery of information from outside sources. Reliability of data posed another problematic consideration

for the reporting process. In some cases, the raw data may have been accessible; however, time for processing and compiling such data into a relevant format for this report was not available. Such data urgently needs to be compiled and updated regularly in an effort to establish baseline indicators for subsequent monitoring reports.

50. *The need to establish and improve mechanisms for collecting statistical data and other information relevant to the status of children in Solomon Islands is paramount.* There may indeed be a need for technical assistance in this area; however, of graver concern is whether there is multisectoral governmental and non-governmental support for collecting such data. Although the need for broadly based, freely-shared data is necessary for continued monitoring and reporting on the CRC (and this may be cited as reason enough for initiating such processes) a deeper commitment from Government itself must be shown. To date efforts to institutionalize mechanisms necessary for monitoring and reporting on the CRC have failed.³⁵ It is unclear how a cross-sectoral database would be supported or maintained amongst current government ministries and other organizations serving on the NACC.

51. It is especially desirable that an established reporting mechanism be protected as much as possible from the constraints brought about by struggles to balance budgets and implement austerity measures. Rather than creating just another competing interest to drain resources from government budgets, such a reporting mechanism must be seen as a programme essential for the continued progress of the country. Whether this need is meaningfully answered will indicate the presence of commitment to children's issues of present and future governments.

52. The last governmental census was taken in 1986. The European Union has approved a grant of SI\$ 9.8 million to conduct the next census in November 1998 and plans are going ahead.³⁶ However, it is unclear what precisely what information will be collected and at what point information may become available to policy makers, planners or the general public. Population projections based on an average growth rate of 3.5 per cent calculated from previous censuses estimated the total population at the end of 1997 to be 400,000. This compares to the 1986 actual census population figure of 285,176. Such large discrepancies call into question the adequacy of such projections for effectively determining current planning needs. The NACC has corresponded with the Statistics Division of the Ministry of Finance requesting that certain types of information could be included in the upcoming census process. Such information could provide helpful indicators for the status of children in the country. No official response was received to that query. However, this initiative once again highlights the vital need for the NACC to maintain a proactive orientation in discovering new avenues for collection of data relevant to monitoring the situation of children in Solomon Islands.³⁷

53. The NACC has not sought the input of children for the writing of this report. This could be due to editorial lack of imagination and also to being early on the learning curve for involving children and young people on the NACC. It is hoped that in the immediate future monitoring reports will lend themselves readily to input from children and young people, especially as children and others now become monitors of improvements or degradations in conditions for Solomon Islands' children. A corresponding recommendation of this report is that a mechanism for monitoring be developed that is protected both from swings of uninformed popular opinion

and from the constraints of shifting governmental priorities. Such a mechanism should be a transparent one that accepts and reflects input from many voices, not just adult ones, however well intentioned they may be on behalf of children.

54. In order for Solomon Islands' children to become more involved in expressing their views, their own awareness of the CRC needs to be developed. There has been a gradual upswing in frequency in disseminating the goals of the Convention. A systematic and determined effort on the part of the NACC and NGOs like SCFA to reach as many children as possible in their talks and broadcasts is needed. Data collection in this regard would also be useful to determine numbers of people who have been exposed to the ideas of the CRC. Helping children and young people in this country understand how the Convention can affect them and their peers personally is of great importance. Parents and teachers also benefit from more understandable information. This report or a summary must be disseminated countrywide.

55. The print and broadcast media need to continue to develop in their understanding and awareness of the CRC, becoming more active partners with the NACC and others for improved public knowledge of the Convention. The media are also important monitoring agents for measuring progress toward the goals of the Convention. In recent years there have been many newspaper and broadcast reports relevant to areas addressed by the CRC. Updated information on the Convention for members of the media, combined with recognition and encouragement by the NACC is needed. This will emphasize the invaluable service media coverage provides the town-area communities and the nation as a whole whenever attention is focused on news items relevant to the Convention.

E. International coordination and cooperation

56. Solomon Islands has shown its willingness to promote the interests of the child and the welfare of women at both the international and regional levels by its agreement to and endorsement of:

The Port Vila Declaration on Population and Development, September 1993;

The Pacific Region Platform of Action and the Noumea Declaration on Women, 1994;

The International Conference on Population and Development Programme of Action, 1994;

The Suva Declaration on Sustainable Human Development in the Pacific, 1995.

57. Solomon Islands has also signed the World Summit Declaration on Children in 1992 and hosted the 23rd South Pacific Forum meetings of Heads of Governments in 1993, which endorsed the need for according priority to Pacific children. Solomon Islands was also a party to the 33rd South Pacific Conference Resolution on the State of Pacific Children entitled, "First Call For Children - An Agenda for Action".

F. General budgetary allocation measures for child-related activities

58. Education and health services continue to receive the first and second largest proportions of the government budget allocations, respectively, for the past five years. The government budgetary allocations to the social sectors such as education, health, agriculture and fisheries for the past five years varies between 12 and 15 per cent (12%-15%) of the total national budget for each of the education and health sectors, and 7 per cent (7%) for agriculture and fisheries. About 57 per cent of the health programme funds were for child health activities.

59. External donor support has also been focused on the education and health sectors, with about 70 per cent of donor support for the period 1990 to 1996. The World Bank is sponsoring its Third Education and Training Project (US\$ 16.5 million) during the period 1993-1998, which targets seven components of education.³⁸ The European Union Rural Health Services Project of ECU 5 million was to improve the rural health facilities, train health workers and establish a nationwide health information system. The UNFPA Family Health Project of US\$ 3.5 million was earmarked for use in improving Reproductive Health and Maternal and Child Health (MCH) services. The AusAid/UNICEF support of US\$ 2.8 million was directed to MCH services, the Family Planning Project, Expanded Programme of Immunization (EPI) and other child-related activities. AusAid support of A\$ 0.56 million was directed toward MCH activities funded either on a bilateral basis or through NGOs such as SCFA. In the case of SCFA, funding amounted to approximately SI\$ 1.5 million, three quarters coming from AusAid and a quarter directly from the Australian public.

60. Financial input from regional organizations and NGOs through the Red Cross Society of Solomon Islands - both for child-related activities and for Children in Especially Difficult Circumstances (CEDC) - for each of the past five years has exceeded those in previous years. Establishment of organizations such as the FSC, numerous church-supported women's groups and other groups whose main focus is women and children's affairs is encouraging. Due to the good relationships the NGO networks have with Government - especially in the education and health sectors - funds can be channelled directly to specific areas of need via these NGOs from external sources. These include:

JICA - Japan International Cooperation Agency;

WHO - World Health Organization;

SIPPA - Solomon Islands Planned Parenthood Association;

NZODA - New Zealand Overseas Development Assistance;

EU - European Union;

UNDP - United Nations Development Programme;

UNESCO - United Nations Educational, Scientific and Cultural Organization;

UNICEF - United Nations Children's Fund;

Other bilateral aid donors such as Republic of China (National Hospital and experimental farm).

61. Recent difficulties in acquitting funding supplied to the national treasury for specific projects has caused delays in further funding from some donors.

II. DEFINITION OF THE CHILD

Legal context

62. The Convention on the Rights of the Child requires that States parties define childhood as the period prior to attaining the age of 18 years, for all legislation. Within the laws and ordinances of Solomon Islands there is great variation and perhaps inconsistency in how the child is defined for purposes of health care, imprisonment or legal protection.

63. The Solomon Islands Constitution of 1978, section 55 (1) (a), has set the minimum voting age of 18 years. In this regard the Definition of the Child in article 1 of the CRC is consistent with the national Constitution. The Juvenile Offenders Act 1972 defines a "child", in terms of age, as one under the age of 14 years. The Act defines "young person" as one who has reached 14 years of age or more and is under the age of 18 years.

64. Under the Penal Code, section 14, a person under the age of 8 years is not criminally responsible for any act or omission; therefore no child under the age of 8 years can be guilty of an offence. A child between the age of 8 and 12 years can be found guilty only if it can be proved that the child knows that what is committed is a crime. Children under the age of 14 years cannot be placed in prison except when they have become serious repeated offenders. As there are currently no juvenile detention facilities in Solomon Islands, children and young persons are not placed in prison to serve their sentences unless they are apprehended along with a group which includes adults, tried as a group and convicted of committing a grave crime.

65. The Penal Code (Cap 5) section 201 states a child is deemed to be a person when the child has completely proceeded in a living state from the body of his/her mother. The Penal Code also stipulates as crimes infanticide and abortions, abduction of children, sexual defilement of children under 15 years of age, rape, child trafficking, and disposing of minors under the age of 15 years for immoral purposes. Section 204 of the Penal Code states that it is the duty of the head of family or tenants of a house to provide for the necessaries of life for any child under 15 years under their care.³⁹

66. The Islanders' Marriage Act (Cap 47) states that no marriage shall be celebrated unless each of the parties has attained 15 years of age. Also no Islander under the age of 18 (who is not a widow or widower) may be married without written consent of the father or, in his absence, the mother or, in her absence, the guardian. This and other laws have recently been reviewed and are in the process of revision by the Law Reform Commission.

Implementation

67. In terms of consent for medical counselling and operations, the minimum age is 18 years. Health practices are flexible whereby children in Grade 6 (12 years and over) may access reproductive health services without the need for consent of parents or guardians.

68. The Labour Act (Cap 75) (sects. 84 to 87, inclusive) sets out the circumstances in which employment of children at ages below 18 but above 12, 15, 16 years is allowed or prohibited. Employment of children under 12 years of age is prohibited with the exception of light agricultural or domestic work done in the company of one or both of the child's parents. Minimum age for recruitment into the disciplined force is 18 years.

69. Under the Liquor Act (Cap 33), section 74 - as amended in 1988 - it is illegal to sell or supply alcohol to people under the age of 21 years.⁴⁰

Constraints and recommendations

70. Some laws treat boys differently from girls, e.g. in the Labour Act listed above wherein females between 16 and 18 are not given the opportunity to seek work underground in mines or at night with permission of the Labour Commissioner, but males are. Also there are various sections of the Penal Code wherein boys are not specifically protected from various forms of sexual abuse, e.g. boys are mentioned specifically only in section 153 on male buggery while females are specifically protected throughout sections 128 through 144, inclusive. This is probably due to the antiquated nature of the British law that formed the basis for Solomon Islands' law at the time of independence. There are also various traditions/cultures where preference is given to boys (patrilineal society) or girls (matrilineal society).⁴¹ In terms of education, there is a tendency in some families to put priority on the boy's education. This is slowly changing.

71. For purposes of organizing youth groups, youth in the Solomon Islands include unmarried persons 15 years of age and older extending to age 30. This is particularly problematic for reporting the status of children as many programmes organized for "youth" involve participation of young adults either at the age of majority or well beyond. Children may then be defined as those from birth to 15 years of age, but may then also include those in the youth category between 15 and 18 years of age. At present, younger children's affairs have been tied to women's affairs for governmental organizational purposes.

72. When drafting a Solomon Islands' Child Bill, it is imperative to unify these varying interpretations of the child so that its statutes protect all people under the age of 18 years. The articles of the Convention on the Rights of the Child apply human rights protection to all under the age of 18 years.⁴² Solomon Islands has acceded to the CRC and having done so is bound to its terms as an international treaty. However, there is also a practice in Solomon Islands of drafting compatible legislation locally to ensure particular Convention components become part of the law of the land.

73. The legal age to purchase and consume alcohol was increased to 21 years of age in 1988. There is significant doubt as to whether this age limit is enforceable, e.g. please note an article in a local newspaper in January 1998, addressing the issue of persons under the age of 18 being present in nightclubs.⁴³ The article highlights the lack of legislative protection governing the presence of children in licensed clubs. Indeed, there appears to be no prohibition against the presence of under-age persons in licensed clubs as long as they are not buying or consuming alcoholic beverages or as long as they are not intoxicated upon arriving at the club. This omission needs to be addressed promptly. Equally surprising is the apparent assumption amongst those interviewed for the article that those persons who had attained the age of 18 years might be legally served alcohol. If enforcement of legislation is to be realized, public awareness of the law must be raised to a significant degree.

III. GENERAL PRINCIPLES

A. Non-discrimination

1. Legal context

74. The Solomon Islands Constitution 1978 by implication accords children the same rights and protection as all adults except the right to vote. These rights include the right to life, security, liberty, and protection of the law; the freedoms of expression, movement, thought, religion or belief, assembly and association; protection from discrimination on the grounds of colour, race, place of origin, creed or gender.

2. Implementation

75. Health and medical services are accessible to every citizen of Solomon Islands free of charge or for minimum charges. All maternal and child health services of the Government are free of charge and treatment of infectious diseases such as malaria, TB, leprosy and diarrhoea are not to be charged for. Immunization services (including vaccines) in the public sector are freely available as well. This policy also extends to the private sector (MHMS, 1996). However, in Honiara, private clinics do indeed charge for these services. The private sector practitioners request that Government reimburse their costs or supply funds to cover provision of their services. However, inherent to arrangements for transfers of funds between Government and private sectors, are many questions of accountability. In addition, due to current governmental budgetary constraints, Government cannot comply. Therefore this health policy is not currently enforceable in the private sector.

76. Certain large employers in rural areas are required to provide health and medical services to residents in the surrounding area even though those persons may not be employed by the company, e.g. Solomon Islands Plantations Limited and Lever Brothers Plantations. In return for providing these services, MHMS subsidizes the companies' total costs of pharmaceuticals by one third and includes their health-care staff in periodic training and seminars sponsored by the Government.

77. The Government has accorded the same accessibility to basic health care and primary education services for Bougainvillean refugees as provided for Solomon Islands citizens on humanitarian grounds. Immigrants are not discriminated against in their access to and utilization of social services.

78. In terms of disparities between rural versus urban service areas, it is difficult to attain a balance in relation to the quality of services provided. Better schools and higher standards of education are more frequently available to urban residents. Church and private schools - both primary and secondary - appear to offer higher standards than government schools. As for health services, there is an excellent structure in place throughout the country where health facilities, staff and services are fairly accessible to rural populations and of similar quality to those found in urban areas.⁴⁴

3. Constraints and recommendations

79. The Constitution prohibits discrimination. It also recognizes the need to preserve indigenous cultures and traditions. But any “kastom” (customary) law or tradition that is in conflict with the Constitution is null and void since the Constitution is the supreme law of the land. Thus customs which discriminate against people based on gender, ability, ethnicity, or religious affiliation are theoretically unconstitutional and illegal. Most Solomon Islands cultures have well-defined roles for men and women. These roles may include institutionalized discriminatory practices, e.g. transfer of “ownership” of women and their offspring via payment of bride price. The argument has been made that, historically, bride price protected women from mistreatment by ensuring the family into which she married valued her sufficiently to make the payment. In more recent times, large cash payments may have modified the interpretation of bride price to more closely resemble “ownership” or “purchase” than had been the case previously. This example of conflict between traditional and modern values is typical of the issues facing women and children in Solomon Islands.

80. The Situation Analysis of Women and Children notes:

Women in traditional Melanesian culture were the child educators, food producers and resource managers. The current transition from subsistence to cash economy is exerting pressure on women, changing and undermining their roles as well as increasing their workload⁴⁵ ... Wage labour, migration and the growing demand for cash have tended to increase women’s role in both food and cash crop production ... Heavy workloads and high fertility often mean that women pass work on to their young daughters.⁴⁶

81. In formal employment women comprised 21 per cent of the 1993 workforce statistics. Their limited access to education and training greatly disadvantage them in the labour market. For example, clerical and sales work comprise more than 60 per cent of female labour participation in Honiara. Only a few women hold senior management positions.⁴⁷

82. In many matrilineal societies where women own the land, their influence may be exerted through a male member of the clan. Payment of “bride price”, still widely practised in areas such as Malaita and parts of Guadalcanal, signifies the economic and social value attached to women’s reproductive roles, but may also signify the oppression of women. “Generally a woman is subordinate to her husband and is expected to obey him. She is at the mercy of her husband who has already paid for her price.”⁴⁸

83. Migration and mobility also lead to the rising trend of inter-island or cross-cultural marriages, which can place enormous stress on women and girls. Cultural practices, religion and language vary greatly amongst cultural groups and the onus most frequently falls on the woman to make the adaptation in her marriage.

84. Females are greatly underrepresented in secondary schools; teenage pregnancies are as high as 20 per cent of all recorded deliveries in some provinces; only a quarter of women eat balanced meals⁴⁹ and the female literacy rate is only 17 per cent. Measures to redress the imbalance in access to education are urgently needed. Failure to undertake such measures is tacitly endorsing inequality as well as limiting development at both the individual and national levels. The fact that many women are left outside of the mainstream is reflected in the educational status of the nation’s children. In practice, therefore, the constitutional requirement for non-discrimination appears to be ignored.

85. Solomon Islands has yet to sign the Convention on the Elimination of All Forms of Discrimination against Women. Some feel there is no institutionalization of discrimination in this country. They assert that everyone is accorded equal rights and freedoms despite the fact that some people are disadvantaged with regard to equal access to resources and as a result of development. Solomon Islands is still a traditional society thus “kastom” practices and “tambu” still play an influential part in the way its people do things and behave. This is very much the case in the roles women and men are expected to perform in society.

86. Differences in the ways boys and girls are seen under the Penal Code seem to derive from the present-day use of antiquated British laws, e.g. the age of consent for sexual intercourse for girls is 15, but there appears to be no stated age of consent for boys. Many such inequities exist throughout the rules and laws of the country. It is the role of the public as well as the Government with the NACC and other advocacy groups to discover these areas of weakness in the law and refer them for consideration and review to the Law Reform Commission.

87. The assumption has been made above (see paragraph 74), that there are implicit protections accorded to children under the Solomon Islands Constitution. However, it was pointed out to the NACC in 1997 that actual protection of children’s rights is not realized strictly by implication within the Constitution. There is a need, therefore, for particular legislative protection for children within the framework of the laws of the Solomon Islands. Explicit legislative acknowledgement of children’s particular rights or needs will provide timely and necessary protection to Solomon Islands’ children while ensuring penalties for those who deny them those rights.

B. Best interest of the child

1. Legal context

88. The Juvenile Offenders Act, the Adoption Act and the Affiliation, Separation and Maintenance Acts are structured in such a way as to consider the best interests of the child in their proceedings and judgements. The terminology, “best interest of the child”, is not legally defined in these various laws, however. It is used in custody hearings and is derived from family law. Some crimes committed under the Penal Code against the best interest of children attract varying penalties including life imprisonment in some cases.⁵⁰ In court, juvenile proceedings are always held “in camera” and access of the public is restricted, thereby maintaining the best interests of the child. A full report must be submitted to the court by the probation officer on every case or circumstance where the child is in conflict with the law or is the object of a custody dispute.

89. The Juvenile Offenders Act, section 9 (6) states the duty of the court to put questions to witnesses “as appear necessary and proper in the interests of the child or young person”. Section 9 (8) states that before deciding how to deal with the child or young person, the court must obtain information of his general conduct, home surroundings, school record and medical history in order to enable it to make its decision. To this end, a probation officer must submit a report.

90. Under the UK Adoption Act 1958, the High Court must be satisfied that the child is going to be cared for properly before granting an adoption order thus protecting the welfare and best interest of the child. The same is true for the Magistrate’s Court before deciding on custody of children in cases of family or parental separations.

91. The Affiliation, Separation and Maintenance Act has been interpreted to mean that if parents have legally separated and have asked the courts to decide who should have custody of the child, the court before granting custody should consider what is in the best interests of the child. This may also include objecting to a previously agreed upon custody arrangement if the court does not think the agreement is in the best interests of the child. Normally, if the child is very young the court will say it is in the child’s best interest to stay with the mother, especially if the child is still feeding.⁵¹

92. Section 204 of the Penal Code states that it is the duty of the head of family or tenants of a house to provide for the necessities of life for any child under 15 years under their care. Section 225 make a person liable for imprisonment for three years if, having been charged with the duty of providing for another, that person fails to do so and endangers or permanently injures the other person. Section 226 makes cruelty to children, committed by anyone over 15 years that is charged with their care, punishable by imprisonment for five years.

2. Implementation

93. Adoption laws constitute the formal system of protection of a child's best interest in Solomon Islands. Formal procedures include the following:

Parents seeking to adopt must first obtain the services of a solicitor;

The solicitor then makes application to the High Court for the necessary adoption papers;

Notice is to be published and publicly displayed for 90 days with town clerk;

Prospective parents and adoptive child must undergo medical examinations proving fitness;

The High Court then requests a Social Enquiry Report from the Social Welfare Office;

Usually the court appoints the Social Welfare Officer as the interim guardian of the child during the adoption procedure;

There is a 90-day period before the adoption is finalized. During this time the birth mother is entitled to change her mind and nullifies the adoption;

Legal adoptions also require that the child continues to be a ward of the High Court until he or she reaches the age of 18 years; therefore, any change in residency must be done with the permission of the Court.

94. Among the issues considered for granting of formal adoption rights are:

Domicility - the parents are asked if they intend to continue living in this country. Adoption with intent to leave shortly thereafter is not permitted although there have been violations of this requirement;

Best interests of the child - questions asked of the prospective parents include whether they are capable of providing for the child and caring for it so that the child benefits from the adoption;

There is no law prohibiting contact of the child with the birth mother. If the families are on good terms there is no reason to prohibit contact. Generally, however, the child is expected not to maintain contact with the birth mother following the adoption.

95. As shown in table 2, approximately 50 per cent or more of juvenile offenders were counselled or pardoned and not brought to the courts. In these cases, the best interests of the children were taken into consideration. Between 1991 and 1995 the number of cases of juvenile offenders was decreasing or reduced by 47 per cent. In 1995, out of a total of 60 cases reported, only 14 (23 per cent) received some form of reprimand or sentence, the rest were dismissed as "no case".

Table 2
Juvenile offenders, 1991-1995

Sentences	1991	1992	1993	1994	1995
Exempted from court	33	30	41	31	36
Probation	23	7	2	2	2
Discharged	23	11	20	22	8
Bound over	7	9	14	20	8
Fined	13	5	0	0	1
Imprisoned	8	5	1	4	3
Dismissed	5	1	4	3	2
Total in court	79	38	41	51	24
Total cases	112	68	82	82	60

Source: Social Welfare Division, MHMS, 1996.

96. The Social Welfare Office (MHMS) only handles cases referred to it by the police, courts or lawyers. Once a case is dismissed in court, no further action is taken. Counselling is done when the court orders it. Social Welfare casework follow-up in most cases is required when a juvenile offender is put on probation, i.e., serving his/her sentence outside of prison. Counselling is important for periodical reports that a probation officer needs to make to the Probation Committee or the court should there be a need for it.

3. Constraints and recommendations

97. One of the difficulties of the Affiliation, Separation and Maintenance Act is that the court cannot make an order for custody or access under the Act unless one parent can prove fault against the other parent. Therefore, situations arise where it may be in a child's best interest for an Order to be made, but the court cannot do so because one parent cannot prove a fault against the other. If a provision was included in the Act that the child's best interest should be paramount when the court is making a decision under the Act, and if the Act were amended to abolish the need for one parent to prove a fault against the other, then this problem would not arise.⁵²

98. Questions arise in interpretations of the child's best interest when considering a court decision as recently as 1991 (*Joyce Tonawane v. Kelly Wanefiolo*, cc 247-91) in which an appeal to the High Court against the previous decision of the Magistrate's Court was denied. The case decided that monies spent later by the father for the child's elaborate birthday party constituted payment of maintenance for which he had been in arrears. The case illuminates the question of whether Solomon Islands' courts have upheld the intent of the Affiliation, Separation and Maintenance Act in these decisions.

99. Many adoptions amongst Solomon Islanders are arranged informally and those children often remain within their extended family. The adoptions that are arranged between young unmarried mothers and nurses via Central Hospital are also informal ones. In these cases there is significant concern that Solomon Islands laws be interpreted to also protect the best interest of

the child who has been adopted in the informal manner. There is hope that the legal system will also recognize informal adoption as a contract that allows for enforcement of laws protecting children who live with others who have been charged with their care.⁵³

C. The rights to life, survival and development

1. Legal context

100. The Constitution, chapter II, paragraph 4, offers protection of the right to life.
101. The Penal Code disallows abortion on demand (sects. 150 and 151) while offering protection for physicians and others acting to preserve the life of the mother (sects. 214 and 227).
102. Infanticide is prohibited by section 199 of the Penal Code. Part XVI defines a number of offences against morality in an effort to safeguard and protect children. The Penal Code section 226 stipulates that it is an offence to assault, ill-treat, neglect, abandon or expose a child to suffering and injury to health.

2. Implementation

103. The health services observe strictly the Penal Code provisions on abortion. Abortion can only be performed where it is essential to safeguard or save the life of the mother and this has to be recommended by two independent medical experts.
104. To ensure that newborns have the opportunity to survive, the health services have given funding priority to maternal and child health services and established programmes that include:

Safe motherhood initiatives;

Deliveries in health facilities or attended by health workers;

Exclusive breastfeeding and child spacing;

The use of low cost, high impact health technologies such as EPI, oral dehydration therapy and growth monitoring;

Active case management of common childhood diseases such as diarrhoea, respiratory infections and malaria;

Basic sanitation and safe water supplies;

Nutrition;

Control of other communicable diseases and intestinal parasites.

105. Education plays an important role in child development and survival. Early childhood education programmes for young children and for illiterate women were initiated in 1992 with UNICEF support. The project titled "Basic Education and Literacy Skills" (BELS) aims to provide pre-school learning for young children and basic reading and writing skills for women who have not attended any formal education. These classes are often held on church premises during the day when children are in school.

106. Both the health and education sectors are constrained by inadequate facilities and resources to meet the needs of a fast growing population. Church organizations and the private sector are being encouraged to run education and health services with government support.

107. The Rotary International Literacy Project commenced in Solomon Islands in late 1995.⁵⁴ This project targets demonstration programmes in schools in Honiara and Guadalcanal Province to improve literacy training skills amongst primary school teachers. This project has also facilitated development of locally produced books using local kastom stories and other materials which will benefit children well into the future. The 1995-96 evaluation visit reported that despite limited physical conditions of the classrooms, teachers in the pilot programmes had worked hard to develop the learners knowledge and skills in literacy and language learning. If the project achieves full funding, then during 2000 and 2001 provincial trainers from most provinces - amounting to over 450 teachers - will have completed training in literacy skills for class 4 level.

D. Respect for the views of the child

1. Legal context

108. In Juvenile Court a child is entitled to give an opinion or evidence; such evidence must be corroborated. Also in custody disputes, children have the right to express their opinions and preferences for custodians; however, the courts are always relied upon to decide in the best interest of the child. Most courts consider children of 12 years and above to be competent in giving evidence. The court making the decisions may take a child's views into account.

109. The accession of the Solomon Islands to the CRC strengthens the legal context for the rights of children to air their views. The Constitution also upholds the freedom of children to express their views.

110. The Solomon Islands National Youth Congress was established following the passage of the Solomon Islands Youth Policy White Paper in Parliament in 1980. The purpose stated at that time for introducing a National Youth Policy for the Solomon Islands was "to define the position of young people in National Development, and clarify their roles and responsibilities and also to integrate their activities with those of other groups towards the overall aims of developing the Solomon Islands Nation". The stated aims of the white paper were:

To recognize the potential aspirations and expectations of all sections of young people;

To define goals and set priorities for all categories of young people in line with the National Development Policies;

To ensure that young people can and will take an active and positive part in all the National Affairs;

To recognize the roles and functions of church and voluntary youth organizations;

To encourage young people to participate fully with members of their community in the social, economic, cultural, political and spiritual development of the country;

To provide relevant training for youths and other members of the community in skills needed for living in their own environment;

To ensure that economic development reaches out into the rural areas;

To ensure that mutual understanding for purpose of good relationship in developing the rural areas is established between young and other people in the community;

To encourage young people to offer valuable service to their immediate and respective communities;

To provide proper instructions and facilities for those young people who have come before the courts or are in conflict with the society.

111. The principle methods of implementation put forth in the 1980 White Paper were:

To establish a Solomon Islands National Youth Congress, Provincial Youth Councils, Area Youth Committees and Village Youth Associations;

To embark on a Training Programme for Youths, Youth Leaders and other members of the community at the National Youth Training Centre - Aruligo [Guadalcanal];

To examine ways of providing financial assistance for groups and individual youths who need such assistance for development purposes;

To set up an information bureau for collection and disseminating information, ideas, and view points of young people regarding the social, economic, cultural and political development in the country, and also to collect and disseminate information on new ideas regarding youth development and activities both locally and from outside;

To provide financial assistance by way of an annual grant to the Solomon Islands National Youth Congress to employ field workers to work with, help, advise and encourage existing and future youth organizations and groups, in working together with other members of the community towards achieving their goals, both at local, provincial and at national levels;

To provide opportunities for further training and travelling fellowships for youth workers overseas, to gather information, learn, and gain experience from overseas, to gather information, learn and gain experience from youth organizations;

To provide opportunities for exchanges between provinces, of young people to do community service voluntarily by establishing a National Youth service scheme.

2. Implementation

112. Four Solomon Islands “youth”⁵⁵ - two young women and two young men - are members of a task force, appointed in April 1997,⁵⁶ to put together a National Youth Policy (NYC). This policy will replace the current White Paper passed by Parliament in 1980. In the continuing process of developing the National Youth Policy, a Conference on Strategy Planning was conducted in late February 1998⁵⁷. During the conference students from 13 to 18 years of age were asked questions regarding social issues/needs of young people in Solomon Islands. More opportunities for youth forums focused upon the development of youth policy are planned.

113. The National Youth Congress representative attending the NGO Youth Conference on Strategy Planning, held in February 1998, restated the NYC’s vision to formulate/implement relevant schemes and programmes, e.g.:

Affiliation/membership programme;

National youth entrepreneurship award;

National youth volunteer service;

Skills development training programme;

Promotion of local arts and music;

Employment opportunity scheme.

114. Institutional strengths of the National Youth Congress were listed as follows:

The Congress is Solomon Islands Government (SIG) supported, as evidenced by the passage of the White Paper in 1980;

NYC is financed by SIG through grants;

As a quasi-government organization, NYC has use of both Government and NGO networks;

NYC is able to seek/secure other resources apart from the SIG assistance;

NYC has access to Ministry facilities and equipment;

NYC also has access to other Ministries' programmes and resources.

115. Over the past decades, children have begun to air their views freely without being subjected to any form of fear or suppression. In schools, student bodies so formed express the views of students to education authorities. Parents are now letting students/children express their preferences (e.g. which schools to attend) more freely.

116. Schoolchildren are also encouraged to debate in public forums on topics of interest such as the government systems, etc. Interviews with children over the radio either on the Children's Day of Broadcast or on other programmes are beginning to happen more than previously.

117. Students at the government national secondary school in Honiara complained to Solomon Star newspaper about conditions at their school, prompting public awareness of problems there.⁵⁸ Their success undoubtedly encouraged other students to become activists on their own behalf, e.g. later that year a group of students from south Guadalcanal trekked for two days across the mountains to meet with provincial education authorities about the lack of teachers at the school.⁵⁹

118. The Solomon Star newspaper has regularly conducted public opinion polls and printed young people's and others' photos with their remarks for publication. In August 1996 the Star printed a large double-paged feature item entitled, "Drop out children: the nation's rising problem." The article included many opinions from children and others. It highlighted the problems inherent to establishment of compulsory primary education in the face of inadequate school capacity for qualified secondary students. "Compulsory education is not an already accepted policy. 'Had it been so', said one education expert quoted in the article, 'we would have been faced with bigger education problem [sic]'.⁶⁰ Subsequent articles included one asking secondary school students about their knowledge of the issue of human rights.⁶¹ Significantly, most students interviewed said they had heard of the topic but knew very little about it. The article mentioned the Harare (Zimbabwe) Declaration of 1991 in which Commonwealth member countries - including Solomon Islands - agreed to promote effective education on human rights in the curricula of both primary and secondary schools. Publication of articles such as this one stimulates local awareness of these global issues and encourages discussion.

119. The printed media continues to be very receptive to young people's problems and viewpoints. News articles have been useful sources of information for this document. NACC and others should continue to encourage both print and broadcast media in their support of children's issues. With their continued assistance, children, young people, and their adult advocates in the community may continue to exercise their freedom of expression.

3. Constraints and recommendations

120. At the NGO Youth Conference on Strategy Planning, mentioned above, the following weaknesses of the current National Youth Congress were noted:

NYC is dependent upon the Government of the day for its ability to function effectively;

As a quasi-governmental organization its workers do not enjoy other public service benefits, e.g. membership in unions, etc;

NYC had found it is not in the Ministry's priority agenda for office accommodation, transport, etc.;

NYC has experienced delays in securing funds, which affects its plans and programmes;

Provinces and Churches have been slow to respond to the NYC.

It might be added here that although the National Youth Congress has been organized to facilitate, advocate and support youth activities in the country, there has been little direct participation by youth in the undertakings of the NYC to date.

121. There is not enough being done yet for views of children or young people to be incorporated in national policies and decision making. In early 1997, however, the school children voiced their concerns of how they had been unfairly treated by most public transport operators in the capital, Honiara. Transport operators were accused of discriminating against school children in various ways such as failing to stop to pick them up, charging an adult equivalent fare, making abusive remarks, etc. Public transport operators took the matter seriously and the practice seems to have been minimized.⁶² The print and broadcast media remain reliable means of expression for children and young people at present.

122. The primary constraint facing the implementation of respect for the views of Solomon Islands' children and young people is the current Government's lack of a children's portfolio. This has essentially removed from the Government its responsibility for chairing the National Advisory Committee on Children (NACC). In turn this has jeopardized the expeditious delivery of this report to Foreign Affairs and has left the needs of children to be decided by Ministries who variously preside over children's education, health, the concerns of youth or the concerns of women. This circumstance has created an undesirable situation for the children of Solomon Islands, a country which has acceded to the Convention on the Rights of the Child. There is an urgent need for a comprehensive Child Bill to be passed by Parliament in order to implement the terms of the Convention as the Solomon Islands nation sees fit.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

1. Legal context

123. The Solomon Islands Constitution guarantees all the people of the country citizenship. Under the Citizenship Act (1992), female Solomon Islanders who marry non-Solomon Islanders are disadvantaged in that their husbands cannot become citizens until after 10 years. Non-Solomon Islands' women married to Solomon Islands' men can become citizens after two years.⁶³

124. Persons under 18 years of age who have at least one Solomon Islander parent can be nationals of more than one country but when they become 18 they must choose to renounce one. Solomon Islands' Constitution disallows dual nationality.

125. According to the Penal Code, false statements regarding marriage (sect. 98), birth or death (sect. 99) is a misdemeanour, liable to imprisonment for seven years.

126. The Births And Deaths (Registration) Act 1988 compels the registration of births, marriages and deaths. This is to be done by a "responsible person" e.g. member of the clergy, health worker, teacher or parent. However it has not been implemented effectively due to lack of manpower and equipment such as computers.

127. The Act also states that fraudulent reporting, non-reporting, wilfully destroying or damaging reports or registers of births or deaths is considered an offence liable to a fine of \$100 or to imprisonment for six months or to both the fine and imprisonment.

128. Solomon Islands does not class its people into different ethnic groups, all are considered Solomon Islanders.⁶⁴

2. Implementation

129. Parliament is currently discussing citizenship issues, and members have pointed out that the nature of the current law (Citizenship Act 1992) is discriminatory and thus unconstitutional. It is recommended that persons of both genders who have married Solomon Islands citizens be obliged to wait 10 years before being allowed to apply for citizenship.

130. Hospital birth registers are incomplete. Many adults have no record of their birth, especially those born in remote rural clinics or at home in rural villages. Foreign diplomatic missions do not accept a passport as evidence of identity for the purposes of residency abroad, but insist on a birth certificate - often impossible to produce. Since 1994, the Ministry of Health has strengthened its birth registration information system and it is currently being computerized. However, as cited in the MCH/FP review (Mitchell, 1997), Health Information Statistics (HIS)

continues to be far from a trouble-free source of data. MHMS believes from about 1970 onwards, 80-90 per cent of all births in the country have been registered. They stated for a UNICEF Progress of Nations survey in early 1998 that about 100 per cent of rural births are now registered due to the following factors:

Mothers who give birth at home take their children for immunization at a later date and the child is then registered;

Mothers who are aware of the health implications of delivery for themselves, therefore arrive at clinics or hospitals of their provincial centres before they are due to give birth;

Nurses who visit health clinics in rural areas to hold health talks or check on people's general health, register those children who were born after their last visit;

Teachers and clergymen are expected to record births (and deaths) and report the information to the health officers when they come around.

131. There are two systems for birth registration in Solomon Islands. In 1982 MHMS initiated the "Baby Book" which allows for entry of birth date and facts along with immunization records and any description of medical visits for illness, etc. If health workers know of a birth, even outside of the health service network, they are bound by law to report the birth. There is a category entitled "Born Before Arrival" initiated by the MCH unit which allows a health worker to easily document the existence of a child born outside the medical system upon their first contact with the health-care system. Although it is possible for a child to grow up without coming into contact with health authorities, it is relatively unlikely, given the relative accessibility to the health-care system here. These births are recorded into registers and are being transferred with some effort into a centralized computer database within MHMS. A second system of records was to be developed as a consequence of passage of the Births and Deaths Registration Act (1989). The Ministry of Home Affairs is charged with the obligation of keeping records of all births and deaths. This was to have been facilitated by taking registers from MHMS and transferring them to the Home Affairs system. To date this has not eventuated and records continue to be kept by MHMS exclusively.

132. A birth certificate is required for enrolment in primary school and to obtain a passport. It is not required for immunization or other health services. A birth certificate is not required for marriage in Solomon Islands. There is a legal age when one is allowed to be married without parental consent. The system in the Solomon Islands is based upon trust and visual presumption of applicants' ages. Should an expatriate wish to marry a Solomon Islander, a passport is considered sufficient because of the belief that to obtain a passport a birth certificate must be produced first.⁶⁵

133. The Progress of Nations 1998 survey component for Solomon Islands stated that birth certificates are not considered essential documents by most families within rural areas. Most children and adults do not know their exact birth dates and relate their births instead to major events, e.g. stating: "I was born two years before cyclone Namu." Birth certificates can be

reissued for a fee when necessary. Anecdotal evidence suggests that if someone has a relative idea of their birth date, they may achieve a required birth certificate through appropriate channels. This is possible because of the destruction of MHMS books containing birth certificate information during cyclone Namu (1986). Also, not everyone was registered before the system was started.

134. In querying the current government official in charge of the Home Affairs record-keeping system, it was discovered that there is essentially no registration of deaths done by the Government and that death records are kept almost exclusively by churches.⁶⁶ This raises the question of whether MHMS also maintains death records and what percentages of adult and child deaths are tracked, either by MHMS and/or various churches. The question persists as to why the Ministry of Home Affairs is not executing its mandate in the Births and Deaths Registration Act.

B. Preservation of identity

1. Legal context

135. The Constitution of Solomon Islands recognizes the importance of preservation of its cultures. The fourth pledge to the Constitution states that the peoples of Solomon Islands shall cherish and promote the different cultural traditions within Solomon Islands.

136. The third pledge in the Preamble to the Constitution also states that all people of Solomon Islands shall respect and enhance human dignity. The Constitution also provides for the protection of cultural identity of all disadvantaged groups by allowing for the enactment of laws or the promotion of programmes to address such disadvantages. Section 15 (1) generally states that no law shall make any provision that is discriminatory either of itself or in its effect.

137. The Constitution of Solomon Islands also recognizes customary law as part of the legal system of Solomon Islands. Customary law is not applicable where it in application offends any provision of the Constitution. If customary law is inconsistent with the Constitution, it is, to the extent of the inconsistency, void.⁶⁷

138. The Education Act 1978, section 24, empowers the Minister responsible for education to prescribe the language or languages to be used as the medium of instruction. It could empower the Minister to discriminate, but has never been interpreted in such a manner.

139. Most societies in Solomon Islands follow the patrilineal system, where land ownership and identification of children into clans follow the father's line. For customary marriages, indigenous Solomon Islands children in a patrilineal system are identified as members of the father's clan. Some societies in Solomon Islands follow the matrilineal system where land ownership and identification of children into clans follow the mother's line. Children in matrilineal societies are associated with the mother's line. Identification of children is especially important for purposes of inheritance of property and land ownership. An illegitimate child (born outside of a customary or statutory or celebrated marriage) is usually identified with the mother's clan.

140. A serious identity issue presents itself in some cultures where bride price symbolizes ownership of the wife by the husband. In cases where the couple has children and the husband dies while the children are still dependent, it is possible under customary practices for the wife to lose her claim to keep the children. In such cases, the children may be taken to live with the deceased husband's relatives. Solomon Islands' statutory law should protect families from this sort of trauma by overriding customary law; however, there are few cases documented as having been contested in court.⁶⁸

141. Children who have only one Solomon Islands' citizen as a parent have to choose at age 18 if they want to be Solomon Islands citizens. If they do, they must relinquish the other half of their identity, since dual citizenship is disallowed by the Constitution, chapter III, section 23.

142. Citizens of Solomon Islands who are not indigenous do not have customary land rights, which are a crucial foundation of the power, identity, culture and security of indigenous citizens.

143. Destruction of any ethnic or racial group by killing, harming, preventing births among, imposing destructive conditions upon or forcibly transferring children from is guilty of genocide under section 47A of the Penal Code, which is punishable by 14 years' imprisonment (or life imprisonment in the case of killing).

2. Implementation

144. The preservation of cultural identity is encouraged both in the formal education system in Solomon Islands and also in the non-formal (village) system. Primary and secondary schools normally hold cultural events in their respective schools. In villages, children are encouraged to participate in traditional dances and other forms of cultural activities.

145. Students of the same ethnic or religious background often constitute particular school populations in Solomon Islands. Schools run by the Government tend to take students from the province in which that school is situated, and - in the case of church-run schools - because members of particular religious denominations often prefer their children to attend church schools of their own denomination. Church-run schools do not exclude children of other denominations, however, and do not force them to attend church services that are not their own religion. Non-boarding village schools (which are usually primary schools) take their students from the surrounding geographical area, which normally means they share the same ethnic, language and religious background.

146. Languages taught in rural schools are mainly - but not exclusively - the spoken local language and written English during the first two or three years of primary school, moving towards more use of spoken Pijin and written English in late primary school. Local language is used almost as a last resort to achieve understanding in young children who have not been exposed to any other language. Most early primary school teachers teach in their own language area, whereas senior primary school teachers are often posted around the country and therefore have to use Pijin as a lingua franca.

147. In secondary schools, the formal language of tuition for all subjects is English, but informally Solomon Islands Pijin is used. In Honiara, local languages are hardly used at all in primary schools - Pijin is used verbally and English for writing and reading. The richness of local languages is dissipating for this reason. Pijin is becoming more widely used as a first language because of the increasing number of mixed marriages in which each partner speaks a different local language. There are now many children - even of non-mixed marriages - for whom Pijin is the first language. Pijin is, however, rarely used for written communication except by adult literacy teachers. Major Christian texts have been translated into many of the more widely spoken local languages, and this is often the only source of language literacy available. Skills in writing and reading English are excellent in people who have been lucky enough to gain sufficient formal education, but many speakers of English frequently lack confidence in their abilities due to lack of practice.

148. Indigenous female citizens should be protected from discrimination in customary land ownership by the non-discrimination section of the Constitution (sect. 15), but in fact certain cultures in Solomon Islands (e.g., Malaita) exclude females from land ownership. There, female rights to use (but not to own or make decisions about) land rest exclusively upon their blood or marital relations with males. Even in matrilineal cultures, where land ownership passes down through the female line, the right to make decisions about that land is vested in that woman's uncle, her brother or son. This has obvious repercussions in areas where large-scale "development" is happening such as in Gold Ridge (Guadalcanal) and Vangunu (Marovo, Western Province) where mining and logging activities, respectively, are permitted against the express wishes of a significant number of women landowners.

C. Freedom of expression

1. Legal context

149. Under the Constitution (Cap II), along with all other citizens of Solomon Islands, children are accorded freedom of thought, conscience and religion, unless this individual right interferes with the rights of others or with the public interest.

150. According to court practices in Solomon Islands, which stem from British Common Law, children may be asked to express their opinions and preferences for custodians in custody disputes; however, the courts are always relied upon to decide in the best interest of the child. Most courts consider children of 12 years and above to be competent in giving evidence. In Juvenile Court a child is entitled to give an opinion or evidence, but such evidence must be corroborated. The court making the decisions may take a child's views into account.

151. The accession of the Solomon Islands to the Convention on the Rights of the Child strengthens the legal context for the rights of children to air their views. However, without the passage of a companion statutory Child Bill, the Convention may not be entrenched into domestic law in Solomon Islands.⁶⁹ It is important, therefore, to revive efforts to review and draft such legislation as appropriately reflects the full complement of goals noted in the Convention.

2. Implementation

152. In 1996 a schoolboy won damages in court after he brought a case against the school which expelled him. Although he was expelled on grounds that he had broken a school rule, he was not allowed to express his side of the story in proceedings. Therefore, the court found he was expelled unjustly.

153. Availability of beneficial information to children is limited by financial and infrastructure constraints. Many schools have no money to provide even sanitation, let alone books. Schools in many rural areas are so isolated they are difficult to serve.

154. A basic education and literacy project (BELS, sponsored by UNDP) has in 1997 attempted to address the problem of access to reading materials. Literacy training for teachers in 50 low-performing primary schools in Solomon Islands is also addressed by this project. In addition, a grant has been established through Rotary Clubs, International to carry on supplemental primary school teacher training in literacy in 11 schools on Guadalcanal. It is hoped that these two programmes will be able to complement each other's strengths in the future.

155. The Curriculum Centre of the Solomon Islands College of Higher Education publishes children's books geared to various reading levels, concentrating on Solomon Islands literature, but in insufficient quantities to cater for the school population.

156. Although there is no longer a Ministry of Education sponsored newsletter disseminated to students and staff members of all government schools, each secondary school still generally attempts to publish its own school magazine annually or biannually as resources permit. Copies of these have been collected by the Ministry and are available for reference from the MEHRD librarian.

157. The National Art Gallery and Cultural Centre, which reopened in 1997 after being closed for extensive renovations, encourages children and young people as well as adults to express themselves artistically by participating in school art exhibitions, dance productions, "kastom" story exhibitions/competitions and other dramatic productions at the Centre. The presence of such a venue for artistic expression offers important motivation and encouragement to aspiring young artists of Solomon Islands.

158. Various dance, dramatic and cultural groups from the provinces periodically visit Honiara and provincial centres for fundraising in the interest of preserving cultural traditions. These tours provide opportunities for young people and others to participate in learning cultural traditions that would otherwise be lost to future generations.

159. Plans are developing to involve children in future undertakings on behalf of the CRC. Dramatic instruction via a UNICEF sponsored project at SICHE will enable young people who make up the current unemployed to tour on a limited basis and promote public awareness of the Convention on the Rights of the Child.

D. Access to appropriate information

1. Legal context

160. Section 12 (1) of the Constitution of Solomon Islands provides that no person shall be hindered in the enjoyment of “his” freedom of expression. Such freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with “his” correspondence.

161. Generally, the press in Solomon Islands is free. That freedom is limited by provisions in the Penal Code on obscenity, and the general law on defamation of character. Section 184 of the Penal Code states that any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, is guilty of the offence of libel. The Media Association of Solomon Islands (MASI) and the newly organized Journalists’ Association of Solomon Islands (JASI) are in the process of drafting codes of ethics governing their members’ news reporting and publication practices (see annex 4). The dissemination of news is primarily controlled by each institution’s own editorial practices.

162. Section 25 of the Education Act gives power to the Minister of Education to declare, by notice in the gazette any book or publication to be unsuitable for use in Solomon Islands’ schools and to also prohibit its use. The limitations, therefore, partly protect children from exposure to inappropriate information, sexual explicitness and violence. It is not clear to what degree the Curriculum Committee is involved in such decisions or whether books are frequently examined with this statute in mind.

163. Section 92 of the Constitution of Solomon Islands provides for the establishment of a Public Solicitors’ Office, where functions are to provide legal aid, advice and assistance to persons in need, including children. Legal aid as defined under the Public Solicitors Act not only entails legal representation of a person in court proceedings, it also includes providing advice and any other assistance. Section 5 (3) of the Act provides that if the person in need is a child, “his” guardian shall make any application for legal aid. A child is defined under that Act as a person under the age of 18 years.

2. Implementation

164. Solomon Islands Broadcasting Corporation (SIBC) runs a daily half-hour programme for children consisting of a mix of children’s stories and songs, some of them of local origin. This programme also sometimes broadcasts information about the CRC. SIBC also runs an annual Children’s Day of Broadcast (since 1995) which mainly consists of Solomon children performing songs and reading stories.

165. There is no television, per se, in Solomon Islands, although steps have recently been taken to investigate the feasibility of providing a national television service. It is currently possible, however, for affluent Solomon Islanders, to purchase and operate various forms of satellite receiving equipment, which enables local viewing of “EM-TV” and Australian programming via neighbouring Papua New Guinea.

166. Videotaped programmes are widely watched, especially in the capital, Honiara, and in provincial centres which have electricity. In addition, many rural villages also have generators that are used to operate video equipment. The quality of films available is quite variable. The National Censorship Board concerns itself mainly with censoring hard pornography, leaving soft porn and very violent films to circulate freely.⁷⁰ Many people attribute rising crime and sexual violence to the influence of such movies. There is no doubt that children in households with video machines are likely to be exposed to inappropriate content of a violent and/or sexually explicit nature. The ease with which filming technology is available certainly makes it possible for “home videos” of a pornographic nature to be made and circulated locally and, therefore, totally escape detection by regulatory authorities. Therefore, there is a need for the Censorship Board to improve its capacity to rate movies for circulation in Solomon Islands. Many films are pirated copies and there is very little information beyond the title available for parents and others choosing videos to take home to view with their families.

167. Other media - two radio stations and an increasing number of specialty newspapers⁷¹ - do not intentionally expose children to violence and harmful influences. Exceptions include publicizing the increasing availability of home-grown marijuana, for example. Advertisements for violent video programmes have been aired periodically on radio stations during times when children were also likely to be listening. There was a great public outcry in 1996 over front-page publication in a leading newspaper of the dead body of a local infant.

E. Freedom of thought, conscience and religion

1. Legal context

168. Section II (1) of the Constitution provides that all citizens including children are accorded freedom of thought conscience and religion. The enjoyment of such freedoms must not interfere with the rights of others or offend the public interest.

169. No person attending learning institutions is compulsorily required to receive religious instructions other than his/her own. Any one who is under 18 years of age is required to have the consent of his/her guardian before he/she can receive religious instruction.

170. The Solomon Islands Constitution provides that no person, including children, shall be treated in any discriminatory manner by any person acting under any written law or in the performance of any public office or public authority. No child can be excluded from enrolling at a school because of race, place of origin, political opinion, creed, gender or religious belief.

2. Implementation

171. Ninety percent of the population in Solomon Islands professes affiliation amongst five main Christian denominations (Church of Melanesia, Roman Catholic, South Seas Evangelical Church, United Church and Seventh Day Adventist). Other religions are represented here, but references to Christian beliefs are often made at public gatherings, in Parliament, etc.

172. Some of the primary and secondary schools in Solomon Islands are operated by the five main Christian denominations, namely the Roman Catholic, Anglican, South Seas Evangelical Church, the Seventh Day Adventists and the United Church. Such schools conduct religious instruction according to their particular affiliation. Most schools operated by the churches in Solomon Islands prefer accepting students who are members of their particular faith. There are also church-operated schools that accept students from other faiths.

173. In secondary schools operated by the churches, religious instruction is compulsory as this is taught as a subject that must be passed. In Government run secondary schools, Bible Studies is also a compulsory subject for Forms 1-3. During the third form year, students then choose whether or not to pursue Bible Studies in fourth and fifth Form as an optional subject.

F. Freedom of association and of peaceful assembly

1. Legal context

174. The Constitution (Cap II) accords children and all Solomon Islands citizens freedom of association and peaceful assembly unless this individual right interferes with the rights of others or with the public interest.

2. Implementation

175. Types of activities sponsored by youth associations throughout the country include:

Sports related activities;

Church related activities, including choirs, Bible studies and other activities of a religious nature;

Assisting older people in housing, gardening needs, etc.;

Assisting in development of rural infrastructure, e.g. schools, churches, clinics, roads, community needs;

Raising funds through hires, e.g. permitting youth members to work at particular tasks for donations, including copra cutting, gardening, making house posts, rafters, etc.;

Social activities, e.g. custom dances fun nights, rock and roll nights, hula, etc.

Some of the programmes mentioned above are continuous and some are seasonal, coinciding especially with long holiday breaks at Easter, Christmas, Second Appointed Day, etc. in villages.⁷²

176. A nationwide survey of youth associations was conducted in 1995 through the affiliation and membership scheme of the National Youth Congress. The results were disappointingly incomplete. Survey respondents were as follows:

Table 3
Results of 1995 NYC survey of youth associations

Types of youth associations	Number of youth associations
Catholic Archdiocese, Honiara	8
Rhema Family Church, Honiara	1
Rennell Bellona Christian Youth Association (South Seas Evangelical Church)	5
Makira Ulawa Province	1
Ysabel Province (COM)	5
Malaita Province	74
Guadalcana Province	95
Music groups	15

Source: National Youth Congress.

This information was supplied to the NYC through the youth associations' respective authorities, especially the provinces, churches and uniform youth organizations. The survey was carried out by provincial church and uniform youth coordinators.

177. The actual numbers of young people participating in youth associations is incomplete and has not been quantified for statistical purposes. There is difficulty in knowing what portion of youth group participants are under 18 due to the broad definition of "youth" (ages 15-30, inclusive). Therefore the data presented above has no reliable significance as an indicator of participation for children/young people. However, it is included because it is the only statistical information found to date on numbers of organizations for young people in Solomon Islands.

3. Constraints and recommendations

178. Despite the existence of the table listed in 176, above, information on organized activities available to children and youth throughout the country is remarkably scant. Even the data mentioned above is considered to be incomplete.⁷³ Sports activities are heavily emphasized throughout the country, with most other organized activities for children or young people sponsored by churches, provinces or a small number of uniform associations.

179. The decentralized nature of youth activities probably accounts for the lack of reliable centralized data available for this report. Certainly the compilation of this document raises the question of data availability in many areas pertaining to children and young people. Therefore, it seems appropriate to recommend that the Ministry of Youth, Women and Sports take steps to address the lack of data with a renewed emphasis on communication between the Ministry and the many and varied participatory organizations devoted to young people in Solomon Islands.

180. There is a need for routine communication from every locality to a provincial or national database regarding both the nature and scope of organized activities devoted to the development of children and youth. Certainly, there are cultural constraints to the types of activities which children or youth are encouraged to participate in Solomon Islands. It is not the purpose of the reporting process to dictate the types of activities needed throughout different regions of Solomon Islands. However, there remains the need to understand the extent of young people's participation within such organized groups. Such an understanding may prove useful in developing ways to address needs and further develop opportunities for Solomon Islands' children and young people. Once again a national database appears to be needed for the purpose of continued reporting and monitoring of the implementation of the Convention on the Rights of the Child.

G. Protection of privacy

1. Legal context

181. The Constitution (Cap II) section 9 states that no person shall be subjected to the search of his person or his property except in circumstances where the intrusion of such privacy is in the interest of defence, public safety, public order or where another person's enjoyment of freedom is threatened or infringed upon.

182. Section 4 (4) of the Juvenile Offenders Act states that no persons other than the members and the Officers of the Court, and the parties to the case, their advocates or authorized representatives and other persons directly concerned with the case are allowed to attend proceedings where a child is being prosecuted.

183. Under section 4 (4) (b) of the Juvenile Offenders Act, where a child is suspected of committing an offence, and the child is before the juvenile court, no person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the court. A person acting in contravention of that provision attracts a punishment of three months' imprisonment or a fine of fifty dollars or both.

184. Section 184 of the Penal Code prohibits the publication of any defamatory matter concerning another (including children), with intent to defame that person. Defamatory matter includes publication of matters capable of injuring the reputation of a child by exposing "him" to hatred, contempt or ridicule.

2. Implementation

185. Court sessions in which children are called as witnesses and juvenile court sessions are held in camera. Children under the age of 8 are presumed to be not criminally responsible. Those under 12, also, are presumed not criminally responsible unless proven that they knew they were doing something wrong.

186. Courts require that the names of child victims of sexual abuse and other crimes are not revealed in the media. This practice has been extended to include child witnesses, demonstrated in one instance in early 1998.⁷⁴ Unfortunately, in 1996, a newspaper story revealed the identities of some “street children” by publishing their pictures against the expressed wishes of the person working to reunite them with their families. This had adverse consequences for the children, those people who were giving them shelter and the surrounding neighbours in their community.

187. There is flexibility within the court system to extend juvenile offenders’ protection procedures mentioned above to children and young people who are called to be witnesses in court. In civil court cases, sessions held in camera have often been away from the courtroom in the chambers of the presiding judge. In cases involving criminal prosecution, where judges’ chambers are considered inadequate to the requirements of the court, innovative procedures have been used to improve the physical layout of the courtroom environment for the benefit of the child witness.⁷⁵ The public is not allowed inside the courtroom. Nevertheless, the witness may still be required to identify the accused and at that point must face the accused. An interpreter is appointed by the court to facilitate the questioning of the child witness, especially in cases where the child’s knowledge of English or Pijin is limited. The child, however, receives no court appointed counselling following their court appearance.

3. Constraints and recommendations

188. There are currently no formal counselling procedures in place for child victims of crimes or child witnesses who participate in court proceedings. This is an area where there is a great need for specialized training of persons who could fulfil such counselling roles in future. Volunteers could be screened-and-trained members of the public, professional clergy, staff of the court, the Family Support Centre, judges, lawyers, or police. Obviously, the difficulties posed by young children’s limited ability to use their particular language often combines with natural reticence. These constraints effectively limit the volunteers to those with specialized training and language knowledge. The court, however, already uses interpreters to assist in questioning of children; therefore, once such a person is identified, they could be of further service in a formal counselling situation.

189. At present there is no regulating body that governs what goes out in the press or receives press complaints. It has been the practice that each media organization, whether private or public, manages its own stories according to its own editorial policies. Thus only the courts are able to regulate what is published, especially as regards court reporting in juvenile court cases. The court can exercise its control by applying contempt of court procedures if reporters break any rules in this area.

190. The Journalists' Association of Solomon Islands (JASI) was formed with the intention to use the body as a monitoring or regulating body for working journalists in Solomon Islands. Its mandate was to set guidelines and a code of ethics for journalists to abide by (see annex 4). However it still remains to be seen if this body will be able to carry out this function. Certainly children and others will benefit from positive developments in journalistic procedures.

H. Right not to be subject to torture or other cruel, inhuman and degrading treatment or punishment

1. Legal context

191. The Constitution (Cap II) section 6 provides for the protection of individuals from Slavery and Forced Labour. Section 7 provides for the protection of individuals from inhumane treatment.

192. Corporal punishment is not allowed in schools (legal precedent: Baddeley/Chung Wah) but it still occurs.

2. Implementation

193. Churches and the Red Cross Handicapped Centre are the only organizations that have taken concrete steps to investigate cases of ill-treatment of children. Other persons such as medical health directors, Family Support Centre staff and Save the Children Fund staff have received periodic reports of such ill-treatment but have little power to protect children or to prevent the occurrence of abuse. Such cases include child victims of violence, children with STDs, pregnant children, children with disabilities who are abused and others who are neglected or subjected to cruelty. There are no obligatory reporting procedures in place, and no services for child victims of physical, sexual, or emotional abuse apart from within the extended family.

194. Most cases of cruelty and abuse - if they are discovered at all - are resolved by utilizing a combination of resources from within the community, i.e. custom law, church and extended family. "Western" laws, i.e. the Constitution and Penal Code, are rarely invoked.

3. Constraints and recommendations

195. Anecdotal evidence suggests that police officers have treated juvenile offenders in such ways as to violate their human rights during apprehension and arrest. This probably derives from the traditionally paternalistic manner in which police officers view young criminals. Certainly traditional disciplinary habits have not prohibited violence in the interest of changing future behaviour. Indeed this attitude by law enforcement towards known criminals is quite widespread throughout the world. It is necessary, therefore, to educate police officers about human rights and help them modify their behaviour during arrests. More training such as that done by Family Support Centre in January 1998 is required to further effect positive change in pursuit of human rights for children and others.

196. Please refer to section devoted to children deprived of freedom (chap. VIII, sect. C) below.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental responsibilities

1. Legal context

197. Most parents are conscious of their responsibility towards their children. Rights and responsibilities of parents and extended family to provide guidance and care for the child and others are an inherent part of Solomon Islands society or “kastom”. A child is seen not only as a member of his/her nuclear family but also as a member of the extended family or “line”. As a result, children have a collective as well as an individual identity.

198. Solomon Islands’ Penal Code, chapter 5, sections 203 and 204 recognize the link between a child and a person who is charged with his/her care. Section 203 assigns legally binding responsibility to the duty of caring for a child so that if any adverse consequences to the child’s health or life eventuate as a result of omission to perform that duty, cause may be attributed that person. Section 204 applies the same accountability for care to anyone considered to be “head of family” when a child is under the age of 15 years, whether the child is helpless or not.

199. The Islanders Marriage Act provides that marriage of a child under 18 years of age cannot take place unless either the father or mother or guardian has given written consent.⁷⁶

200. The Magistrate’s Courts Act S. 22 (c) assigns the Magistrate’s Court jurisdiction to make orders for the custody of infants. It has become a practice amongst lawyers to use S. 22 (c) as authority to enable them to bring urgent ex parte domestic matters before the court. Ex parte applications are usually made in order to obtain temporary injunctions against one party to a marriage or to obtain interim custody of children pending a full hearing of the case.

201. The Magistrate’s Court also retains jurisdiction to make orders for the guardianship of minors under S. 22 (c) of the Magistrate’s Courts Act and the Guardianship of Infants Acts 1886 and 1925 (UK).

2. Implementation

202. The Affiliation, Separation and Maintenance Act provides some framework to protect the rights of a child living with one parent, and/or a child born out of wedlock. However, informal agreements are also made. Children are seen to be the responsibility of the extended family. Generally, the mother’s family will provide for the mother and child in the absence of the father.

203. The laws relating to custody and access and guardianship of an infant permit recognition of the rights of parents and child to maintain contact with each other, i.e. parents to child and child to parents. There is nothing, however, in the Affiliation, Maintenance and Separation Act that actually says that parents and children have a right to maintain contact with each other. Further, unmarried fathers have no legal rights in respect of their children. Custody gives parents the right to look after and bring up the child; to decide everything about the child’s life before he or she becomes an adult, e.g. choice of school for the child.

204. If parents have legally separated and have asked a court, e.g. the magistrate's court, to decide who should have custody of the child, the magistrate, before granting custody to either parent, must consider "the best interests of the child". If the parties agree on a custody arrangement and the magistrate does not concur that the arrangement is in the child's best interest, the magistrate will not accept the proposed arrangement.

205. Granting custody of a child to one party does not stop the other party from having access to the child nor the child from visiting the other parent. Custody arrangements may also be changed if circumstances change. Under the same law, the court gives reasonable access to the child to the respondent (other party). Making reports and recommendations about custody and access is the work of a Social Welfare officer in the area. In some cases Social Welfare officers also arrange and supervise access.

B. Recovery of maintenance

1. Legal context

206. The Affiliation, Separation and Maintenance Act provides that, in terms of support, the putative father of a child is responsible for maintaining the child until "he" is 16 years of age or until capable of earning enough to support "himself" or if "he" continues in tertiary education after that age. In terms of separation and maintenance, the husband is usually required to pay to his wife and children a sum of money to maintain them.

207. The same Act states that single mothers are entitled to claim maintenance for their illegitimate children from the children's father. If they wish to claim they must do so before the child is 3 years old. Or mothers of illegitimate children can claim maintenance at any time if the putative father has before or within three years of the child's birth paid money or otherwise made provisions for its maintenance. Or they can claim at any time within one year after the return to Solomon Islands of the putative father, upon proof that he ceased to reside in Solomon Islands within three years after the birth of the child. The High Court may at any time for good cause enlarge the period within which an application may be made under this section.

2. Implementation

208. In the formal system, mothers are often awarded custody of very young children in divorce cases and the father is ordered to pay maintenance if he is working or not.⁷⁷ Maintenance is paid to the custodial parent until the child is 16 years of age. The minimum maintenance applied for through the court system is \$30 a month. This figure has been adjusted from considerations of the cost of living increases and determined by court practice, not by statute. If there is a breach of the court order, a prison sentence is imposed in some cases for the non-payment of maintenance.

209. The Affiliation, Separation and Maintenance Act appears to ignore financial responsibilities of the mother towards the children. One reason for this omission may be that the Act was passed at a time (1971) when most paid employees in the country were males. Now that

many mothers are working and earning salaries like their male counterparts, there is a need to amend section 12 (c) and (d). The Public Solicitors' office has encountered a case, however, in which a man applied for maintenance from his wife, and there was no objection raised by the court that it could not be done under the Act.

210. Although men who have not paid maintenance for their families may be pursued through the avenue of legal prosecution, the circumstances of most Solomon Islander parents is that money is generally not considered an individual's property. Those who are seeking to hide their financial ability to pay maintenance may cite their financial obligations to many other family members. On the other hand, those who may appear to have means to meet such obligations may actually have very few unallocated resources due to the same system of ownership. Generally speaking, many cases seeking maintenance go back to court in order that wages are garnered. However there are certainly cases where fathers and mothers voluntarily comply with maintenance orders.

211. In most rural areas the recovery of money for child maintenance is relatively insignificant compared to the issue of land inheritance for a child of divorced or separated parents. Most people in rural areas have had little access to cash; therefore, maintenance has not been seen as an issue. Access to land on which to live and grow food is important. Land inheritance varies from matrilineal to patrilineal amongst the Solomon Islands. In situations of parental separation, the side of the family that will pass land down to the children most often provides for the child. Although such matters are probably beyond the scope of the CRC, the fact remains that in the Solomon Islands, as elsewhere; many such children's economic opportunities are determined by familial contacts.

3. Constraints and recommendations

212. The 1992 Amendment to the Act, paragraph 5, extends the situations in which men can make applications under the Act. The applications referred to are for separations, custody, access and maintenance. However an element of confusion comes in under section 10 of the Act in which reference to maintenance does talk about "husbands paying to wives". This is countered by section 16 of the Act which refers to interim maintenance orders and talks about "respondents paying to applicants", which could be for husbands or wives. The Act, therefore, could be improved by clarifying this wording.

213. It is worthy of note that under the terms of a normal business contract, e.g. entering into an agreement with another person to provide a service, the statute of limitations for appealing a grievance against one of the contractual partners is six years. However, in cases of maintenance of illegitimate children, the statute of limitations is only three years. Perhaps this apparent inequity could be addressed through a modification of the current law via a recommendation to the Law Reform Commission to extend the period during which a parent can seek maintenance for a child born out of wedlock.

C. Children deprived of a family environment

1. Legal context

214. There are no laws in Solomon Islands relating to establishment of orphanages as this has historically been considered to be in direct conflict with the Solomon Islands institution of the extended family. The extended family continues to function well and is considered an essential part of the culture of the country. The Preamble of the Constitution (d) states the pledge to “cherish and promote the different cultural traditions within the Solomon Islands”. According to Schedule 3 to the Constitution, in the absence of UK legislation (in this case, establishing orphanages), then the principles and rules of the common law and equity shall have effect as part of the law of the land with particular exceptions (paras. 1 and 2).

2. Implementation

215. There is no government provision for children living outside the home. Solomon Islands does not have an orphanage. Implicitly, governments in the past and today have been relying on the traditional system such as the extended family network, which is believed to be very strong in rural communities. It is expected that the extended family will provide for children not living with their parents. The churches provide some temporary facilities. However, only one church (Church of Melanesia) appears to have a particular mission with regard to caring for those with no others to look after them.

216. As is the case with orphanages, Solomon Islands does not have an alternative home for delinquent children or juvenile offenders. The Central Prison at Rove accommodates both adult and minor prisoners. The current construction and renovation work at the prison includes plans for a juvenile section, which will separate minors from mixing with hardened criminals. However, that renovation has been significantly delayed to date.

217. As there are no institutions for alternative care per se there is no governmental monitoring of services or statistical data maintained.

218. There are many issues to be discussed on the question of creating an alternative home or care for abandoned or delinquent children. Government has historically objected to institutionalization of minors even for the purposes of rehabilitation.

219. Some juvenile offenders (primarily “pick-pockets”), caught more than once in urban areas, may be sent back to their villages in order to deny them access to their habitual environment. This policy appears to have deterred some juveniles from continuing their criminal lifestyles. This practice is facilitated by the Social Welfare officer who asks for a “residential order” after gaining the consent of a relative in the village that they will live with and look out for the juvenile. The Social Welfare officer seeks reports on the status of the affected child as frequently as possible, varying from once a month, if the village is relatively close, to three months if the village is quite distant.

220. In the capital, Honiara, the presence of a population of “street kids” has prompted a number of concerned individuals to organize a committee to address their needs. This effort has brought together lawyers; representatives of NGOs; church members and other concerned citizens to advocate for protection of these children.

D. Adoption

1. Legal context

221. The UK Adoption Act 1958 protects the welfare or interest of the child so that the High Court must first be satisfied that the child will be cared for properly before it grants an adoption order.

222. Any adoption, to be legally recognized, must follow or adhere to the Adoption Act. Any ad hoc or custom adoption is not legally recognized.

2. Implementation

223. In legal adoption proceedings the mother must consent to the adoption and the matter is heard in the High Court.

224. The laws covering adoption, custody, access and guardianship also require Social Welfare to make a social welfare enquiry background report on applicants and parties concerned. As a practice, the courts write to the Social Welfare Office to request such reports. These reports help the courts to make decisions, and paramount consideration is given to the best interests of the child.

225. Systems of informal adoption are widespread amongst different cultural groups in Solomon Islands. These practices are often circumscribed and consistent within each particular culture, but vary widely across the country. Some practices are clearly to benefit the clan, e.g. the Bellonese custom of ensuring a male heir for the first son. In Temotu, a couple’s unborn children may traditionally have been assigned to particular relatives at the time of the betrothal or marriage. In such a culture, it is common that several children may be born to the mother, and given into other families, before she is allowed to “keep” one. Other practices benefit the child; e.g. a decision by grandparents to adopt a child to ensure the child is properly cared for. Although it is difficult to make generalizations, agreements for informal adoptions within families are usually intended to benefit the child. Despite this, however, attention must also be directed to the situation facing a child who becomes victimized by mistreatment, servitude or enslavement as a result of informal adoption. Children at particular risk are those who are split up amongst their deceased father’s relatives and separated from their mother, e.g. within certain cultures payment of bride price has ensured that such children stay in the father’s clan. In Bellona and some parts of Malaita, parents of girls may agree to let them be adopted expressly because a sister or brother lacks enough girl children to help the mother do the work required. Families in town areas where both parents work often require a young female relative to come live and care for children and do housework. Some of these girls have no rights to pursue their own education nor opportunities to seek paid employment elsewhere, effectively they have become enslaved. In areas where families and communities are healthy and functional, the

victimized child may be identified and “rescued” from a poor living situation. In situations of ill will between families or physical isolation, there is essentially no protection for such children.

226. According to the participants’ wishes informal adoptions may become formalized at any time as the child encounters the legal system by entering the school system, obtaining a passport or applying for residency outside of the Solomon’s, etc. There are cases where informally adopted children have been issued passports without going through legal adoption proceedings. However, in these cases the parent, during application procedures, has probably not mentioned the status of the informally adopted child nor would the issuing official have questioned the child’s status.

227. Intercountry adoptions do not involve Solomon Islands’ children being sent abroad for adoption as is done periodically by certain other countries. A very strong indicator of the high value placed on children by Solomon Islanders is the ability to find homes for most children within or amongst their own communities and cultural groups. The lack of orphanages and other care facilities in Solomon Islands attests to the strength of traditional society in this area. Foreigners who wish to adopt a Solomon Islands child must adhere to the terms stated in the UK Adoption Act 1958.

228. As required by law, Solomon Islands monitor pending intercountry adoptions involving residents who adopt children from other countries. Adopting a child from another country must follow the appropriate laws and procedures belonging to that country. Social Welfare (MHMS) coordinates or liaises with the Social Welfare office of that country to ensure necessary reports pertaining to applicants, children or legal parents are made.

E. Illicit transfer and non-return

1. Legal context

229. The Penal Code, Part XXVI, “Offences Against Liberty”, refers to sanctions prohibiting kidnapping, abduction, concealing abducted persons, etc. Section 246 specifically deals with child stealing.

2. Implementation

230. Protection provided by the Penal Code has only recently been tested in court. In at least two informal adoption cases the help of the public solicitor has been sought in instances of birth parents charged with child stealing, kidnapping or abduction of children. In the older case the public solicitor discouraged the adoptive family against pursuing the case in court due to the difficulty in proving that there had been an informal agreement to adopt the child who had subsequently been abducted by the birth family. However, in the second more recent case, the public solicitor was willing to pursue the case in court on the grounds that the birth mother that had abducted the child might be unfit. Informal adoption amongst certain cultural groups may also result in abduction of the child by the birth family after a period in the care of another family. This practice varies amongst cultural groups. Anecdotal information suggests that abduction may also be common in custodial disputes between families in cases of separation or divorce.

231. The local radio recently reported a case of a boy being returned to his parents in the Solomon Islands after enduring sexual abuse at the hands of two adult Australian males in the Riverland district of South Australia:

“... The prosecutor told the court the men procured the 13-year-old boy from the Islands last year after gaining the confidence of his family. She said he was taken away from the people who could protect him to the remote community of Morgan where he had no one to turn to. He had a limited grasp of English. She said it was fortuitous police visited the men’s home and discovered the boy. She said the boy’s parents lived in poverty and believed the men were giving their son a great opportunity.”⁷⁸

This case illustrates the ease with which those who misrepresent themselves to trusting parents may take advantage of children. The modern climate of international cooperation amongst police is crucial to stopping these activities. In a country like Solomon Islands where education is difficult to obtain and therefore highly sought after, opportunities for these sorts of criminals are plentiful.

F. Abuse and neglect of children and their physical and psychological rehabilitation and social reintegration

1. Legal context

232. Under section 14 of the Penal Code, a male person under the age of 12 years is presumed to be incapable of having sexual intercourse.

233. According to section 38 of the Penal Code, a court may order that in the case of a person under the age of 16 who is found guilty of a crime, the parents or guardians of that person may be ordered to pay fine, costs or compensation.

234. Part XVI of the Penal Code (Offences Against Morality) contains many provisions protecting children against rape and attempted rape, abduction, abduction of a girl under 18 years with intent to have sexual intercourse, indecent assault on females, defilement of a girl under 13, defilement of a girl between 13 and 15 years of age, or of an “idiot or imbecile”, procurement, procuring defilement of a woman by threats or fraud or administering drugs, permitting defilement in householder’s premises (of girls under 13 and under 15), detention with intent or in a brothel, disposing of minors under 15 for immoral purposes, obtaining minors for immoral purposes, custody of girl victims away from offenders within the family, living on earnings of prostitution, conspiracy to defile, “unnatural offences” (buggery etc.), incest. However, very few cases of sexual assault/abuse/incest are pursued by police or brought to court. This is probably due to unwillingness to prosecute within the extended family.

235. It is a defence to claim that an accused did not know or did not believe a girl was under the age of 15 for the offence of defilement of a girl between 13 and 15 (sect. 135, Penal Code). The same defence holds for a householder permitting defilement (sect. 138, Penal Code).

236. Part XXI of the Penal Code, entitled “Duties Relating to the Preservation of Life and Health”, and section 225 specify that it is the duty of any person having charge of a child under 15 years to provide the “necessaries of life” to such a child. Section 226 of the Penal Code provides penalties for any person over 15 having charge of any person under that age who wilfully assaults, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause him unnecessary suffering or injury to health.

237. Some protection from sexual abuse, especially of girls, is provided for in the Penal Code under “Offences Against Morality”, sections 128-161.

2. Implementation

238. In most cases of family violence women and children are victims. Women are frequently beaten, kicked, punched and verbally or sexually abused by their husbands or male relatives at home. Children who witness these acts in the home become victims themselves, either physically or psychologically. For the period 1990-1992, police authorities recorded these figures for family/domestic violence in table 4, below:

Table 4
Family/domestic violence, 1990-1992

Offences	Reported violence			Alcohol-related violence		
	1990	1991	1992	1990	1991	1992
ACABH ^a	135	147	137	18	98	91
Affray	59	20	9	39	13	11
Rape	4	4	3	0	0	0
Drunk/disorderly	0	0	0	0	0	0
Indecency	19	11	69	0	0	0
Total	217	182	218	57	111	102

Source: Criminal Records Unit, RSIPF.⁷⁹

^a Assaults causing actual bodily harm.

239. In October 1994 a survey sample of 1,000 people, evenly divided between urban males and females and rural males and females, provided valuable baseline data in the first known research study conducted in the area of domestic violence in Solomon Islands. The survey was restricted to Guadalcanal Province and Honiara Town and did not address child abuse directly. However one aspect of the study quantified the presence of children during incidents of domestic violence. “Of the 303 people who indicated they were victims of domestic violence, 210 (69 per cent) indicated that there were children present. These findings have implications for the welfare of [Solomon Islands] children as research from other countries suggests that children who witness domestic violence suffer from a range of behavioural, emotional and cognitive problems.”⁸⁰ See table 5, below:

Table 5**Victims indicating children present during domestic violence incident**

	Urban male (17)		Urban female (149)		Rural male (10)		Rural female (127)		Total (303)	
	No.	%	No.	%	No.	%	No.	%	No.	%
Children present	11	5.2	87	41.4	10	4.7	103	49	210	69

Source: Poerio (1995).

240. The same report mentioned above states:

“Police training in how to deal with domestic violence cases was completed for all provinces in Solomon Islands in September 1995. This training is the first of its kind and represents acknowledgement by the police that domestic violence is no longer considered a ‘private family matter’ but a crime.”⁸¹

If improved awareness by police through training results in increased responsiveness by police officers to crimes of domestic violence, the current repetitive and pervasive incidence of domestic violence may be reduced. In January 1998 Family Support Centre staff conducted an 11-day training/awareness-raising course for all Solomon Islands’ police women to assist with this very issue.⁸²

241. Data has also been published on crimes against young people for the first half of the decade. What percentage of these are cases of crimes within the family are not clear (See tables 6 and 7):

Table 6**Crimes against children and youth, 1990-1994**

Offences	1990	1991	1992	1993	1994
Rape	11	4	6	10	14
Attempted rape	0	0	13	0	1
Indecent assault	13	13	14	17	16
Abduction of girl/female	1	0	0	1	1
Incest by male	5	2	0	7	1
Incest by female	2	1	0	2	0
Total	32	20	33	37	33

Source: Ministry of Police Annual Report 1994.

Table 7

Crime committed against children (as per Criminal Code Act (Cap 18))

Offences	1990	1991	1992	1993	1994
Carnal knowledge of child under 12 years	4	4	9	4	3
Attempted carnal knowledge of child under 12 years	1	3	0	1	0
Cruelty to child	2	9	7	9	2
Taking away of child	1	1	1	2	1
Total	8	17	17	16	6

Source: Ministry of Police Annual Report 1994.⁸³

242. A community policing unit comprised of police and social welfare officers in the capital district visits schools and conducts talks raising awareness among school children of what constitutes child abuse. Sometimes police will initiate an investigation based on interactions with children after these talks.

243. The Family Support Centre in Honiara has conducted several Child Abuse Awareness and Legal Rights workshops for members of the community who have contact with children, e.g. church leaders, teachers, nurses, women's group members, etc. There is concern that there will be an increased need for counselling services for children as people become aware of their needs and begin to pursue options available to them through the courts.

3. Constraints and recommendations

244. There is a need for continued development of positive working relationships amongst police and others that might advocate for children in the community. There have been complaints of punitive behaviour of police toward street children, in particular. However, generally speaking, the police are well-known to have taken punitive roles when encountering juveniles in the act of criminal activity. This is a worldwide phenomenon and a human rights issue for Solomon Islands as everywhere. Juveniles should be protected from such violence despite the intentions of those who "discipline" them to exact instantaneous juvenile reform by hitting them or with public humiliation.

245. There is a need for increased awareness and understanding of what actions constitute child abuse (physical, sexual, verbal, emotional) and neglect in relation to disciplinary measures imposed by parents upon their own children. Some feel that CRC's definition of child abuse or exploitation needs discussion. They feel Solomon Islands cannot, as a result of acceding to the CRC, accept all provisions of the Convention without questioning each one. Each provision must, therefore, be compared and weighed against traditional Solomon Islands family values and norms with respect to traditional disciplinary mechanisms. The family is certainly an institution wherein each member contributes to its various functions and equilibrium. Parents play the important role of being head of the family. The rights and responsibilities of parents and

guardians to control and discipline their children must be considered. Lack of control or discipline can lead to disharmony and disequilibrium. Solomon Islands is one society with its own sets of values and western values are those of another society, which are sometimes seen to be in conflict with ours. What is good for western society is not necessarily good for Solomon Islands.

246. It is said that in rural areas, a child who is encountering trouble at home may leave his or her own home and seek refuge in another home, either of extended family members or others within the community. If this practice does exist in the village, it is certainly an avenue for children who suffer abuse. In the towns, however, especially Honiara, this traditional safety net is probably not available to children of troubled households. Without a shelter or method of intervening protectively on behalf of children who have been abused, intervention by authorities is likely to backfire into punitive repercussions for the child who “caused trouble”. The Family Support Centre recently mentioned in the media the pressing need for a specialized centre for child protection.⁸⁴

247. Presently there are no facilities for protecting abused children or meeting their needs for counselling and support in Solomon Islands. Unless there are members of the family who are knowledgeable and capable of intervening, there is no system in place to meet the needs such children encounter as victims of abuse. These needs are occasionally addressed by church leaders and other individuals if not by NGOs and government agencies. The plight of the informally adopted child continues to be even more worrisome than that of the natural child who is abused.

248. In April and May 1997 the World Health Organization sponsored an Adolescent Health mission to Honiara. Interviews were held with 28 relevant professionals and focus groups were conducted with young people and parents to investigate the health issues of young people. One of the resulting recommendations highlighted the need to investigate the nature and extent of child sexual abuse and explore the development of child protection legislation. These recommendations followed the reasoning that some cases of girls and young women who have sexually transmitted diseases (STDs) are evidence of child sexual abuse. Thus the nature and extent of child sexual abuse, currently unknown, should be studied. It was also recommended that a legal mandate be developed and action taken to protect children from child sexual abuse, especially with regard to mandated reporting of child sexual abuse by health workers.

G. Review of arrangements for children not living with their immediate family

1. Legal context

249. The Affiliation, Separation and Maintenance Act states (under the Affiliation Section) that a Social Welfare officer may make the appointment of a custodian for a child upon application.

2. Implementation

250. There are currently no legal protective powers to be exercised by any organizations on behalf of an endangered child when faced with the prospect of remedying a dangerous living situation. In cases where well meaning intervention by an outside person may well result in more bodily harm to the child, there is an intolerable dilemma for the person who can do nothing to protect the child.

H. Future implementation of measures to ensure child rights in regard to the family environment and alternative care

251. The Social Welfare Division of MHMS has a Legal Rights Programme addressing rights of women and children in Solomon Islands. The first workshop, held 10-13 June 1996 stated its aims to include:

Improving Social Welfare Officers' knowledge and understanding of "core"
Solomon Islands laws dealing with legal rights and responsibilities of citizens in relation
to women and children; and

Introduction of women leaders and workshop participants to Human Rights Education
(legal literacy), the laws of Solomon Islands and laws specifically relating to women and
children.

252. The Workshop was attended by 31 representatives from Government, NGOs and churches. It was the first in a series of three workshops, which Social Welfare is to conduct in collaboration with the Pacific Regional Human Rights Education Resource Team (RRRT), based in Suva, Fiji. Core topics covered were criminal offences, the constitution and fundamental rights and freedoms, the relationship between international conventions e.g. CRC, the Convention on the Elimination of All Forms of Discrimination against Women, the Solomon Islands Constitution and customary law.

253. The NACC Draft Policy, Strategy and Outline Plan of Action for Children (March 1996), still not formally adopted by Cabinet, outlines in "Activities to upgrade social services" the following goals to be met in this area:

Develop legislation on social development and welfare;

Secure more public participation in the development and delivery of social welfare programmes through the support of local governments, NGOs, women's organizations and the churches;

Establish day-care facilities available to working parents;

Secure financial and technical assistance from bilateral and multilateral agencies;

Establish training programmes in counselling of children and their families for nurses, social welfare workers, teachers, church ministers and NGO workers;

Establish women's and children's crisis centre/counselling facility;

Establish family courts for child victims and offenders;

Establish rehabilitation facilities for juvenile offenders.

254. Also included in the Draft Policy and Outline Plan of Action for Children are "Activities to support urban families":

Develop an urban service network to support low income groups in urban and peri-urban areas;

Develop community programmes which promote greater self-sufficiency of families in order to secure basic food, income and housing;

Provide viable programmes of employment or other productive activities especially to women and unemployed youth;

Encourage communities to establish youth recreational facilities;

Encourage employers to offer incentives for their employees' children to be educated.⁸⁵

VI. BASIC HEALTH AND WELFARE

A. Survival and development

1. Legal context

255. The Constitution stipulates that all citizens have the right to health services. The goal of the national health services of Solomon Islands is to promote, protect, maintain, restore and improve the health and well-being of its people so to achieve a better quality of life. This is being fostered through primary health care, health promotion, health protection and disease prevention and control programmes of the country. Solomon Islands is also party to the "1978 Alma Ata Declaration Of Health For All By The Year 2000".

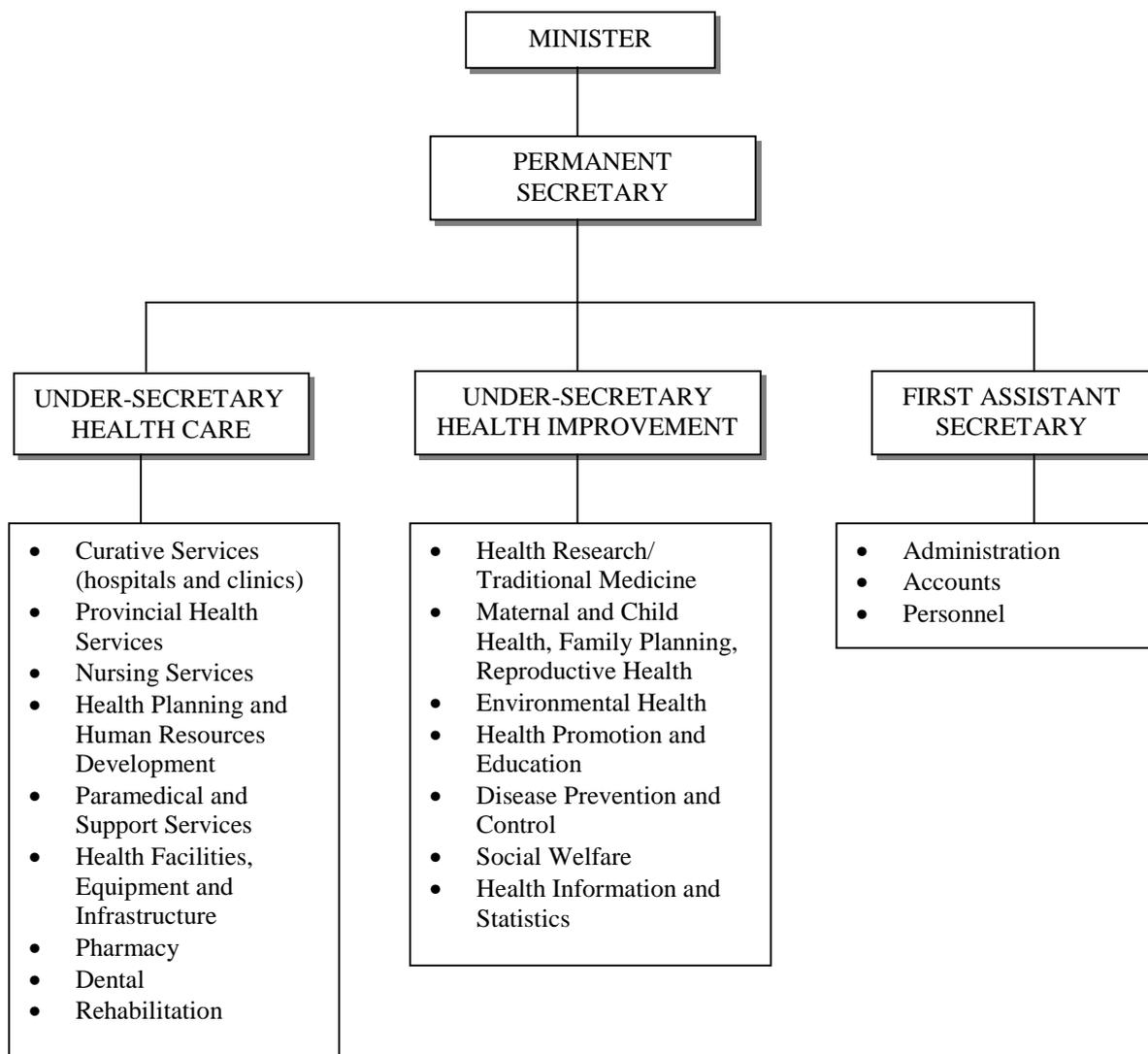
2. Organizational network

256. The organizational network of the Child Health Services of the Ministry of Health and Medical Services is comprised of one national referral hospital, seven (7) provincial hospitals, fourteen (14) area health centres, 123 health clinics, 61 nurse aide posts and 128 village health worker posts. Both health care and health improvement services are being addressed through these health facilities into the communities through primary health-care initiatives. The maternal

and child health division of the Ministry of Health and Medical Services (MHMS) coordinates, monitors, implements and develops national programme policies and guidelines for child health improvement programmes in coordination with the provincial health authorities and specialists in the various fields. The organizational structure of the Ministry of Health and Medical Services is illustrated in the following chart:

Figure 1

Ministry of Health and Medical Services functional structure and organization



Source: MHMS.

257. Churches, non-governmental organizations and the private sector contribute in providing health services to the communities governed by policies and guidelines set by the Ministry of Health and Medical Services. These organizations work closely with the Ministry of Health. The Government provides financial grants to church organizations and other assistance in forms of drugs, supplies, vaccines and staff training.

258. The health services in the Solomon Islands promote primary health-care concepts and encourage parents and caretakers of children to be responsible for their own and their children's health. These goals are implemented by the Maternal and Child Health Division of MHMS and are being fostered through such programmes as:

Child Immunization;

Nutrition and Growth Monitoring;

Control and reduction of childhood diseases - diarrhoea, acute respiratory infections, EPI (Expanded Programme of Immunization) diseases, malaria;

Promotion, Support and Protection of Breastfeeding Practice including Baby Friendly Hospital Initiatives;

Promotion of local foods rich in Vitamin A and Vitamin A Supplements for "at risk" children;

Safe Motherhood including family planning, and antenatal care;

Safe water and excreta disposal and vector control, especially as relates to malaria.

3. Implementation

259. Current programmes under way to improve children's health include:

Family Health Programme that caters for the strengthening of maternal child health services throughout the country, including reproductive health services;

Strengthening the national immunization programme and especially support of Hepatitis B vaccine procurement;

Breastfeeding support, promotion and protection and the Baby Friendly Hospital Initiative;

Strengthening the development of IEC materials for MCH/FP programmes e.g. prevention of child abuse, prevention of domestic violence, prevention of diseases which are leading causes of childhood morbidity and mortality etc. through SCFA, UNICEF and UNFPA support. Maternal child health services are provided free at the point of delivery by the Government;

Nutrition and growth monitoring by UNICEF.

260. Between 80-86 per cent of deliveries take place in health facilities attended by trained health workers. The other 14-20 per cent of births takes place at home by Traditional Birth Attendants (TBAs), mainly within three provinces, Central Island Province, Malaita and Guadalcanal. Because of this, TBA training has been conducted in these three provinces over the past three-four years. The Safe Motherhood programme encourages women to receive antenatal care and to deliver in a health facility. Approximately 79 per cent of pregnant women attend antenatal clinics. Health awareness campaigns are of paramount importance to inform communities and pregnant women of the benefits of antenatal care, choosing to deliver at health facilities and protecting their own health while pregnant and lactating. These consist primarily of health-care workers talking with pregnant mothers while they are waiting at the clinic for their antenatal checks. Videos are also shown and nurses freely dispense advice on these topics.

261. In the last five years family planning services have been expanded and developed into the national Family Planning and Population Awareness/Education Programme. The Ministry of Health and Medical Services emphasizes the health benefits of both mother and child through spacing of births. Modern methods of family planning are still not widely used due to lack of correct information and misconceptions. The contraceptive prevalence rate was approximately 11 per cent in 1995. This is probably an underreporting.⁸⁶ However, Ministry of Health and Medical Services, with assistance from its partners (NGOs, churches and donors), has embarked on population and family planning awareness education from the national to the village level. This has been done in the hope that people will have the chance to make informed choices over their fertility for the benefit of the health of women and children. In recent years, the reasons people give for increased use of family planning seem to stem from economics rather than consideration for the health of women and children. Contraceptive Technology Update is an ongoing programme directing resources and information to all health workers as well as making modern contraceptives available and accessible to the rural people.

262. Estimating child immunization coverage rates in the Solomons is difficult. This is largely due to the fact that the numbers of estimated births given for each province based on the 1986 National Census seem to be overestimated compared to the numbers of actual births recorded by each province in 1996. When per cent coverage is calculated according to the actual births recorded, the immunization coverage is all above 90 per cent.⁸⁷ The Expanded Programme of Immunization (EPI) covers BCG, Diphtheria, Polio, Tetanus, Pertussis, Measles, Hepatitis B and Tetanus Toxoid for pregnant women. National Disease surveillance and catch-up campaigns have prevented major epidemics of measles, whooping cough and other immunizable disease outbreaks over the last seven years. There are still sporadic cases of neonatal tetanus but the incidence has been reduced markedly over the past years. It is the aim of the programme to eliminate neonatal tetanus by the year 2000. There have not been any cases of polio and diphtheria reported for some decades.

263. The Growth Monitoring and Nutrition Programme, which entails regular monitoring of growth of children 0-5 years, is an important aspect of the Maternal, and Child Health Programme of the country. An "At risk" registry for home visits and follow-up of malnourished children as well as children needing special care and attention has been developed and is

effective in some provinces and in the capital of Honiara. National programmes promoting local foods rich in vitamins and minerals have been extended throughout the country. A National Vitamin A guideline has been implemented for two years now. A National Food and Nutrition Policy and the Breastfeeding Policy were passed in Cabinet in 1995 and 1996, respectively. A National Nutrition Plan of Action is soon to be completed, however, implementation of certain aspects of this plan have already been carried out by responsible parties in government, non-governmental organizations and church organizations. These activities are coordinated by the National Food and Nutrition Committee, which is approved by cabinet and draws its members from appropriate government ministries, NGOs and churches. A developmental checklist is attached to the Baby Health Book and health workers have been trained and are now using the checklist throughout the country.

264. Control of infectious diseases entails intense training of health workers and ongoing support and supervision, especially for acute respiratory infection and diarrhoeal diseases. These are ongoing activities of the Maternal and Child Health Unit. Other infectious diseases such as measles are controlled through immunization and promotion of clean/safe environment and sanitation programmes.

265. Emergency services are provided through 24-hour emergency services in all clinics, area health centres and hospitals. Doctors are on-call 24 hours at all hospitals, while nurses are on-call at all area health centres and clinics. Emergency evacuations by plane, boat or helicopter are the usual ways emergency patients are evacuated from remote areas.

4. Future implementation

266. The major goals of Maternal and Child Health Programmes are:

To reduce the major causes of childhood morbidity and mortality, e.g. acute respiratory infection, diarrhoeal diseases, malaria, perinatal and neonatal infections by at least 25 per cent of the 1990 level by the year 2000;

To improve and protect the health of mothers and children;

To educate communities on the important role they can play in assisting to achieve the major MCH goals.

267. The Ministry of Health and Medical Services is being supported by local, regional and international agencies in its effort to improve the health of children.

268. As part of its endeavour to achieve its goal, the Ministry of Health and Medical Services is looking at expanding its community education and awareness programmes, through NGO and church networks and especially through women's groups. It plans to expand the use of these networks in future. The Ministry of Health is also expanding its Reproductive Health programmes to include such activities as Cancer screening, strengthening STD programmes especially STD screening during antenatal care and adolescent health. Also the existing and

ongoing programmes such as family planning, immunization, growth monitoring and nutrition, intrapartum care and postnatal care, school health services, acute respiratory infection programme, control of diarrhoeal diseases, malaria etc. will require further expansion, improvement and strengthening. Specific objectives, strategies, and activities are included in the National Health Plans 1997-2001.

B. Safe water and sanitation

269. Most urban and peri-urban households have access to chlorinated water supply through metered pipes.⁸⁸ Besides the chlorinated water supply, many urban households have tank water as well.

270. Sixty per cent of the rural population has access to clean water. This is in the form of "gravity feed" supply and there is no form of chemical treatment. Protection of water sources from animals, people and land "run-off" is all that is feasible to do at present. In the atolls and outlying islands, the main source of water is from wells and water tanks.

271. Most urban households have access to toilet facilities, either septic systems, or pour flush. In peripheral urban areas septic system, pour flush, squatting or VIP (ventilated improved pit latrine) are available but may not be installed or in use.

272. Only 19 per cent of the rural population have access to proper toilet facilities, which include either pour flush, squatting or VIP latrines and very few septic systems.

273. Every effort is being made by the Rural Water Supply and Sanitation Project to provide safe drinking water to children and to dispose excreta by sanitary means. A special school water and sanitation project is also being implemented to improve these items for school children.

274. The Government of Solomon Islands recognizes the close link between good water supply and good public health. This is demonstrated by the expansion and development of a national water and sanitation project in the country, supported by AusAid, which is being implemented right now and includes training for women in water and sanitation. The UNICEF primary schools water and sanitation programmes have installed systems in 25 schools since 1995.

C. Health status of children under 5 in Solomon Islands

275. The infant mortality rate has declined from 67/1,000 in 1976 to an estimate of 38/1,000 in 1995. The maternal mortality rate - based on the sisterhood method - was 549/100,000 live births in 1992. However, it is generally felt that the rate expressed is an overestimate. The current situation is more likely to be around 356/100,000 live births, still unacceptably high.

Table 8
Health indicators of Solomon Islands, 1986 and 1995

	1986 ^a	1995 ^b
Population	285 176	393 759
Women (15-49 years)	59 887	83 752
Total live births	?	17 350
Crude birth rate (per 1,000 population)	42	38
Crude death rate (per 1,000 population)	10	7
Population growth rate	3.4%	2.8%
Infant mortality rate (per 1,000 live births)	40	38
1-4 years Child mortality rate (per 1,000 population)	N/A	7.1%
Maternal mortality rate (per 100,000 births)	N/A	549
Total fertility rate	6.1	5.4
Low birth weight babies (less than 2500g)	N/A	11%
Underweight children (under 5 years)	N/A	23%
Births attended by a health worker	N/A	86%
Life expectancy at birth (years) - male	59.9	63
Life expectancy at birth (years) - female	62	65

Sources: ^a National Census, 1986; ^b Ministry of Health and Medical Services, 1997.

276. The main causes of death in infants in Solomon Islands in 1993 and 1994 are shown both in tabular form and as column charts following:

Table 9
Causes of infant mortality (<1 year old), 1993

Causes of infant mortality (<1 year old) 1993	Percentage
Pneumonia	27.3
Bacterial infections (meningitis/septicaemia etc.)	21.2
Complications of delivery including: prematurity and low birth weight and aspiration	21.2
Malaria	7.6
Diarrhoea	6.1
Accidents (drowning, poisoning)	6.1
Congenital abnormalities	4.5
Others	6.1

Source: MHMS, 1995.

Figure 2

Causes of infant mortality (<1 year old), 1993

[Figure not attached]

Table 10

Causes of infant mortality (< 1 year old), 1994

Causes of infant mortality (<1 year old) 1994	Percentage
Complications of delivery	32.6
Malaria	13
Meningitis	4.3
Diarrhoea	13
Pneumonia	8.7
Others	23.9

Source: Ministry of Health and Medical Services, 1995.

Figure 3

Causes of infant mortality (<1 year old), 1994

[Figure not attached]

277. The Comprehensive Health Review stated the following 1995 Neonatal Unit data relevant to Central Hospital:

“There were a total of 431 neonatal admissions over the same period with total inpatient days of 2,540 and an average length of stay of 5.9 days. The most common causes for admissions were: small for dates, 33 per cent; Caesarean section babies, 16 per cent; prematurity, 9 per cent, multiple births, 7 per cent and born before arrival (BBA) at 6 per cent. There were a total of 29 neonatal deaths with 24 or 83 per cent of them occurring in the first 48 hours.”

278. This is a great cause for concern as neonatal deaths within the first 48 hours is a reflection of poor Antenatal and/or Intrapartum Care and *this is where efforts must now be directed to reduce the death rate*. Prematurity, Meconium Aspiration, Birth Asphyxia, Birth defects and low birth weights were the leading causes of death.⁸⁹

279. Diarrhoea, malaria and pneumonia and other infectious diseases were still the major cause of death in children between 1 and 5 years of age in the Solomon Islands in 1993.

Table 11

Causes of childhood mortality (1-5 years), 1993

Causes of childhood mortality (1-5 years) 1993	Percentage
Diarrhoea	27.2
Malaria	22.2
Pneumonia	11.1
Meningitis	11.1
Cancer	11.1
Others	16.7

Source: Ministry of Health and Medical Services, 1995.

Figure 4

Causes of childhood mortality (1-5 years), 1993

[Figure not attached]

280. Malaria was the dominant cause of death in children between 1 and 5 years of age in 1994, followed by pneumonia, diarrhoea, accidents and meningitis.

Table 12

Causes of childhood mortality (1-5 years), 1994

Causes of childhood mortality (1-5 years) 1994	Percentage
Malaria	41.7
Pneumonia	16.7
Diarrhoea	16.7
Accidents	8.3
Meningitis	8.3
Others	8.3

Source: Ministry of Health and Medical Services, 1995.

Figure 5

Causes of childhood mortality (1-5 years), 1994

[Figure not attached]

281. There has been considerable reduction in the prevalence of immunizable diseases over the past seven years. There have been no cases of polio and diphtheria reported since the early 1950s and the last major outbreak of measles was in 1989. A minor measles outbreak occurred in 1994. A major measles elimination campaign was conducted in 1997 fearing that a New Zealand epidemic would spread here.

282. There has been a gradual reduction in the infectious disease patterns of children in the Solomon Islands over the past few years.

283. Figure 6 shows the incidence of severe pneumonia or acute respiratory infection (ARI) among children less than 5 years old in Solomon Islands from 1993-1996, which demonstrates gradual reduction from 24/1,000 in 1993 to 12/1,000 in 1996.

Figure 6

Incidence of severe ARI among children (1-5 years), 1993-1996

[Figure not attached]

284. The incidence of skin diseases 1993-1996 was also reduced as shown in figure 7:

Figure 7

Incidence of skin diseases among children (1-5 years), 1993-1996

[Figure not attached]

285. The incidence of malaria in infants (< 1 year old) was reduced 1994-1996 as shown in figure 8, below.

Figure 8

Malaria incidence in infants, 1994-1996

[Figure not attached]

286. Diarrhoeal diseases, however, did not show a similar gradual reduction. Instead the incidence increased from 1994 and peaked in 1995, which coincided with a major outbreak of diarrhoea caused by Rotaviruses shown in figure 9, below:

Figure 9

Incidence of diarrhoeal disease among children (1-5 years), 1993-1996

[Figure not attached]

D. Health status of children 5 to 18 in Solomon Islands

287. In discussing the issues of basic child health in section 3 above, attention has been given to mortality and disease patterns for infants and children under 5 years of age. This reflects a traditional MCH/FP perspective. However, it is significant that data indicating health patterns for children 5 to 18 years of age appears not to be routinely collected or analysed. There is a need, therefore, to monitor incidence rates of illnesses and disease (including non-communicable disease, e.g. cancer or diabetes), incidence of accidents, injury or death, rates of suicide and/or suicide attempts affecting children and young people who make up the portion of the population traditionally regarded to be of school age, specifically 5 to 18 year olds.

288. The MHMS Comprehensive Review contains a significant amount of information regarding Paediatric Services; however, this data was not disaggregated by age.⁹⁰ Therefore this information serves to give a general picture only for that age group:

Table 13

Paediatric patient statistics, Central Hospital, 1995

Paediatric patient statistics Central Hospital	1995
Admissions	1 278
Average length of stay	5.3 days
Average bed occupancy rate	77%
Mortality (number of deaths) ⁹¹	38

Source: MHMS, Comprehensive Health Review, 1996.

289. Contrary to popular belief, respiratory diseases (34 per cent, comprised of: pneumonia 24 per cent, asthma/bronchiolitis 7 per cent and TB 3 per cent) appear to cause higher numbers of children to be admitted to hospital than malaria (14 per cent) and meningitis (6 per cent). This is also reflective of improvement in the relative success of recent antimalarial programmes. The second placed gastroenteritis (24 per cent) is predominantly due to a rotavirus diarrhoeal outbreak in October 1995.⁹²

Figure 10

Leading causes of admission to Children's Ward Central Hospital, 1995

[Figure not attached]

290. The four leading causes of death in 1995 were: respiratory diseases (26 per cent); meningitis (16 per cent); malaria (10.5 per cent) and cardiac diseases (5.3 per cent).⁹³

Figure 11

Leading causes of death in Children's Ward, Central Hospital, 1995

[Figure not attached]

291. The Comprehensive Health Review stated that in paediatrics, Central Hospital does not function as a national referral hospital (NRH). It is more a base hospital for Guadalcanal and Honiara. Of the 1466 patients admitted to both the Medical and Surgical paediatric ward in 1995, 49 per cent (719) were from Guadalcanal Province; 38.8 per cent (569) from Honiara and only 12.2 per cent (178) from all other provinces, primarily Central Islands Province, Rennell and Bellona, both geographically accessible to Honiara.

292. The distribution of paediatric beds in the various hospitals in the country are shown in the following table:

Table 14

Distribution of paediatric beds

Hospital	NRH Surgical	NRH Medical	Kilu'uti	Gizo	Kirakira	Lata	Isabel	Helena Goldie	Atoifi	Total
Number of beds	13	24	22	10	16	9	8	12	18	132

Against this scenario is the fact that only Central Hospital, with 24 (medical) paediatric beds had three specialist paediatricians and a trainee registrar in 1995 whilst all other hospitals including Malaita (with a 22-bed paediatric ward and catering for almost one third of the population) had no trained paediatrician.⁹⁴ These deficiencies may soon be addressed by the recent decision to recruit foreign doctors to fill specialized posts in Central Hospital and provincial hospitals.⁹⁵ Of equal significance, however, is the unwillingness of highly trained national doctors to leave the urban centres to work in remote areas of the country. As this phenomenon is not unique to Solomon Islands, incentives must be developed to encourage local physicians to accept postings to more isolated areas.

293. If paediatric data were disaggregated by age where it is available and if it included information on young people up to 17 years old, more light would be shed on the health and welfare of the older child and young person in Solomon Islands. In this regard deaths of children and young persons and the physical causes of those deaths need to be recorded, briefly investigated⁹⁶ and reported to a central database for use as a monitoring tool.

294. Health information records and data on cause of death could be especially useful for developing monitoring tools for measuring children's welfare in other sectors, too. A health-care worker may be the first to observe injuries attributable to some form of child abuse or to a workplace accident. In the first instance, STD symptoms in a young child could provide an unequivocal indicator of abuse and could enable the legal system to be activated to protect the child. In the second instance, young people in the 5 to 18 year age range who are not attending

schools are then more likely to work, either formally or informally. Precisely for this reason they are also more likely to engage in types of work that may expose them to greater risks of compromised health via accidents or exhaustion as they work to accomplish set tasks. If data on health problems related to young people who work is shared in a confidential but useable form, there is a possibility of gauging and addressing needs that are currently unaddressed.

E. Adolescent health issues

1. Reproductive health

295. Adolescence presents young people with the choice of whether or not to participate in sexual activity - whether they live in town or village areas. One study indicates that adolescents in town encounter difficulties in getting good reproductive health information. A survey of 266 high school students, boys and girls, carried out by Masters of Tropical Health candidates from University of Queensland, Australia, January to March 1997, highlights issues of knowledge, access to information and access to birth control methods. In addition to the survey, interviews were conducted with officials, health service providers, church leaders, schoolgirls and their mothers about health policies, concerns, viewpoints, expectations, sex education, family planning and relationships. The following points were made in their summary, "Feedback Paper to Participants":

296. Reasons why teenaged girls have a high level of risk of pregnancy and STD in Honiara:

Knowledge amongst teenagers about contraception, sex and STD is poor;

Secret relationships amongst teenagers increase risks;

Most girls having sex do not use anything to prevent STD or pregnancy;

Teenagers think they have a low risk of STD, even if they are having sex.

297. Recommendations and discussion highlighted the following:

The problem needs to be recognized. It is too late to stop premarital sexual activity. Churches and service providers must acknowledge what is happening and participate in finding answers.

Many mistakenly believe reproductive health education increases sexual activity and leads to teen pregnancy and STD. Information from videos and magazines is not the right sort of information. Teenagers need to be given interesting and understandable information.

Education can increase use of safer practices and encourage girls to think about all their choices, including saying no. Education in schools should be given before the end of Standard 6, when two thirds of students drop out. Teachers need to be trained and comfortable teaching these issues.

Teenaged girls, especially unmarried ones, do not get contraceptives from health clinics. This means they take risks. Reasons young girls have cited for not attending clinics include the following: (a) they don't know if services are available to them, (b) they are worried about being judged and (c) they are worried that information will not be private. It is important to address these concerns to reduce their risks.

Ways need to be found to influence attitudes and make condoms acceptable to boys. Because of risk of pregnancy and STD, and especially the growing risk of HIV/AIDS, young people need to use condoms. Prevention messages should be on video screens at night-clubs, posters on the plaza, even in schools. Youths should design them. There should be clear messages and current images and language of youth culture.

All teenagers who took part in the study were thirsty for information. This area of their lives is not spoken about and their opinions are not heard. Dialogue is needed to find ways of reducing their risks. Now is the time to act.⁹⁷

298. The Comprehensive Health Review of 1996 mentions that cases of sexually transmitted disease (STD), although certainly underreported, had increased over the previous years, with about 1,200 cases in 1993. The most common of these is gonorrhoea with about 40 per cent of cases resistant to penicillin. No AIDS cases had been diagnosed at the time; however, one HIV-positive case was diagnosed late in 1994.⁹⁸

299. The Comprehensive Health Review summarized: "no comprehensive STD programme exists as it is integrated into the general health services. STD management guidelines had been completed but not yet been implemented in 1996. Comprehensive screening of all blood products for HIV and STD before transfusion is not possible; the priority intervention activities to prevent the spread of STD/HIV are to ensure all blood products are screened before use, promote the use of condoms and other safe sex practices and public education."⁹⁹

3. Substance abuse and accompanying health-care issues

300. Experimentation with abuse of harmful substances is commonly associated with the period of adolescence. However, in Solomon Islands, even very young children may be encouraged to chew betelnut. Therefore health issues arise for even the youngest children. Certainly, use of tobacco and alcohol as well as illegal drugs like marijuana or cocaine may become associated with health problems in people of all ages. However, the unique pressures of adolescence and young adulthood often combine to make the adolescent age group particularly susceptible to substance abuse. In mid-1997, in a settlement area of Honiara, a group of 13 young men between the ages of 16 and 24 were found experimenting with consumption of methanol, wherein one person died.¹⁰⁰

301. If someone is suffering the harmful effects of a drug or alcohol overdose, it is not clear that they will receive prompt emergency treatment at Central Hospital. Anecdotal evidence suggests that such patients may be left outside, untreated until the police arrive. At that point it is unclear whether the individual would then receive appropriate medical treatment for their health condition or proceed instead to be arrested, interrogated and jailed.

302. Binge-drinking has been noted to have become a cultural norm in some situations. This behaviour during times of holiday celebrations and sports events, etc. predisposes the drinker to impaired judgement, precipitating criminal behaviour, especially, family violence, assaults and property damage. (See table 15, below.) The health consequences may be immediate, e.g., in the case of death from overdose or from accidents resulting in injury or death.

Table 15

Injury and hospital admissions, 1996

Admissions by type	No. of patients	No. alcohol related	Percentage
General injuries	537	87	16
Domestic violence	33	26	78
Non-domestic violence (assault?)	42	24	57
Road/traffic	97	42	44
Male over 18 years	232	58	25

Source: Oberli, H. Central Hospital Records, 1996.

303. A survey of 1,000 people, equally divided between urban and rural males and females, found that the most common perceived cause of domestic violence overall was “alcohol”. Victims and non-victims of domestic violence did not differ in rating this as the first cause.¹⁰¹

3. Suicide

304. In Solomon Islands there has been a reported epidemic of attempted suicides which occurred primarily among young women, ages 20-30 years.¹⁰² Attempted suicide cases more than doubled from 18 recorded attempts in 1992, to 46 in 1993. In 1994, the number jumped to 81 attempted cases. Seventeen of these 1994 cases were under the age of 20 years old. The primary method, reported by Dr. Jim Mielke, 1996, used in these cases was swallowing chloroquine, followed by aspirin and paracetamol.¹⁰³ The availability of chloroquine without prescription for malaria treatment throughout the country means it is a very accessible tool for teenage suicide.

4. Recommendations

305. Data disaggregated from general health recording data is needed to develop health indicators for adolescents. Such data must give a clear picture of the actual health and mortality situation for adolescents below the age of 18 years. Teenage health and social problems now will precipitate immediate problems in future if desired changes in behaviour are not realised.

306. The most child relevant hospital data (from table 15, above) estimated that 25 per cent of injured men under the age of 25 years admitted to hospital were suffering the effects of alcohol.¹⁰⁴ These figures probably have limited relevance for this report, which is devoted to young people below the age of 18 years, but the data as presented is not disaggregated by age.

Undoubtedly the general admission number for injuries also included children. In future more statistics targeted to reveal child and adolescent health information will facilitate subsequent monitoring reports. Nurses and doctors who work in the clinics and hospitals probably also have some idea of how many times injuries in children are precipitated by abuse of alcohol or another substance. It is important, however, for others outside the health-care system to also have access to such data, categorized and quantified by age. This would enable a more holistic approach to children's health issues as they relate to substance abuse.

307. The long-term health consequences of substance abuse generally would not be experienced by young people who are establishing early patterns of abuse. This fact may interfere with the ability of young people to believe public health messages about cirrhosis of the liver, cancer, etc. preferring instead to believe in their own immortality. Any health oriented campaign would be most effectively combined with the message not to drink and drive and emotional appeals to avoid the tragic consequences of alcohol abuse, rather than focusing upon the long-term physiological effects of over-consumption. Campaigns of particular usefulness might also inform the habitual binge drinker of the likelihood of developing chemical dependence, either physically or emotionally, on alcohol.

F. Nutrition

308. Malnutrition in children under 5 years of age is an increasing concern for the Ministry of Health and Medical Services. The National Nutrition Survey (1990) indicated that:

There was a high prevalence of moderate under nutrition among children 0-4 years. About 23 per cent were underweight.

The prevalence of under nutrition was highest between 9 and 24 months. Growth faltering commenced at 4-5 months and continued thereafter.

309. This finding indicates either there exists a poor quality of weaning diet (due to inadequate knowledge of mothers and caregivers on appropriate weaning foods - rather than lack of food availability) or infants themselves are at higher risks of contracting infectious diseases such as diarrhoea, and respiratory infections during the weaning period.

310. Breastfeeding patterns were good, with 77 per cent of mothers giving colostrum, 100 per cent of children breastfeeding from 0-3 months and 50 per cent maintaining breastfeeding until 18-21 months. Most children had started weaning by 4-6 months; however, 11 per cent of children were fed using feeding bottles, mostly for non-milk drinks.

311. Promoting and protecting breastfeeding is a priority for the Government as breast milk provides some protection from infectious diseases that are major causes of deaths among infants in Solomon Islands.

312. The current estimated incidence of low birth weight babies in the country was about 11 per cent in 1995. The most likely contributing factors are anaemia and malaria in pregnancy, poor eating habits and low socio-economic status of women. The Ministry of Health and Medical Services through the Maternal and Child Health Unit endeavours to address this problem by implementing the following measures:

Expand its reproductive health education awareness programme through a wider network, utilizing its NGO partners in health, particularly church women's groups to educate communities, especially women, on the importance of early attendance to antenatal clinics;

Prevent and treat anaemia and malaria in pregnancies;

Improve antenatal services including dietary advice, malaria prophylaxis;

Promote good maternal nutrition during pregnancy;

Promote birth spacing.

313. The 1990 National Nutrition Survey found 7 per cent of pregnant women were severely anaemic and 23 per cent were moderately anaemic. This is iron-deficiency anaemia. Overall 16 per cent of pregnant women had positive malaria slides. Unfortunately there is no record of prevalence of anaemia in children,¹⁰⁵ however, anaemia in children is a common problem, seen and treated at all health facilities.¹⁰⁶

314. Vitamin A deficiency is sporadically seen in the Solomon Islands. It is especially apparent during severe measles outbreaks where corneal ulceration has occurred. Night blindness in a few children had been documented in some parts of the country. A National Vitamin A protocol has been implemented since 1995 where Vitamin A supplements are given to "at risk" children and local vegetables rich in Vitamin A are also being promoted. A National Vitamin A survey will soon be conducted and better information on the situation will be obtained.

315. Iodine deficiency is not an apparent problem in the Solomon Islands at present.

G. Children with disabilities

1. General situation

316. A study conducted by the Ministry of Health and Medical Services (MHMS) and Save the Children Fund Australia (SCFA) in 1991 stated that Solomon Islands has had one of the highest growth rates in the world, with an average annual increase of 3.5 per cent from 1976-86.

This growth rate, however, diminished to 3.1 per cent in 1995.¹⁰⁷ The 1991 report also correlated factors contributing to high rates of infant mortality to incidence of disability amongst Solomon Islands' children:

There is a neonatal infection rate estimated to be 3 to 30 times higher than is found in industrial countries (MHMS, 1996). Additionally, a home birth delivery rate of 13.7 per cent (higher in some provinces); prevalence of moderate under nutrition in 23 per cent of children under five (1989 National Nutrition Survey); high rates of endemic malaria; and a rate of immunization of 75 per cent (below WHO target rate of 80 per cent set in 1990)¹⁰⁸ means there is a moderately high rate of infant mortality (43/1,000) and an expected high rate of childhood disability.¹⁰⁹

317. The study cited above estimated the overall disability rate to be 3.2 per cent in Solomon Islands. This is consistent with the prevalence rate found in developing countries and indicates that throughout Solomon Islands, there are perhaps as many as 10,000 people who have disabilities. Approximately one third of this number have disabled limbs, one third have visual disabilities, one fifth have speech or hearing disabilities, and one tenth have mental disabilities, with other disabilities accounting for the remainder of cases. About 80-90 per cent of persons with disabilities live in rural areas and receive little or no rehabilitation services. Disability disaggregated data on children are not available.

318. In addition to governmental entities listed below, several non-governmental organizations exist to address the needs of disabled people, notably the Solomon Islands Red Cross which operates the Handicapped Children's Centre in Honiara, the Disabled Persons' Rehabilitation Association, the Crippled Society, as well as other private organizations and churches.

2. Health-care services for disabled children

319. Governmental health-care divisions who serve people with disabilities include:

Rehabilitation Division of the MHMS, located in the capital, Honiara, which provides physiotherapy, orthotic and prosthetic devices and other adaptive equipment. The Division helps operate a 12-bed rehabilitation unit, participates in public education, teaching and consultative touring;

Central Hospital, fully staffed acute care hospital which also includes a dental clinic and eye clinic;

Health Education Division disseminates information regarding prevention of disability via occasional features on radio programmes and community meetings;

Environmental Health constructs sanitation and water supply systems with minimal contribution from communities towards construction costs for disabled persons;

TB/Leprosy Unit provides diagnosis, treatment compliance and follow-up services to approximately 260 leprosy patients, including yearly tours to every province;

Maternal Child Health Unit engages in prevention of disability through immunization campaigns, policy formulation and training in antenatal and child health, public education about childcare and nutrition. At present there is no specific attention paid to the needs of disabled children;

School of Nursing (SICHE) provides a small rehabilitation component within its training curriculum with assistance from staff of the Rehabilitation Division who give lectures on physiotherapy for specific conditions such as spinal cord injury, neurological conditions and orthopaedics. The paediatric training module covers childhood development but there is no specific orientation to disabilities.¹¹⁰

Community Based Rehabilitation (CBR), started in 1993, is a joint effort between Ministry of Health and Medical Services (MHMS), the Disabled Persons' Rehabilitation Association (DPRA) and Save the Children Australia (SCFA) to train and place rehabilitation aides in rural locations throughout the Solomon's to help disabled persons in their communities. The aides are to conduct rehabilitation assessment, lead family and community planning meetings to help the disabled person, and to make referrals on complex cases that need specialized attention. Fourteen rehabilitation aides have been trained with 19 more completing training at the end of 1997.

320. Government policy attempts to continue to support, rather than interfere with the strong and important custom of care-giving provided at the family and village level. Relatives are the main source of social and material support for everyone, including people with disabilities. There is no social assistance programme or government-operated home-care facility in Solomon Islands.¹¹¹

321. Disabled people need access to rehabilitation services to improve their quality of life. Apart from limited services offered in the emerging Community Based Rehabilitation Program (CBR), all rehabilitation services in the Solomon Islands are based in Honiara. In the majority of cases services are not available due to limited trained personnel, inadequate financial resources, lack of transport facilities and the geographical situation of the country. In some cases, the interests and special needs of people with disabilities are not provided for due to negative attitudes on the part of community or the family. Additionally, adequate structure must be developed within the Disabled Persons Rehabilitation Association (DPRA) and the Ministry of Health and Medical Services (MHMS) to coordinate CBR activities in the provinces. Lack of structure has contributed to aides primarily functioning in their capacity of referral rather than implementation of rehabilitation.

322. Progress was noted toward attaining the target of identification, registration and management of all mentally and physically handicapped children in the country in the Comprehensive Health Review in 1996. This included establishment of a national disability register in February 1995. A functional classification of disability had been established, as had touring and home visits.¹¹²

3. Training and employment

323. The Education Act does not speak directly to provision of education for people with disabilities. However, the provisions of the Education Act would also apply to any school for those with disabilities that also meets the stated criteria of secular instruction given to 10 or more students outside their own homes, whether children or adults.

324. The Solomon Islands Red Cross Centre for Handicapped Children has provided life skills and employment preparation training for children for 19 years in the capital, Honiara. They have served 500 disabled children during that time. The average number of students varies from year to year. These children currently range in age from 3 months and 21 years. There are six staff persons. The aim of the Centre is to give children the tools to become more independent, contributing members of their communities. The Centre also manufactures and distributes small-wheeled chairs for use by disabled persons throughout the country.

325. Access to the Handicapped Centre in Honiara is effectively limited to those who can reach the location. Classes at the Centre are offered during the day and follow the government school calendar. There must be a family in the Honiara area for the child to live with. The Centre does community awareness tours once or twice each year into rural areas, conducting workshops for a two-week period in different villages in Guadalcanal, Malaita and Western Provinces to increase knowledge of the Centre and its programmes. Usually demand exceeds their resources as they average 60 students served a year and have sometimes allowed as many as 79 to participate.

326. Although there is no monetary governmental support for the training of disabled children, there is support for mainstreaming individuals into government schools from the Handicapped Centre. Children are followed-up by Centre staff after they enter school or employment until they are capable of being independent. Employers in the Honiara area have been willing to employ certain young people with disabilities (mostly in industrial jobs) and there have been many success stories. Concern exists, however, that the current economic situation of high unemployment in the youth sector will put disabled young people at an increasingly significant disadvantage when seeking work placements.¹¹³

4. Attitudes

327. There is no specific governmental policy for disabled children; however, please refer to annex 2, the Draft Policy, Strategy and Outline Plan of Action developed by the NACC, but yet to be approved by Cabinet.

328. Workshops conducted by the Cumberland College Foundation (Australia) over a four-year period (1988-91) focused on attitudes and attitude change toward disabled persons. Participants included health workers, educators, community leaders, family members, and disabled people themselves. The following main themes reflected people's attitudes to disabilities. Disabled people were thought to be:

Dependent on the family for self-care, support, mobility, feeding;

Neglected and have lack of nursing care;

Rejected, lack of inclusion in the community, unwanted by others, lack of respect and care from the community, limited chances for marriage and having children, less communication with the community, less chance of becoming leaders;

Poor, lacking financial independence, money, equipment (crutches, wheelchairs, eyeglasses, false legs) and proper facilities;

Excluded from education, little or no chance of learning, poor educational background, unable to attend school, unable to read well;

Feeling bad, underestimate themselves, feel shy; limited productivity in which they can contribute to their community, difficulty carrying out work properly, unable to speak well, unable to attend regular meetings.¹¹⁴

329. Although traditional views toward disabilities vary widely amongst cultural groups and individual families, they frequently embody a sense of sorrow and shame that extends to the community's self-perception. In a rural subsistence lifestyle, where everyone contributes to work, a disabled person is often perceived to be non-productive and totally dependent on others. Despite such perceptions, people seem to be quite willing to help improve circumstances for the disabled person if enabled to do so.¹¹⁵

5. Constraints and recommendations

330. The education system is not able to contribute to early identification of disability. Disabled children are more disadvantaged than others in an education system where only a small portion of primary school leavers can be accommodated in secondary schools or vocational training centres. Many children with disabilities such as blindness, major limb disability or cerebral palsy will not be sent to school either because the school cannot cope with the disability or the family is ashamed and does not consider it worthwhile. Children with special needs who do go to school pose great difficulties for teachers who are neither specifically trained nor have the time to give special attention to their needs. Children with learning disabilities usually drop out because they fall too far behind.¹¹⁶ When a child is identified by a teacher, an integrated referral system would be highly desirable to enable educators to quantify numbers of affected children and address their needs, perhaps via non-formal education alternatives.

331. A feasibility study for community-based rehabilitation (CBR), conducted in 1991, states:

There are no standard procedures for early identification of disabilities in children. Child Welfare clinics are an established part of maternal and child health services and are the normal place where a disability might be detected early in life. However, once a child's

immunizations are completed, ideally in the first year of life but often delayed until the second year, most children do not come to the clinic unless the child is sick. There are no developmental checklists used and training of nurses in developmental assessment has not yet been introduced. Gross or obvious disability will be detected by clinics but referral services do not exist outside of Honiara. The Paediatric Department of Central Hospital is the only facility for proper assessment of development or disability.¹¹⁷

332. The Draft Policy, Strategy and Outline Plan of Action for Children - not yet adopted by Cabinet - states, "Disabled children have very little service provision."¹¹⁸ The same document recommends that Government embrace the following objective: "To prevent infections, diseases and accidents which cause death and disability." It further delineates measures to facilitate early detection of disability and prevention of accidents and poisoning that contribute to onset of disability:

Promote early detection of childhood disability through education and training of health workers;

Develop community disability awareness and education programmes;

Provide educational opportunities to children with disabilities;

Decrease the incidence of birth asphyxia by training birth attendants and providing appropriate technology;

Provide educational materials on accident prevention to schools and communities;

Promote road safety and enforce traffic laws to prevent accidents;

Create awareness on the consequences of alcohol abuse;

Enforce labelling regulations on dangerous substance containers to prevent poisoning;

Enforce proper drug prescription and safe storage of drugs, especially at home.¹¹⁹

H. Budgetary and other provisions

1. Total health financing

333. Total financing in Solomon Islands could only be approximated, as accounting figures could not reflect total financing for government and private sectors. The analysis is based mainly on government budgets. The financing of health by the Government is shown below:

Table 16**MHMS recurrent budgets 1990-1996 in Solomon Islands dollars**

ITEM	1990 (\$)	1991 (\$)	1992 (\$)	1993 (\$)	1994 (\$)	1995 (\$)	1996 (\$)
National Health budget totals	16 303 200	18 533 100	22 307 200	24 939 300	34 560 300	38 705 100	43 390 000
Provincial health budget totals	6 006 100	6 632 400	6 399 400	8 180 400	10 044 200	14 928 300	17 378 712
Central admin. and hospital budget totals	10 297 100	11 901 100	15 907 800	16 758 900	24 525 100	23 776 800	26 011 288
Total national government budget - all sectors	146 600 000	162 800 000	208 800 000	231 000 000	255 657 563	325 079 576	364 222 007
Provincial health budget as % of national health budget	32.8%	35.8%	28.7%	32.8%	29.1%	39.6%	40.1%
Central health budget as % of national health budget	56.2%	64.2%	71.3%	67.2%	70.9%	60.4%	59.9%
Total health budget as % of total national budget	11.1%	11.4%	10.7%	10.8%	13.5%	11.9%	11.9%

Source: EU report as reported in the Comprehensive Health Review Report 1996 and SIG recurrent estimates 1996.

334. Between 1990 and 1996, the health services budget averaged 11.6 per cent of the total government recurrent budget. This means that the Government has always rated health amongst the top priorities in its budget. In comparison to other Pacific and international standards, where only about 5-6 per cent is allocated for health, this is a high proportion, particularly for a developing country like Solomon Islands with its level of performance in economic development. The health care cost per head was approximately SI\$ 35.00 in the 1996 recurrent health budget.

335. Health services are the second highest allocation after the education sector in the government budget. This reflects its priority to the Government. The total expenditure on health, however, is difficult to accurately estimate, as inadequate information is available on the private sector. Church institutions providing health services are also subsidized by Government. Financial resources, whilst a major resource for improvement of the health systems and delivery of services and thus health status of the population, is a crude indicator and approach in the case of Solomon Islands. It is estimated, however, that the private sector provides up to 5 per cent of the total health services.

336. Health services in Solomon Islands are free to the consumer at the point of delivery especially for MCH/FP services. However, availability of financial resources for financing of health activities is a major concern for health services in Solomon Islands. This is so despite the efforts of consecutive governments to try to improve health services delivery. This affects not only the availability of health services, but also constrains efforts to make services accessible. The question of cost recovery is an option being considered. Factors include the mandate of the Government to provide health services, affordability by the populace, accessibility of services and availability. A service can be available but inaccessible due to affordability. It therefore creates a barrier. In town areas, where private sector services are available, people are willing to pay for quicker and more personal service in the private sector. Any form of cost recovery must not impact negatively on MCH/FP service.

2. Donor financing for health

337. The sources of financing for health in Solomon Islands are shown in table 17 below:

Table 17

Summary of major budgetary inputs to health, MHMS, 1990-1995

Donor	1990	1991	1992	1993	1994	1995	TOTALS
AusAid	275 000	1 180 000	2 385 000	1 890 000	1 447 000	1 863 000	10 458 000
WHO	3 294 000	3 548 000	3 838 000	4 171 000	5 413 000	5 627 000	25 891 000
NZODA	117 000	762 000	570 000	445 000	1 088 000	658 000	3 620 000
UK	2 420 000	2 524 000	3 298 000	5 106 000	6 273 000	3 299 000	22 920 000
ROC	3 775 000	4 077 000	4 398 000	4 780 000	658 000	3 996 000	21 684 000
JICA		886 000	1 558 000	2 421 000	2 067 000	1 527 000	8 459 000
EDF			2 345 000	1 246 000	3 467 000	3 400 000	10 458 000
UNICEF	63 000	38 000	20 000	23 000	64 000	-	208 000
UNFPA	390 000	243 000	182 000	125 000	193 000	334 000	1 467 000
CANADA	115 000						115 000
ROTARY			8 000				8 000
SPC			16 000				16 000
OTHERS	205 000	224 000	1 670 000	1 969 000	1 260 000	1 349 000	6 677 000
DONOR TOTALS	10 654 000	13 482 000	20 288 000	22 176 000	21 930 000	22 034 000	110 564 000

Source: World Bank (WB) Report, EU report as reported in the Comprehensive Review Report 1996.

338. Donor inputs into the health sector in terms of resources for the period 1990-1995 were between 36 per cent and 48 per cent of total resources provided to the Government by donors during the period. 20 per cent of donor funds have been injected into recurrent budget activities. This means that the other 80 per cent were for health development project and programme activities. The areas of inputs are as in table 18 below:

Table 18**Analysis of major donor allocation to Ministry of Health and Medical Services, 1990-1995 (thousands of Solomon Islands Dollars)**

	1990	1991	1992	1993	1994	1995	% TOTAL 1990-1995
Total hospitals	4 890	5 138	6 650	7 550	5 517	5 148	32%
Capital portion	3 875	4 478	4 398	4 282	5 517	3 996	
Total R/Clinics	2 090	4 328	9 300	8 101	7 149	5 552	33%
Capital portion	1 500	4 000	6 650	3 800	4 300	5 552	
Rural support	520	788	1 193	2 085	3 107	3 435	10%
Total training	870	998	925	1 375	1 838	3 047	8%
In-country portion	280	460	425	525	678	1 160	
Malaria	1 004	930	1 300	875	1 521	2 093	7%
Water's sanitation	1 200	1 180	900	1 890	1 967	2 137	8%
Women in development	80	120	20	300	280	622	1%
Population policy development	0	0	0	0	551	0	1%
Donor total	10 654	13 482	20 288	22 176	21 930	22 034	42%
Solomon Islands Government total	16 303	18 533	22 305	24 939	34 569	38 705	58%
Grand totals	26 957	32 015	43 593	47 115	56 499	60 739	100%

Source: World Bank (WB) Report, EU Report, and SIG development budgets as reported in the Comprehensive Health Review Report 1996.

339. In terms of sustainability of health financing, at least for the period 1997-2001, the external support from international organizations such as WHO, UNFPA and UNICEF is almost guaranteed, as Solomon Islands is a priority country for support. Assistance from the Governments of Australia (AusAid), Japan (JICA), New Zealand (NZODA) and Republic of China (ROC) should be forthcoming, and from international agencies as well. The Government is also exploring cost recovery measures to sustain programmes.

I. Social security

340. Only a small proportion of economically active people is eligible for the National Provident Fund. The majority of people have no formal provision for social security.

J. Living standards

341. Children have the right to a basic standard of living that meets their need for physical, mental, spiritual, moral and social development. This is an important responsibility of their family and of the Government.

342. Housing is becoming a problem in urban and peri-urban areas. The Home Financing Authority was established to try and help families in urban areas to build private houses. The National Provident Fund has also operated a housing loan scheme for its members since 1990 for urban housing and 1995/1996 for rural housing.

343. Rural housing is the responsibility of families in villages. Most houses there are made of local bush materials; however, in many rural villages more and more often permanent and semi-permanent houses are being constructed.

344. Water and sanitation conditions were previously discussed in section 2, above.

K. Constraints on the effective protection of children's health

345. The following major constraints were noted in the Comprehensive Health Care Review of 1996:

The geographic realities of small islands scattered over vast seas, often with mountainous terrain, makes logistics such as transport and communication very complex. Outreach health activities and distribution of medical supplies becomes difficult and costly;

Limited trained manpower is available at provincial and national levels, especially in rural clinics;

Inadequate knowledge at the community level in prevention of preventable conditions affecting children's health. Traditional practices also exist that are not conducive for the development and well-being of children, e.g. certain food taboos, etc.;

Inadequate management skills of child survival programme managers. Inadequate knowledge of important childhood diseases' care and treatment on the part of caregivers.¹²⁰

Future activities (1997-2001) on child health are also aimed at overcoming these constraints where possible.

346. In 1997, SCFA and UNICEF commissioned the first review of the MCH Unit with the support of the MHMS administration. In an effort to assist MCH in its programme development, the review highlighted those constraints mentioned and focused on recommendations to improve MCH/FP strategies and systemic accountability. Other constraints cited therein include:

Lack of available data as an important impediment to monitoring or gauging impact of MCH/FP services;¹²¹

Difficulty in using indicators, e.g. reductions in mortality and fertility rates, to measure the effectiveness of health programmes; specifically, the difficulty in distinguishing health programme effects from other background influences of socio-economic and cultural change;

Inequities in access and quality of health care amongst the provinces and between town and rural areas;¹²²

Many clinics emphasize curative health-care practices rather than preventative ones;¹²³

Lack of understanding and linkages between the formal health-care system and kastom practices at the home and community level may contribute to significant delays in delivery of emergency health care.¹²⁴

347. Both the MCH Review and the Comprehensive Health Review¹²⁵ cite recommendations, strategies, or future directions for addressing some of these constraints, including:

Improvement of documentation practices¹²⁶ to include routing of information directly to a central location, i.e., MCH Division, where case studies can be developed and a database maintained and shared. Investigate all maternal deaths and institute appropriate intervention programme;

Re-establish a more reliable system of national health data-collection for tracking health indicators that engender attitudes of accountability for effective service delivery;

Deploy health-care staff away from hospitals and urban centres to reflect the importance of equity in health-care service delivery amongst the provinces and rural areas. Encourage supervisory touring to balance the need for expertise and exposure to problems facing health-care outposts. Support village health workers to optimize their work at the community level more uniformly amongst provinces;

Improve training and outreach to health workers in upgrading their education. Train adequate numbers of midwives locally and deploy them to labour wards and busy area health centres in the country.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational guidance

1. Legal context

348. The provision of education in Solomon Islands is a partnership involving the Government and other education authorities including the churches, the private sector and communities. The Education Act provides that the responsibility for the establishment and maintenance of schools rests with the education authorities. Of the total 539 primary schools, 471 schools are government run while 68 schools are privately run. Of the total 54 secondary schools, 2 are government run national secondary schools, 6 are church run secondary schools, 17 are provincial government run secondary schools and 29 are community run secondary schools.

349. The Education Act defines the regulatory powers, policy implementation and planning functions as well as administration and coordination responsibilities of the Ministry of Education to improve the delivery of education services throughout the country particularly in regard to access, equity, quality, quantity, efficiency and coordination.

2. Implementation

350. Education is neither universal nor compulsory in the Solomon Islands. The cost of providing education for all children is constrained by geographic, demographic and economic factors. The current policy, therefore, is to simply provide greater opportunity for access at all levels of education and to provide for a steady increase in the provision of education services.

Table 19

Total enrolment for primary schools for period 1992-1994

Year	Total enrolment	Government aided	Church and private schools
1992	66 025	59 793	6 232
1993	70 103	62 953	7 150
1994	73 120	66 156	6 964

Source: SIG Statistical Bulletin (No. 26/94).

351. Additional information from MEHRD headquarters¹²⁷ shows continuing increases in student enrolment for 1995 and 1996, giving a total of 77,432 and 79,661 students, respectively.

Table 20

Standard 6 and form 1-7 enrolment, 1994-1996

Year	Standard 6	Form 1	Forms 2-7 (combined)
1994	8 646	2 072	5 739
1995	8 966	2 545	5 965
1996	9 594	3 638	6 831

Sources: SIG Statistical Bulletin (No. 26/94), MEHRD: Data on Primary School and Secondary School Intake (cited in MHMS, Social Welfare Report, 1997).

352. Figures given above for enrolments for Standard 6 and secondary school show increases in numbers of students each year. There are several cut-off points in the education system. These occur at the end of Standard 6, Forms 3, 5 and 6. The number of students that are able to continue beyond a cut-off point depends on availability of facilities, e.g. classrooms, dormitories, teachers and places. There are fewer facilities available in secondary schools for females. The number of children who did not continue at the end of Standard 6 each year is also high. In 1995 a total of 6,421 students were not able to go on to Form 1, while in 1996 the number who could not find a place in secondary school was 5,946.¹²⁸

353. The national and provincial governments in partnership operate most schools in the Solomon Islands with other education authorities such as churches and local communities. The Ministry of Education assumes responsibility for provision of grants to education authorities except for the Seventh Day Adventist Church, for part-cost of education supplies, particularly textbooks and curriculum materials. Primary school grants are provided annually on a per capita basis which is SI\$ 15 per student plus SI\$ 100 per teacher. At the secondary level there are disparities between government grants to schools. Government national secondary schools (NSS) receive SI\$ 750 per pupil, church NSS SI\$ 350 and provincial and community secondary schools SI\$ 345. Church NSS receive annual grants of SI\$ 130,000 while provincial and the newly introduced community secondary schools receive annual grants of SI\$ 50,000.¹²⁹

354. In many respects most primary and secondary school teachers are civil servants and the Ministry of Education pays their salaries. Some private schools, however, supplement their teachers' salaries as a form of incentive. There are 2,761 teachers throughout Solomon Islands of which 2,228 are primary school teachers while 533 are secondary school teachers. Seventy-one (71) secondary school teachers are expatriates.¹³⁰ The current primary school staffing ratio is 35 while the staff ratio at secondary school is 17. Of the total primary school teachers 589 are untrained while 1,592 are trained.

355. The Ministry of Education is improving the quality of primary and secondary education through teacher upgrading and in-service training. Untrained teachers are being trained at the Solomon Islands College of Higher Education (SICHE) each year for upgrading to trained teacher status. At the same time Form 5 students are being encouraged to take up teaching and pursue teacher-training programmes at SICHE. A Literacy Programme for primary schools is also being conducted jointly by the Ministry of Education, University of the South Pacific and the Rotary Club.¹³¹ The Ministry of Education also offers in-service courses for head teachers and class teachers particularly on school management and teaching skills.

356. Although the current education policy provides for tuition-fee-free education for children in primary school, it allows for some financial contribution from the parents. The policy also allows for levying of tuition fees upon application to and approval of the Minister of Education. In Honiara, primary schools are now allowed to charge fees up to SI\$ 200 per annum. Tuition fees are levied for children in secondary schools. The Minister of Education approves these to be within the range of SI\$ 500-800 per annum. The level of school fees therefore varies widely by school, partly because of the equally wide variation in government support for schools. Presently only the Seventh Day Adventist Church and privately run schools in urban areas levy tuition fees above the approved range at primary level.¹³² At the secondary level the SDA Church also levies tuition fees above the approved range made by the Minister of Education.¹³³

357. In addition to the requirement for financial contribution from parents for school fees, parents also bear other costs. At primary level, parents "top up" supplies and cover maintenance and other operating costs with funds generated from fund-raising, special donations and indirect fees. At the secondary schools, boarding-related costs including travel between home and subsistence costs are borne by parents.

358. A few religious organizations, private companies and communities help employees and resource owners meet their children's school costs. In some instances children of church employees attending a church secondary school do not pay tuition. A few foreign companies meet school costs for several students originating from the provinces in which they are operating. Some communities establish primary school trust funds derived from logging and fishing revenues and kinship/clan donations to meet school costs for their children. The Constituency Development Fund of SI\$ 200,000 provided annually to each Member of Parliament is also being used to assist families meet school costs.¹³⁴

359. Early childhood education does not form a part of the formal education system. There are, however, growing numbers of kindergartens and pre-schools providing early childhood education mainly for 3-5-year-olds. These are organized and run mainly by churches, communities and private individuals particularly in the urban areas. All expenses including teachers' salaries, equipment and running costs are borne by the operator. The kindergartens and pre-schools do not have a standard curriculum. Nevertheless the Ministry of Education assists by providing training in early childhood education strategies. Some teachers also undertake the Pre-school Certificate Programme offered at the University of the South Pacific (USP) Centre in Honiara.

360. An additional preparatory year added in 1991 to primary school for children between 5-6 years now forms part of the formal primary education system. This Preparatory Education Programme has a standard curriculum and is conducted by primary teachers trained in early childhood strategies in all primary schools. With the assistance of UNICEF a series of training workshops and in-service training courses are conducted for preparatory teachers by early childhood education trainers throughout the provinces.

361. Secondary education consists of provincial and community secondary schools emphasizing vocational education and national secondary schools emphasizing academic education. Selection for the two secondary education routes is based upon the Solomon Islands Secondary Entrance (SISE) examination. Limited transfer from provincial to national secondary schools (NSS) and to higher forms in provincial secondary schools (PSS) takes place after Form 3 via another selection test. A review of the secondary curriculum is being conducted by MEHRD with the aim of adopting a mixed mode curriculum, which calls for all secondary schools to adopt a single curriculum that mixes academic and vocational subjects.

362. Church organizations and provinces also operate rural training centres, which enrol youths that do not attain mainstream academic standards. These centres, coordinated through an Association, provide a vocationally oriented secondary school curriculum, with strong emphasis on numerical and language skills. Students are attached to business for work experience. Some centres run businesses such as furniture workshops to finance centre operation. Students are charged fees of SI\$ 100-150 per annum. The Government provides a grant of SI\$ 500 to each of these centres to assist in their operation as well as training for teaching staff and teaching materials.

363. Head teachers and senior teachers appointed as career masters normally provide vocational guidance in schools. Each year the Ministry of Education arranges a “Careers Week” in Honiara to give students an opportunity to visit businesses, workplaces and institutions, listen to speakers on career prospects, and discuss career paths. A few students find attachments with private sector business during school holidays.

364. Post-secondary education has three main avenues. Firstly, there is Solomon Islands College of Higher Education (SICHE) which offers diverse technical and vocational programmes. A second route is through the USP Centre which offers part-time extension programmes at diploma, certificate and degree levels through distance education and self-study modes. Thirdly, there is an overseas programme for post-secondary and university training for secondary school leavers who satisfy academic entry requirements. The National Training Unit of the Ministry of Education administers government scholarships and donor funded scholarships for higher education institutions. Scholarships are for placements mainly at SICHE, USP, the University of Papua New Guinea (UPNG) and other overseas universities and institutions. Some scholarships funded by donor organizations place emphasis on specific disciplines and professions as well as gender balance.

365. Professional courses in teaching, nursing and other certificate level courses are provided at SICHE. The Seventh Day Adventist Church also provides nurse training at Atoifi Hospital. All degree programmes are offered at tertiary institutions overseas including USP, UPNG and metropolitan universities in Australia, New Zealand and the United Kingdom.

3. Future implementation

366. In keeping with the Government’s overall goals and development objectives, the education sector will promote improvements in the planning and delivery of services having particular regard to equity, access, quality, quantity, efficiency and coordination.

367. The Government will initiate a programme to provide for the progressive qualitative improvement of primary education through:

The progressive phasing out of untrained teachers;

Improving the quality of trained teachers through retraining and in-service training;¹³⁵

The review and improvement of curriculum and associated materials across all levels;

The improvement of the quality and performance of inspectors and personnel in management positions;

The development of strategies to achieve universal primary education through an increase in enrolment and retention rates;

The introduction within the medium-term basic education that provides nine years of schooling or grades 1-9.

368. The Government will initiate a coordinated expansion and upgrading programme to effect both qualitative and quantitative improvements in secondary education involving:

The development of a national Form 7 education programme;

The increase of intake into Form 6 and progressively link Forms 6 and 7 into a two-year programme;

The increase of access to Forms 4 and 5 by significantly increasing places at the senior secondary level;

The qualitative improvement of existing provincial secondary schools (PSS) to facilitate their transition to the status of national secondary schools (NSS);

The establishment of junior secondary classes on top of existing primary schools where practical and possible;

The systematic introduction of science as a separate subject area in all secondary schools;

The extension of school library services;

The continuation of support for the upgrading of teacher qualifications.

369. The Government is firmly committed to steadily increasing the size and diversity of the skilled workforce to meet emerging manpower needs and technological changes.

370. The Government will promote the further development of SICHE through:

The overall upgrading and expansion of SICHE to a university status;

Gradual expansion of places consistent with the emerging needs for a highly skilled and diversified workforce;

The upgrading of existing courses and the introduction of new courses designed to provide greater opportunity for tertiary studies to be undertaken within the Solomon Islands;

The pre-service and in-service training of additional teachers to cater for planned developments of that sector;

The phased introduction of a distance education capability to service Solomon Islands, particularly in teacher training, adult education, literacy and numeracy;

The planned upgrading of necessary facilities and resources;

The continuation of support for staff development programmes which aim at improving the qualifications and expertise of SICHE staff;

The facilitation of the College's progressive development to incorporate degree and postgraduate studies and research.

371. The Literacy Programme, which involves a survey of community attitudes towards indigenous languages, including Solomon Pijin and English will enable the Government to formulate a language and literacy policy for the Solomon Islands. The Non-Formal Education (NFE) unit of the Ministry of Education and Human Resources Development (MEHRD) will foster the development of literacy in Solomon Islands in collaboration with its partners: Papua New Guinea, Vanuatu, Fiji, its local agencies - NGOs, churches, Provincial NFE, other governmental organizations and other NFE agencies. Through the improvement of vernacular language programmes and second language programmes and the creation of and access to good literature, children will be enabled to develop values, knowledge and skills.

372. The Government has a strong commitment to expanding opportunities for community education programmes, particularly in rural areas. Further, the initiatives at SICHE in distance education and the use of radio have the potential, over time, to contribute to community education. Equipping Solomon Islands citizens with skills needed for rural sector employment and improved quality of rural life will result in personal benefits but also increased capacity to contribute to local and national economic and subsistence development needs of this country. The MEHRD through its Non-Formal Education (NFE) Division will continue to promote the further development of non-formal education through implementation of the following programmes and goals:

General or Basic Education consisting of literacy, numeracy, elementary understanding of science and one's environment, i.e., what primary and general secondary schools seek to achieve;

Community Improvement Education designed to strengthen local and national institutions and processes through instruction in such matters as national and local government, cooperatives and community projects;

Occupational Education designed to develop particular knowledge and skills associated with economic activities useful for making a living. This would be accomplished by creating and utilizing:

(a) Vocational rural training centres, which offer long-term residential programmes lasting one to three years in course subjects including Agriculture, Business, Accounting, Woodwork, Building, Carpentry, Mechanics, Sewing, Typing, Plumbing, Health, Home Economics, Religious Education and Leadership Training; and

(b) Community-based training centres, which offer short-term block courses of one to three weeks' duration for a period of one to two months depending on the need of the programme and participants required. Villages identify their training needs and request trainers or resource people to undertake and assist. Financial assistance from MEHRD and other non-formal education agencies is sought here;

Family Improvement Education designed to impart knowledge, skills and attitudes useful for improving the quality of family life, on such subjects as health and nutrition, homemaking and childcare, home repairs, etc.;

Establish Senior Vocational Schools in Honiara and provinces which run parallel and equivalent to existing Academic Senior High Schools (Form 4-5/6) level with the aim of preparing students for the workforce, self-employment and further studies in their respective vocational/technical fields. This will mean revamping and utilizing the existing and very active Rural Training Centres;

Rationalize the trade courses currently offered at SICHE with the view of offering them at the newly established Senior Vocational Schools and Rural Training Centres;

Develop a new Vocational Technical Curriculum and Trade Courses to be offered in Senior Vocational Schools in the areas of food processing, gardening or landscaping, design, interior decoration, catering, etc.

373. Other initiatives, which the Government will take to improve the quality of education, will include:

A review of the curriculum development process;

A review of selection and guidance services;

A review of the efficiency and effectiveness of management structures and systems for service delivery at national, provincial and institutional levels;

A review of strategies to ensure coordinated planning within the education sector;

A review of strategies to facilitate coordinated planning between the education sector and other relevant sectors and to ensure that developments and programmes are more directly related to national goals and priorities.

4. Constraints

374. The implementation of these policy and planning statements is hampered by a number of major issues and constraints. Access to education continues to be limited, the physical condition of the schools is generally below desirable standards, there is a chronic shortage of qualified teachers, trained leaders and specialists, and facilities and resource provisions are limited at all

levels within the education sector. This would indicate that a major effort is required and many more resources necessary to widen access, improve quality and reduce inequities among and within provinces. Under the tight government budget the Ministry of Education is one of very few ministries that has had progressive budget increases annually. Education accounts for about 12 per cent of government expenditures.

375. The single most important constraint on the planned quantitative and qualitative development of the education sector is the shortage of trained teachers at both primary and secondary levels. Unless and until there is a significant increase in the number of suitably trained teachers there can be no further comprehensive and systematic development of either primary or secondary education or the trained workforce. Other constraints stem from the rapid population growth of 3.5 per cent per annum,¹³⁶ the geographical nature and wide separation of the population centres, limited communication and transport infrastructure, a limited economic base, the high level of unemployment among youth and a general lack of education in the rural communities. The competing demands generated by the need to address such a wide range of issues simultaneously are a dilemma in the Solomon Islands.

376. The motivation and morale of teachers is adversely affected by poor working and living conditions such as limited promotion opportunities, poor pay, poor housing, shortage of teaching materials and lack of community support in some areas. As a result highly qualified and experienced teachers are abandoning the teaching service as quickly as new ones can be trained.

B. The aims of education

1. Legal context

377. The Minister of Education directs the administration of the education system which aims to educate and train school-age children attain basic education necessary for a responsible life in society and labour market requirements. The current age of entry into primary school is 6-9 years.

378. The key policy principles on which current development and management of the education system in Solomon Islands are based include:

Provide greater opportunity for access at all levels of education such that in time, the longer term goal of education for the majority, if not all, can be achieved;

Provide for a speedy increase in the provision of education services at all levels and in all areas;

Provide for the continuous improvement in the standard of education services;

Progressively remove differences in education access and provision among the provinces and gender;

Systematically review and improve policies and procedures to achieve greater efficiency within the sector;

Continually monitor strategies which affect the coordination of planning and delivery of services within the sector and among agencies which contribute to the provision of or are directly dependent upon education.

2. Implementation

379. Access to primary education has been growing at a steady pace of about 4 per cent a year reaching a gross enrolment of about 80 per cent of the primary school age cohorts. At this pace universal primary education could possibly be achieved. However the attrition rate of children completing the final grade at primary remains at about 20 per cent. The attendance of girls in primary schools has been improving steadily with about 45 per cent of the total primary school enrolment now being girls.

380. Secondary education, though less accessible than primary education, has increased enrolment by 55 per cent in the last four years. This has been attributed mainly to the establishment of community high schools attached to local primary schools. Females as a percentage of total secondary students increased slightly from 36 to 38 per cent in the last three years.

Figure 12

1994 enrolment (Standard 6-Form 7), by gender

[Figure not attached]¹³⁷

Figure 13

1995 enrolment (Standard 6-Form 7), by gender

[Figure not attached]

381. Different reasons are often cited for the patterns of female school enrolment and retention noted above. These include reluctance of parents to allow their female children to leave the protection of the village, lack of secondary school dormitory facilities for female secondary students, family work requirements for the female young person, e.g., either caring for younger siblings while her mother works or seeking paid employment. There is continued priority given educational needs of male children in the family over those of female children. The Situation Analysis of Women and Children in Solomon Islands cited 1986 census figures stating the underrepresentation of females in all levels of teaching as an additional impediment to female students who need role models and support to achieve their educational goals.¹³⁸

382. About 100 untrained primary teachers are being trained at SICHE each year for upgrading to trained teacher status while another 100 Form 5 students are being sponsored to undertake certificate courses in teaching primary each year at SICHE. The number of secondary

teachers with at least a diploma qualification has increased to 94 per cent. Meanwhile a total of about 125 Ministry of Education staff (excluding teachers) received training in management. In addition the provision of a substantial quantity of project funded textbooks in 1997 should have an impact on the quality of education.

C. Children with special needs

1. Legal context

383. There is no legal requirement or youth policy addressing the educational or recreational needs per se of children with special needs or disabilities. Although it is possible to infer that there is no intentional discrimination against such children, written goals or policies specific to the special needs of disabled children would help to identify ways to include rather than exclude them from opportunities available to children in general.¹³⁹

2. Implementation

384. The draft Policy, Strategy and Outline Plan of Action for Children mentions in its section on Community Education the goals to:

“Integrate information on the prevention and early detection of childhood disabilities into community education”;¹⁴⁰

“Include youth with disabilities in community education and vocational training programmes”.¹⁴¹

385. Currently there is a shortage of organized recreational opportunities for handicapped youngsters. However, in October 1997, the Red Cross Handicapped Centre organized a Special Mini-Games event in Honiara attracting disabled children and adults from throughout the provinces. This sort of event could become a regular opportunity for children from around the country to encourage them in their personal development. The new Red Cross Handicapped Centre, currently under construction in West Honiara, is expected to offer more space for activities suited to education of disabled children, perhaps to include facilities encouraging participation in sports, etc.

3. Constraints and recommendations

386. Despite encouraging developments in Honiara, children outside of the capital area have very few opportunities for education. The impediments to disabled children’s education are as diverse as their abilities:

Attitudes - The way their own families view children’s abilities influence the way disabled children see their own potential. The view held by the world outside the family is influential, but perhaps not of primary importance. In learning to view such children as “differently able”, parents and others give them their greatest gift, a sense of self-worth.

Logistics - Even with helpful attitudes, a family of limited financial means is likely to choose a path for its disabled child that minimizes the difficulties faced by the family. For this child, as for any other in Solomon Islands, education is costly. Therefore, even the offer of a tuition-free education, may also present the insurmountable obstacle of daily transport costs. These issues effectively constrain the education of children in many families. Until there is success in decentralizing educational services for disabled children, these obstacles will remain.

Physical v. Mental Disabilities - Some disabilities, such as physical limitations, require physical means of compensation. It is a very different prospect to attempt to help children compensate for learning disabilities. If a child is perceived as unable to learn, the family may devalue the child. Such children may be more likely to be victimized by others, e.g., a child may be sexually, physically or emotionally abused. Contact and assistance from health authorities can help families better understand and value the child.

D. Leisure, recreation and cultural activities

1. Legal context

387. All children in Solomon Islands have the right to leisure and to enjoy cultural, sporting and recreational activities. They are also entitled to equal opportunity to participate in cultural, sporting and recreational activities regardless of ethnic origin, religion, gender, or socio-economic background.

2. Implementation

388. Children are encouraged to practise their own religion and thus provisions are made in the curriculum for church representatives to give religious instruction in schools. English is the medium of instruction in all schools and at all levels and is also taught as a core subject. Consideration is being given to encourage the development and use of vernacular and appropriate languages of instruction at the early childhood programme level, as young children can better grasp the concepts and express themselves in their first language.

389. Children attending school receive training in all aspects of sports and physical education as part of a complete education programme. Physical education and sports form part of the primary and secondary school curricula. Sports competitions are held among primary schools in various localities within the provinces. An inter-secondary schools sports carnival is held annually in the national capital for all secondary schools. There is no racial or gender discrimination in sports and children are free to play the sports of their choice. Nevertheless, there are sports normally played primarily by girls, e.g., netball, or primarily by boys, such as rugby and soccer. Many secondary students are selected for national representation in international competitions such as the South Pacific Games held every four years and other regional as well as international games.¹⁴²

390. Crafts do of course provide a source of revenue to artistic members of communities or simply provide individuals there an avenue of recreational expression. To what extent children or young people are involved in this process is undocumented. Whether such activities are viewed to be primarily work, recreation or education is also unknown.

3. Constraints and recommendations

391. Innovative programmes such as the introduction of the Mini-Tennis Programme by Solomon Islands Tennis Association continue to benefit Honiara or town area schools.¹⁴³ Sports have a great and enthusiastic following everywhere in Solomon Islands. Desire to give as many young people as possible opportunities to pursue organized sport, may at times result in an overemphasis upon these endeavours over other types of recreational pursuits.

392. Certainly a subsistence lifestyle is labour intensive. With 86 per cent of Solomon Islands' population benefiting from subsistence agriculture, the question of availability of time for recreational pursuits seems a valid one. However, if communities seek to expand their understanding of recreation beyond sports, then the recreational choices of children and adults may also become more varied and interesting. Desire to establish cooperative village libraries, for instance, may accompany literacy programmes. Naturally occurring fibres, pigments, resins or clays are accessible materials to many craftspeople. Dramatic productions may be done at low cost and with relatively low inputs in the way of props. The primary ingredient is human innovation. The value of the developing recreational pursuits for everyone in a village directly benefits children, who usually manage to create innovative play opportunities.

393. Very often the student population of a country begins to lose its understanding of traditional languages, stories, crafts, songs and dances. This obviously can happen due to the emphasis placed upon scholastic achievement. Opportunities to engender cultural awareness amongst the student population is, therefore, important. The loss of cultural identity lamented by those who watch the emergence of a worldwide materialistic youth culture, may also be addressed amongst unemployed school leavers via establishment of community-based artistic productions. Young people immediately gravitate toward modern music forms; however, sponsorship may also be available to preserve more traditional expressions of culture. As developmental processes become more established, preservation of traditional expressions of culture may also become a more highly valued commodity. Encouragement should be given to young people who seek to maintain continuity with traditional endeavours.

394. Development and maintenance of cultural stories, songs and dances via the educational system can be engendered many ways. Neighbouring Papua New Guinea encourages young people enrolled at National High Schools to organize and participate in annual dance festivals. Such highly publicized activities in Solomon Islands would develop increased awareness of cultural origins and encourage students to maintain their contact with such traditions and rituals. At the same time, these activities engender increased awareness of each other's differences, developing attitudes of appreciation and tolerance cross-culturally.

VIII. SPECIAL PROTECTION

A. Children in situations of civil emergency

1. Legal context for refugees

395. Solomon Islands is a signatory to the Convention relating to the Status of Refugees (1951) and to its Protocol of 1967. Although the country has not had to face internal civil emergency, the nearby conflict between the Papua New Guinea Defence Forces and the guerrilla movement (Bougainville Revolutionary Army) in Bougainville has resulted in some estimated 3,000 Bougainvilleans - some of whom are refugees - residing in Solomon Islands.

396. There is currently no refugee law in effect in Solomon Islands; however, in late 1996 the Office of the High Commissioner for Refugees (UNHCR) submitted sample legislation to the Solomon Islands Government which may be useful in drafting a refugee law in future. Currently, Bougainvilleans in Solomon Islands are considered “displaced persons”, as there is no official mechanism in place to distinguish actual refugees from amongst other Bougainvilleans who intend to return to Bougainville. In the absence of a refugee law, there is no legal method for determining refugee status of Bougainvilleans in Solomon Islands.

397. Bougainvillean children born in the Solomon Islands are registered at birth, but not as Solomon Islands citizens. They are eligible for Solomon Islands citizenship if the mother is a Solomon Islander or if both parents have resided here more than 10 years and decide to apply for citizenship. Although the issue of non-discrimination based on gender should be addressed by more inclusive wording, i.e. “*if either parent is a Solomon Islander,*” the Solomon Islands citizenship policy for displaced persons is consistent with those of other countries. Consequently, Bougainvilleans are granted the same rights to acquire nationality as other aliens residing here.

398. Bougainvilleans found breaking the law in Solomon Islands are prosecuted according to Solomon Islands’ law. They may be provided with a public solicitor and represented in court. Bougainvilleans also have legal standing to bring civil and criminal complaints.

2. Implementation of refugee policies

399. The Solomon Islands Government de facto refugee policy is at the moment in conflict with existing immigration laws. It allows to some extent illegal entry, informal employment and residence for Bougainvilleans seeking medical treatment in the Solomon Islands and not wishing to return. Despite this, the Solomon Islands Government (SIG) does not officially declare or recognize Bougainvilleans in the country as refugees. Contributing to this decision may be concern over the governmental fiscal austerity measures currently in place to remedy governmental cash flow problems. Certainly, once refugees are acknowledged legally, there would be fiscal as well as humanitarian obligations to be met as protocols have been established by international refugee conventions. It has been pointed out, however, that a refugee law would, in all likelihood, reduce current financial expenditures by permitting SIG and others to

determine who amongst the Bougainvillean population is legitimately entitled to refugee status. Such a mechanism would eliminate the random, and perhaps inappropriate, delivery of services currently being rendered to all Bougainvilleans including those non-refugees who openly intend to return to Bougainville.

400. Bougainvilleans residing in Solomon Islands are often referred to as “patients”. They live at Red Cross care centres or with friends and relatives around the country. The Red Cross provides them with food and arranges for their medical treatment in hospitals. Churches also provide housing and food.

401. Bougainvillean children in Solomon Islands are here with their families. They have come seeking medical attention either for themselves or another family member. Most of them arrive traumatized and badly affected by the conflict. Red Cross workers have noticed a remarkable difference within individual families between siblings brought over the border and those born in Solomon Islands. Those who have come from areas of conflict exhibit much more aggressive behaviours. Current international refugee laws do not address the issue of providing mental health care for these children. These children are in an unfortunate state of parity with Solomon Islands children in that no facilities exist for helping children in Solomon Islands cope with the aftermath of having witnessed or been themselves victims of violence, either psychologically, emotionally or physically.

402. Solomon Islands Government allows Bougainvillean children living in Solomon Islands to access health and primary education services on the same terms as citizens of the country. In the case of payment of school fees for children of Bougainvilleans, some of their parents have mobilized their own resources. Some special funds earmarked for education of refugee children may also be accessed through various international donor organizations.

403. Attitudes toward Bougainvilleans by Solomon Islanders are not unsympathetic, although there have been statements made to the effect that they are putting health-care services under too much pressure. Opinions have also been offered that they are to blame for rising incidence of crime and drug abuse and that they are stealing jobs from Solomon Islanders, etc. Politically, however, many Solomon Islanders are sympathetic to the Bougainvillean cause and Papua New Guinea frequently accuses Solomon Islands of “harbouring rebels”, etc. Undoubtedly, there is a need for public education on the social obligations incurred by offering sanctuary to refugees. However, no serious crimes that could result in possible deportation have been committed by Bougainvilleans to date. This would indicate that, for the most part, Bougainvilleans’ behaviour as a community reflects their own recognition of their status as guests here.

404. The net effect of the Bougainville “crisis” has had serious results for communities in nearby provinces, especially in Choiseul Bay. Raiding parties of PNG Defence Force soldiers who are seeking “rebels” forced an evacuation of Taro Island during the months of June and July 1996. The effects of these raids upon these communities are real and have not been quantified. Since 1992 several Solomon Islanders have been killed in these encounters.

405. Children in Solomon Islands have not become involved in armed conflict so far. Certainly some children's academic years have been interrupted as whole villages have sometimes moved inland away from the areas of incursion. The cessation of school in some affected communities has certainly had a negative effect on the education of some Solomon Islanders.

406. Late in 1997, a three-day seminar covering the introduction of International Refugee and Humanitarian Law was given to Ministry of Police personnel. It emphasized special applications for border patrol officers. According to a news article, the seminar was organized in response to the need for the Police to identify and categorize "border-crossers" with the aim of producing a document to "blue-print" future defensive operational procedures in border areas. The article quoted the Commissioner of Police as saying, "the police have been accused of harbouring and suffered military attack as a consequence, or [were] criticized when they failed to act against those entering the country's territory." In his speech, the Commissioner called attention to a variety of reasons that Bougainvilleans have come across the border into Solomon Islands. They are enumerated here: "some non-combatants who sought medical treatment; some who simply sought refuge from the fighting, those simply wishing to visit a relative or a friend or go shopping for provisions, and those who illegally entered our shores to carry out nefarious acts."¹⁴⁴ UNHCR personnel attended the seminar from Canberra, Australia and representatives of the International Federation of Red Cross and Red Crescent Societies, as well as the general secretary of the Solomon Islands Red Cross.

3. Conscription of children

407. There are no armed forces in Solomon Islands. Border reconnaissance forces are drawn from the domestic police forces; therefore, there is no conscription for adults or children. Minimum age for recruitment into the disciplined force is 18 years.

4. Emergencies due to natural disasters

408. The National Disaster Council (NDC) is the official body that deals with emergencies such as cyclones, earthquakes, floods, drought, etc. The NDC regularly solicits donations on behalf of the disaster victims from the public via radio bulletins. However, Solomon Islands Red Cross also administers funds in situations such as these. There may be a need for improved understanding between these two organizations. Recent response to providing for needs of Solomon Islanders during the aftermath of cyclones in 1996 have focused concern as to whether the two agencies are able to effectively coordinate relief services. There is a need to avoid duplication of relief efforts in some geographical areas, while others have been overlooked altogether for assistance.

409. Much suffering has been caused to families in Solomon Islands by cyclones and their aftermath, including lack of shelter, lack of potable water, flooded food gardens, lack of money to pay school fees, etc. The National Disaster Council negotiates with the Government to waive fees for children whose family livelihood has been destroyed by natural disaster. Basic food supplies and temporary shelter is usually supplied to stricken areas within a reasonable time

after a disaster. Rehabilitation takes longer. Some schools that were destroyed by cyclone Nina in 1993, for example, have been rebuilt but are still operating without furniture or books. Cyclones, which come with regularity each year, continue to be significant deterrents to development in certain areas of the country, e.g. Renbel Province and parts of Temotu, Makira and Guadalcanal.

410. World Bank funds have been made available to the Ministry of Education for rebuilding of schools in the wake of cyclones in 1986 and 1991 in Guadalcanal, Makira and Temotu Provinces. The European Union and others have assisted other affected areas, e.g. Renbel Province.

411. In addition to the effects of cyclones and flooding, parts of the country periodically experience periods of sustained drought. It is not clear what degree of food garden loss must be sustained before assistance from either the NDC or other parties is activated. Diet is certainly affected by such events and children usually suffer the greatest debilitation in such instances, as occurred in neighbouring Papua New Guinea in late 1997.

B. Children in conflict with the law

1. Legal context

412. The Juvenile Offenders Act provides for a separate juvenile court to hear cases involving such offenders. As required under this law, juvenile court sessions are always held in camera. The juvenile court sessions are to be held in a different location from ordinary sessions or on different days or at different times from ordinary court. Care should be taken to ensure the young person does not come in contact with offenders over eighteen, as far as circumstances permit, while going to or from court or while waiting before or after the session. It is the duty of the court to explain the substance of the offence to the child or young person as soon as possible and in simple language. Questions are to be put to witnesses as appear to be necessary and proper in the interest of the child or young person.

413. The Juvenile Offenders Act also states the necessity for understanding all the contributing aspects of the young person's life so a decision may be reached in the best interest of the child or young person. The court may direct a probation officer to prepare and submit such a report. The court may ask the defendant any questions arising out of the information in the report; or request a special medical examination or observation for the purpose of considering how to deal with the case in the best interests of the child or young person. The court may from time to time remand the child or young person to be placed on bail or to a place of detention.

2. Implementation

414. The numbers of young males committing crimes over the seven-year period are decreasing and numbers are even lower for females. (See table 21 below.) About 85 per cent of these cases occurred in Honiara. Honiara population increased from 14,942 in 1976 to 30,413 in 1986.¹⁴⁵ Unfortunately no recent census data is available for Honiara's current population figures.

Table 21

Criminal offences committed by juveniles, 1990-1996

Sex	1990	1991	1992	1993	1994	1995	1996
Male	123	104	66	79	78	60	43
Female	11	8	2	3	4	0	3
Total	134	112	68	82	82	60	46

Source: Social Welfare Division (1997).

415. Juvenile court is children's court. The magistrate's court sits a juvenile court once a week.

416. When the police arrest a child or a young person for committing a crime the procedure is as follows:

The child or young person is put in a cell at the police station for a period not to exceed 24 hours. During that period there is an initial interrogation process.¹⁴⁶

The offender is then released from the cell and taken to be formally charged with the crime.

A statement is then taken "under caution" meaning the offender is not forced to incriminate him/herself but anything said at that time can be used to incriminate him/her in court.

There is then an opportunity for police to question the offender again, this time with the intent of discovering inconsistencies in the original story.

The offender is taken for fingerprinting.

The offender is then advised of the court date and time and that he/she is required to appear or else pay a \$500 fine.

At this point the offender is either escorted by police to a meeting with the Social Welfare Officer (SWO) or required to find their own way to visit the Social Welfare Officer. In both cases, the SWO has been advised of the impending meeting and expects the arrival of the offender.

The SWO interviews the offender either in the company of their parents or relatives or alone and identifies him/herself as an advocate for the offender. When this is made known, the element of fear diminishes and an interview follows.

A Juvenile Enquiry Report (JER) is then drawn up using the offender's story and any further background research done by the SWO in the period prior to the offender's court date. The report may also include information about the treatment of the offender during their time with the police.

The police then continue with prosecution of the case.

During the first hearing the court asks if the SWO is present, if the parent or responsible relative is present, and in a serious case or if the child is 12 years old or less, whether a lawyer is present. If no lawyer is present, the court adjourns the case until the child sees a public solicitor. The court clerk expedites this appointment or the SWO can help to arrange the meeting.

At some point in court the child or young person is asked to give a "mitigation statement". The court offers the offender three options at this point: (a) to say nothing on their own behalf;¹⁴⁷ (b) to say something from the "accused box"; (c) to say something from the "witness stand" under oath. Of these three options, the most weight is given to the statement made under oath.

The court then asks the SWO for his/her report (JER) and any other comments at which point the SWO may emphasize particular aspects of the child or young person to the court, e.g. first offence or student status. The SWO may also recommend particular types of punishment or that the sentence be "bound over" meaning to request that the punishment be suspended unless another crime is committed by the offender. In the case of a repeated offender, the SWO may request a "residential order" from the court permitting the offender to live under supervision in a village setting away from their habitual residence.¹⁴⁸

During sentencing hearings the court listens to SWO recommendations, but maintains total authority in its sentencing decisions. However, if the parents or relatives feel the sentence is inappropriate, they may appeal the case to a higher court.

The SWO maintains contact with probation supervisors and requests reports on a regular basis regarding young offenders on probation.

417. In the case of a juvenile being arrested for a crime in the company of adults, the court and the police are aware that the young person should be held separately from adults. Often the police will take advantage of this rule to question the young person on details of the crime away from the influence of other offenders. A court, however, may choose to hear the case while the juvenile is in the company of adults, rather than in the situation of in camera court hearings. It is not clear if juveniles waive their right to separate court hearings solely due to their participation in a crime with the adults.

418. There has been a police practice of transferring children or young persons, who are only suspects, to a remand cell at Central Prison in Rove before being formally charged. This is not consistent with the Juvenile Offenders Act. During this period, it is also likely that the young person may be housed with a convicted criminal as convenience or space dictates. These

practices are not in accord with Juvenile Offenders Act, which states the need for the child or young person to be segregated from adult criminals. The fact that this practice takes place before the suspect has been charged with any crime seems contrary to the intent of the law.

C. Children deprived of freedom

1. Legal context

419. Section 3 of the Constitution states that every person in Solomon Islands is entitled to the fundamental rights and freedoms of an individual. The enjoyment of that right is subject to the respect for the rights and freedoms of others and for the public interest.

420. Section 4 of the Constitution provides that no person shall be deprived of his life intentionally, save in the execution of the sentence of a court in respect of a criminal offence under laws in force in Solomon Islands. There is no known offence under any law of Solomon Islands catering for capital punishment. A child above 9 years of age who is convicted of murder attracts the mandatory punishment of life imprisonment. Neither the High Court nor the Court of Appeal has a mandate in law to recommend parole. Life imprisonment for murder is mandatory and unconditional. Capital punishment is currently not a form of punishment in Solomon Islands.

421. The Governor General is the only person, acting on behalf of the Head of State (The Queen), who can grant to any person convicted of any offence under the laws of Solomon Islands a pardon, either free or subject to lawful conditions. Any person convicted of murder or any offence can be paroled by the Governor General, acting in accordance with the advice of the Committee on the Prerogative of mercy.

422. The police, under the laws of Solomon Islands, have wide powers of arrest. Such arrests can be executed with or without a warrant of arrest being granted by the Magistrates Courts on persons who have committed an offence or who are likely to commit an offence punishable under law. Children and persons under the age of 18 are subject to this law contained in section 5 (1) (f) of the Constitution.

423. Section 5 (a) of the Juvenile Offenders Act provides for the procedure that the police must follow when dealing with children in custody. Normally bail is granted by a court; however, in situations where the child cannot be brought before the court, the police must release the child on bail.

424. The child will not be released on bail if "he" is charged or held in connection with a charge of murder. Also the child will not be released on bail if his release would defeat the ends of justice. In such cases the law allows for the child's liberty to be restricted.

425. Section 92 (4) (a) of the Constitution provides that one of the many functions of the Public Solicitor is to provide legal aid, advice and assistance to any person in need who has been charged with a criminal offence. A child above the age of 9 years who is charged with a criminal offence has access to legal assistance.

426. Section 7 of the Constitution provides that any person, including a child, whose rights or freedoms under the Constitution have been contravened shall be entitled to compensation for the contravention of that right from the person or authority which contravened that right.

427. Section 18 (2) (a) of the Constitution provides that the High Court shall have original jurisdiction to hear and determine any application for compensation made by any person for a contravention of his constitutional rights.

428. Probation of Offenders Act 1971 provides for a regular report to be made by a probation officer on a probationer for purpose of review of a probation order. A review may be required for young offenders in prison.

429. The Constitution, the Penal Code, and other relevant legislation safeguard children or individuals from maltreatment, abuse, exploitation, torture, forced labour, inhuman treatment, etc.

430. Probation of Offenders Act 1971 provides for rehabilitation of offender or probation through supervision by competent authorities, e.g. Social Welfare Division of the Ministry of Health and Medical Services.

2. Constraints on implementation

431. Rove and other state-approved prisons are the only ones where minors are sent for imprisonment. In 1994, the Social Welfare Division of MHMS recorded that there were four minors sent to prison. In 1995, there were three.¹⁴⁹ At the time of this writing there is one juvenile currently in prison at the maximum-security prison at Rove, serving a four-month term for breaking and entering. The crime was not particularly severe, so the decision to place him in this particular prison seems questionable. Factors influencing the court's decision are not immediately available. Young offenders above the age of 14 may be treated as adults.

432. Unfortunately the review referred to in the Probation of Offenders Act above (para. 428) is often ignored and not implemented. In the absence of an alternative care and treatment facility for young offenders, there is a need for frequent review or supervision by a competent authority other than police or prison authorities. At present social welfare officers' visits to prison are strictly limited and subject to prison authority censorship.

433. Apart from the approved prisons there are no other approved institutions for proper custody of young law offenders. Alternatively, the Probation of Offenders Act 1971 provides for young or adult offenders to be served with probation. Such offenders shall serve their probation orders outside of the approved prison institution. Current remodelling taking place at the Rove Prison also caters for a juvenile unit and facilities. There are also plans for employment of a social worker and minister of religion upon completion of the new facility. Facilities proposed under the new prison system would cater for the needs of young offenders. Present facilities have the services of a medical doctor and church people visit prisons on a regular basis. This conflicts with opinion of the Social Welfare Officer (SWO) that inmates are escorted to medical care when there is a complaint and that only first aid facilities exist inside prisons.

434. There are no specific rules for treatment of young offenders in prison as there is no separate facility for their detention. All prisoners detained in Central Prison in Rove are subjected to the same treatment and policies of the prison. Prison officers monitor conditions and police may go into the prison to investigate. MHMS Social Welfare Division officers also bear responsibility to monitor treatment of prisoners.
435. The complaint procedure for ill-treatment involves notifying a prison service superior officer who may relay the complaint to a prison committee or directly to the police. It is unclear how this procedure is implemented.
436. There are literacy classes, trade and apprenticeship programmes, instruction offered on watch or radio repairs, carpentry, furniture making. Inmates housed at rural prison sites may also participate in agricultural instruction.
437. At the end of the term of confinement or probation, the SWO maintains an open door policy so there remains an opportunity for the young person to maintain contact with him or her. This option must provide needed psychological support for the young ex-offender.
438. There is a need for more information regarding what training prison personnel receive relevant to the provisions of the CRC or other international conventions concerning the treatment of juvenile offenders. Social Welfare is fortunate to have a member on the NACC. Perhaps a prison representative could be appointed to the NACC or some programmes could be developed for the police academy recruits.
439. Cabinet endorsed a policy paper on probation services in 1992. This was an attempt by the Social Welfare Division to improve and expand services. Government supports the idea of community supervision and intervention where the offender is sent back to his/her community to serve a probation order, under the guardianship of a probation officer.
440. Juvenile and probation services are among several statutory functions provided by the Social Welfare Division of the Ministry of Health and Medical Services. Recently, a programme of Community Policing was introduced in Honiara. Social Welfare has played an active role both in formulation and implementation of this programme.
441. The Honiara Urban Youth Committee (UYC), an idea conceived by the Social Welfare Division, was formed in February 1996 to address problems faced by young people in Honiara. The committee was recognized by the former president and administration of the Honiara Town Council (HTC) and consists of representatives from NGOs, churches and government. A representative of the Honiara Town Council, currently the HTC youth officer, chairs the UYC. The committee was given political recognition by the president as the political head of the HTC and was mandated by HTC to function and execute its activities.
442. The Church of Melanesia, in response to an identified need, started the "Street Kids Committee". Children from a settlement area near the waterfront in Honiara were observed to be living without adult supervision and were becoming involved with adults in various criminal activities. Some of the members of this committee are the same as those on the Urban Youth Committee; however, there are some that serve with Street Kids who do not serve on Urban

Youth Committee and vice versa. The committee has been designated space at the Multipurpose Hall in Honiara for weekly morning sessions with the young people. Although monies have not been forthcoming, some Honiara Town Council personnel have been dedicated to the programme and it continues largely due to the efforts of a committed group of volunteers and the Church of Melanesia. The formal proposed programme includes literacy training, bible study, maths, and sports e.g. basketball and self-defence training. The committee meets on an ad hoc basis.

443. Statistical information (see tables 22-25) below indicates the numbers of cases handled annually by the Social Welfare Division.

Table 22

Custody of children, maintenance and separation

1991	1992	1993	1994	1995
22	26	23	25	22

Table 23

Adoption

1991	1992	1993	1994	1995
2	0	1	4	2

Table 24

Divorce

1991	1992	1993	1994	1995
0	3	4	1	0

Table 25

Referrals (including affiliation - single mothers)

1991	1992	1993	1994	1995
30	23	3	3	22

Source: (tables 22-25): Social Welfare Office Annual Records.¹⁵⁰

444. The number of youthful offenders seen by the Social Welfare Division is relatively low (please refer to table 2 above). Honiara young people represent almost 85 per cent of the cases. Delinquent behaviour resulting in criminal activities is largely an urban problem. Thus it is fair to assume that unemployment, lack of capacity in the formal education system, lack of recreational facilities or programmes for youth, significant numbers of young teenagers who drop out of school, and a lifestyle of idleness are contributing factors to delinquency.

D. Exploited children

1. Child labour

Legal context

445. Solomon Islands became a member of the International Labour Organization (ILO) in 1985, seven years after independence. At that time 14 conventions were ratified (see annex 3). Portions of other ILO conventions or recommendations have also been integrated into this country's laws over time, without being officially ratified. For example, components of the yet-to-be-ratified Convention, "Fixing the Minimum Age for Admission of Children to Employment at Sea" may have provided guidelines for pertinent sections of labour legislation in Solomon Islands relating to this topic. Of the 14 conventions ratified to date, 2 deal specifically with children or young people:

Medical Examination of Young Persons (SEA) Convention (No. 16), 1921

This Convention states the requirement for annual medical examination of any child/young person under 18 on any vessel.

Labour Inspection Convention (No. 81), 1947

This Convention affords protection to children working in industrial and commercial sectors of the economy by setting out the following functions of appropriate labour inspection:

To secure the enforcement of legal provisions relating to conditions of work and protection of ... children and young persons;

To supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

To [report] defects or abuses not specifically covered by existing legal provisions (Convention No. 81, art. 3).

446. The Labour Act sets out minimum ages for admission to employment in various sectors of the economy:

Section 84 of the Labour Act states, "no children under the age of 12 years shall be employed in any capacity whatsoever."

Exceptions: children employed by or in the company of their parent or guardian in light work or agricultural/domestic or other forms of employment as may be approved by the Minister.

[N.B. Children under 12 are not allowed to work in any capacity in the industrial or commercial sectors.]

Section 85 of the Labour Act states, “all persons under 15 are not to work in any industrial undertakings or any branch thereof.”

Exceptions: Children employed on training ships (for education purposes) or those types of employment approved by the Minister.

[Notable exceptions to section 85 are interpreted to include certain family-owned-and-operated businesses of a industrial nature, e.g. a bus service, in cases where there is direct supervision of the child by a responsible family member.]

Section 86 of the Labour Act states, “A person under the age of 16 shall not be employed underground in any mine.”

Section 87 states that once males attain the age of 16, with medical certification of fitness, they may be employed:

Underground in any mine;

On any ship within stated limitations;

During the night in any industrial undertaking with written permission of the Commissioner.

447. There is apparently no protection in the Labour Act for children or young persons (12 years of age and upward) who work in the commercial sector, e.g. hotels, restaurants, casinos, hospitals, offices, theatres, etc. (See endnote 151 under Constraints and recommendations below.)

448. To the extent that children who work are also wage-earners, they are considered by the Labour Division to benefit from any wage and condition legislation which has been enacted to protect adult wage-earners in the workplace.

449. In the absence of verifiable age documentation, the Labour Act states an employer’s good faith assumption that an employee meets the legal age requirement under the terms of the Act to be a justifiable defence in court.

Implementation

450. The Solomon Islands Labour Act states that only an initial medical exam is required by operations employing young people at sea. Despite the apparent inconsistency in implementing the letter of this convention, present circumstances reveal that no young person below age 18 is known to be employed on any ship (with the possible exception of supervised school-training ships).

451. In providing information on penalties and sanctions it is necessary to note that all inspections by the Labour Division are conducted in response to either accidents reported or complaints lodged. This is essentially a reactive basis for inspection, rather than a proactive one. This significant limitation has been attributed to lack of funds, lack of personnel and lack of adequate transport. It is the opinion of the Labour Commissioner that all workplace accidents are, nevertheless, reported. Employees and their supervisors are considered to have been effectively informed of their rights to compensation via seminars and radio programmes dedicated to disseminating such information.

452. Occasionally, in the process of investigating an accident, a labour inspector discovers a person below the legal age of employment working at the site. The subsequent enforcement procedure is quite clear. The employer is advised that the employment of the child is against the law and the employer's future payroll lists are subsequently monitored to determine that the child is no longer employed there. Although fines up to \$500 are listed in the Labour Act for such a breach, sanctions have never been imposed for child labour violations. This implies that employers found in violation of the law have always been compliant and have thereby avoided sanctions.

Constraints and recommendations

453. While the Labour Act denotes various age restrictions with regard to children working in industrial, mining and shipping undertakings, there are effectively no prohibitions or special considerations governing those who employ children (12 years and over) in the commercial sector.¹⁵¹ There is a need, therefore, for additional or revised legislation to protect children from potential exploitation.

454. Solomon Islands registered a declaration with the ILO on 24 September 1965 to *exclude ratification* of Part II (entitled "Labour Inspection in Commerce") of the Labour Inspection Convention, per the requirements stated in Part III, article 25 of the same Convention. This means that the Solomon Islands Labour Act, although omitting special provisions for children/young persons (12 years and over) who work in the commercial sector, conforms to the ratified terms of the Labour Inspection Convention. Hence, the apparent lack of protection for children of age 12 upward is explained. However, the necessity to re-examine this exclusion remains of significant importance to the future protection of children in Solomon Islands.

455. Of particular interest in examining limitations of the Labour Act regarding protection of children 12 and over from employment in the commercial sector is whether they are also prohibited from working or being present in casinos. According to the Gaming and Lotteries Act [Cap 32] section 3, subsection (3):

No gaming shall take place at which any person under the age of 18 years is included among the players, except where both the following conditions are satisfied, that is to say:

- (a) In a private dwelling house or in the presence of a parent or guardian of that person;

(b) Any such person taking part in gaming does so with permission, whether general or special, of a parent or guardian of that person.

In this case, there is no absolute minimum age defined, as in some legislation. This could be interpreted to allow persons under 18 years of age to be present, e.g. serving food, at a gaming establishment without necessarily requiring the presence of a parent or guardian. This gap in protection needs to be remedied by law revision or drafting of new legislation.

456. The lack of required legal age documentation for all those seeking employment in Solomon Islands interferes with meaningful enforcement of age restrictions. Consequently, some employers may erroneously assume that their young workers have reached the age of 18 years when they are hired. This assumption is considered to be a justifiable defence in the case of legal action brought against an employer who has unknowingly hired a person below the legal age for employment. A national identity card with date of birth and photograph would assist employers and others in verifying names and ages when necessary.

457. Despite its mandate to implement the functions mentioned in the Labour Inspection Convention, the Solomon Islands Government keeps no specific data on child labour in the country. Although numbers are kept for adult female wage earners, numbers are not known for juvenile wage earners. It is the considered opinion of the Labour Commissioner that the relatively large number of unemployed adults currently seeking paid employment in the country probably has the effect of diminishing the necessity for employers to meet their labour needs via employment of children.¹⁵² The need for baseline data to assist in measuring the incidence of juvenile employment in the commercial sectors is paramount.

458. Of equal importance is the fact that the text of the Labour Act omits any specific language protecting children from economic exploitation or from work hazardous to children's health, mental, spiritual, moral or social development. (These phrases are found in article 32, CRC). Perhaps such wording could be incorporated in future legislation or via Law Reform Commission sanctioned revisions governing child labour practices in Solomon Islands.

459. In differentiating between genders in the age requirements for 16-year-olds that choose hazardous industrial employment, the Labour Act lacks equal consideration for males and females. The Law Reform Commission should revise the Labour Act with attention to remedying the omission of the commercial sector in labour inspections.

460. November 1997 saw the arrival of an Australian film crew and its screen stars to do location shots in Solomon Islands for a feature film. Via a two-page article in the local newspaper, it was learned that in addition to adult Solomon Islanders, three Solomon Islands' children had also participated in the film on location in Australia.¹⁵³ This information raises questions regarding the processes involved in recruiting these youngsters, organizing their travel, and particularly their treatment when on location. Although Australian filming practices and policies may have been applied on behalf of the young Solomon Islanders in this case, the questions remain.¹⁵⁴

2. Sexual exploitation and sexual abuse

Legal context

461. The Penal Code, Cap 5, Part XVI deals with offences against morality. Sections 128 to 146 would cover certain particular situations relating to sexual abuse of children, especially girls. These provisions are clear as far as they go; however, they are antiquated and need to be broadened to include language that protects boys from similar crimes. Additionally, language protecting children from computer disseminated pornography is urgently needed. The commercial exploitation of children, including paedophilia associated with tourism and commerce, is a growing problem here and elsewhere in the Pacific. The Law Reform Commission is the legal entity through which such changes would be channelled. However, it is up to interested individuals and advocacy organizations to submit the specific requests for such changes in the laws.

462. The Penal Code section 133 (1) states that a person who unlawfully and indecently assaults any woman or girl is guilty of a felony, and liable for imprisonment for a term of five years. This is a general provision that could be used against persons assaulting female children, but falling short of rape, or even serious assault. Here, however, is again raised the question of whether male victims are protected by the letter of this legislation (see above). Section 154 of the Penal Code covers indecent assaults/attempted indecent assaults on any male person and so would include boys. This is liable to seven years' imprisonment. Section 133, indecent assault on women/girls, is only liable to five years' imprisonment. This raises the question of non-discrimination and needs to be addressed by the Law Reform Commission.

463. Section 237 of the Penal Code is a general provision governing assault and protects children and adults, male or female.

464. Those found guilty by the court of sexually abusing children are normally sentenced to prison, although some may serve suspended sentences outside of prison.

465. Where there are offences under the Penal Code, a person found guilty of sexually assaulting a child (girl) might be sent to prison. The victim may be happy that the perpetrator has been sent to prison, but the injury caused to her may still exist, and she may feel that she has not been compensated properly. With the assistance of a lawyer, the victim of a sexual assault may bring a restraining order against the person who assaulted her. A civil suit can be instituted in court for damages against the person who committed the offence.

Implementation

466. The Ministry of Police has published some data on children as victims in Annual Report form, please see tables 5 and 6, above. More detail on children's ages and resolution of cases would be useful to understand whether there are obstacles to effective prosecution of such crimes. Involvement of newly trained police officers¹⁵⁵ within the Ministry of Police will also be advantageous to children and victims of domestic violence, etc. The training, conducted by the Family Support Centre, highlights the renewed working relationship between the Ministry of Police and this Centre.

467. Laws (including the Penal Code) are only of use to any person or authority if there is a breach of compliance with that particular law. Where, for example, an uncle has molested a girl, unless such acts are brought to the attention of the Police the culprit will never be prosecuted.

468. Instruction can be made to the office of the Public Solicitor or to any private legal practitioner to commence civil proceedings against persons who are known to have caused these assaults. This may facilitate prosecution of cases which otherwise would not be brought to court due to the intimidating aspects of the criminal reporting process.

Constraints and recommendations

469. An important obstacle to prosecution is the non-reporting of sexual assaults to police officers. This could be due to various reasons, such as the fact that compensation has been paid to the victim's parents, or that it would be shameful for the family to acknowledge that such acts have occurred, or that there is simply no easy access to police stations. In most areas police stations are miles away. Even if there is a police station close by, it is possible that the victim will not report the assault because of the fear of being intimidated by police,¹⁵⁶ more so if the victim is a female and the police attendant is a male.

470. Another issue is identifying which acts or actions amount to sexual abuse. Unless a victim understands that s/he has been assaulted, such acts may continue to be practised undetected. Thus the issue of awareness is also important. It is difficult to allege that a child has been sexually abused without actually recognizing if such an act amounts to sexual abuse under the Penal Code. There is definitely an ongoing need for public awareness amongst communities concerning child abuse. The Family Support Centre in Honiara conducts outreach workshops on family violence issues, CRC and legal rights to address this need.

471. Occasionally, the government radio station (SIBC) or the newspapers carry some news regarding convictions for common assault or sexual abuse. This has changed in recent years to include overseas news items involving young Solomon Islanders.¹⁵⁷ With Asia cracking down on its child sex trade, certainly there is a growing desire amongst Pacific nations not to become the next destination for sex tourism. At the same time casinos have gained a significant foothold in the local economy. The risk of exploitation of staff by patrons in such venues is great.¹⁵⁸ It is hoped that regulatory agencies will focus on protecting casino workers from exploitation. Similarly, hotel operators in nearby countries have been charged with prostitution tied directly to competition for business in the mainstream hospitality market. Such signs are worrisome trends that need to be closely monitored. Creating raised awareness of this issue via discussions with the Tourism Authority would be a positive beginning point.

3. Sale, trafficking and abduction of children

Legal context

472. The Penal Code, Part XXVI "Offences against liberty" refers to sanctions prohibiting kidnapping, abduction, concealing abducted persons, etc.

473. The Penal Code, section 246 specifically deals with child stealing. Cases exist commonly amongst birth parents reclaiming children from families who have informally adopted them. In custodial disputes, the non-custodial family quite commonly takes children from the custodial parent. These cases are often handled through the Public Solicitor's Office (see chapter V, Family environment and alternative care, section E, Illicit transfer and non-return).

474. In the case where children are suspected of being active in sexual activities on boats or in certain premises, the guardians of the child may bring a lawsuit against the owners of the boat to restrain them from allowing children on board.

Implementation

475. Customary law is part of the law of the land as long as it does not violate the principles of humanity ensured by the Constitution. Although there has not yet been a case brought to court, potential does exist for legal conflict to arise between certain customary marriage practices and the constitutional protection of the right to personal liberty afforded to young females as citizens of this country.

476. In certain areas of the country, customary marriage practices may, for example, allow a female child of comparatively young age to be married to a person chosen by her parents, but against her own will. In such cases any potential advocate for the girl's interests might be deterred for several reasons. Persons who might help would not be welcome interfering in family affairs. Such persons may also be uninformed of the child's legal rights under the Constitution. Or an advocate may not be willing to disrupt the highly valued cohesion of the community in such a circumstance. Though such hypothetical situations may or may not be uncommon, a legal case must be presented before the strength of the constitutional protection can be effectively measured.

4. Drug abuse

Legal context

477. The Constitution of Solomon Islands is the Supreme Law of the land. All other laws are subject to it (section 2 of Constitution). Chapter II of the Constitution contains the fundamental rights of individuals. Of particular importance are section 6, which provides for the protection of individuals from slavery and forced labour, and section 7, which provides for the protection of individuals from inhuman treatment. To fulfil these provisions in the Constitution, laws like the Penal Code, Dangerous Drugs Act, etc. were enacted or adopted.

478. The appropriate piece of legislation prohibiting the use of certain drugs is the Dangerous Drugs Act Cap 53. Such drugs include Indian hemp (*Cannabis sativa* or *Cannabis indica*), Raw Opium and Coca Leaf. Section 7 of the Act prohibits the cultivation of Opium Poppy or Indian Hemp or Coca Leaf by any person. Section 8 (a) and (b) states that any person found being in possession of drugs, or selling or who shall have given or sold is guilty of a crime. The provisions of the Dangerous Drugs Act apply to all persons, including children.

479. The penalty provisions in section 39 of the Drugs Act range from:

On conviction by the court, a fine of two thousand dollars or to imprisonment of 10 years or both.

On summary conviction to a fine of five hundred dollars, or to imprisonment or both.

480. The Liquor Act, Cap 33 regulates the sale and consumption of liquor. The opening hours are 8 a.m.-6 p.m. each day (section 5 of the Liquor Act). Only licensed liquor outlets are permitted to sell liquor. Section 74 (1) and (2) of the Liquor Act, amended in 1988 and 1992, prohibits a person or licensee to sell or supply liquor to any person who is known to be under the age of 21 years. Breach of this section attracts a fine of \$1,000 and a term of imprisonment. Section 74 (3) prohibits persons under the age of 21 years to consume liquor whether on licensed premises or not. A fine is also attracted where there is a breach. Section 74 (4) also prohibits a person to send a person under the age of 21 to purchase liquor.

Implementation

481. Alcohol and tobacco are widely used and abused by both young and old despite the presence of national legislation in the form of the Liquor Act.¹⁵⁹ Arguments may be made that the Liquor Act amendments increasing the minimum ages for purchase and consumption of liquor from 18 to 21 years are not enforceable. The legal voting age in the country is 18 years and the employment restrictions of the labour laws apply only to those under 18 years of age. Effective policing may also be hampered by the difficulty in determining whether someone is under 21 years of age or above unless that person carries some kind of identity card, e.g. a birth certificate. An article in a local newspaper raised the question of whether under-18-year-olds are banned from attending clubs where alcohol is served.¹⁶⁰ The text of the article questions whether clubs can successfully deny entrance to those under 18. The issue of being 21 years of age to legally drink alcohol was not even addressed. This leads to speculation that the public generally assumes an 18-year-old can legally attend clubs and drink alcohol.

482. Studies by WHO and UNICEF consultants in November 1995 highlighted both the prevalence of alcohol-related problems and the need for a national preventative programme to combat such problems and for awareness raising. These consultants were assisted by MHMS staff during the course of conducting their study in Honiara. There have been plans for the Social Welfare Office (MHMS) to arrange for a wider study on adolescent behaviour in relation to substance abuse and unemployment. Contacts have been made with the WHO office in Honiara for funds or expertise. Also in collaboration with the UNICEF office in Fiji, an action plan (project proposal) was submitted by Social Welfare during a regional workshop in May/June 1996. This plan requested funding of a local workshop addressing alcohol and tobacco abuse. This workshop was to be held in December 1996.¹⁶¹

483. Statistics on how many children have been convicted of drug offences are not immediately available. The Police and Magistrate's Court does not have proper statistics on the prosecution of drug abuse by children. There is, therefore, a need to develop a system where the number of children convicted under the Drugs Act is kept. It would then be possible to gauge the problem of drug use by children.

484. For several years until late 1997 there was no proper surveillance undertaken by the Town Council Police and the National Police to halt the rise in the numbers of black market beer outlets. During that period, Honiara experienced a steady increase of black market beer outlets in government residential areas and also in settlements outside the town boundary. Because of the fear of purchasing alcohol in the retail shops, children purchase beer from the black markets in the night. The presence of illegal outlets stimulates child consumption of liquor. In the last quarter of 1997, police policies changed and several raids were conducted on such outlets, resulting in closure and arrests.¹⁶² Via a local news story in February 1998, the police restated their commitment to continue “ongoing police operations to prevent illegal activities, e.g. sale of alcohol, drug abuse, housebreaking, vandalism, etc.”¹⁶³

Constraints and recommendations

485. Control of alcohol consumption is hindered by the availability of alcohol, including home brew and toddy (kaleve). Since mid-1993, Solomon Islands has had its own local brewery. This has not prevented continued importation of foreign beer into the country. In 1995, in exchange for its promise to assist in building a new wing of the maximum-security prison at Rove, a local wholesaler was granted a 50 per cent concession rate on customs duties on imported beer. This made the wholesaler’s business in imported beer very competitive with local beer prices. The Government lost a significant amount of import duty money¹⁶⁴ *and work on the prison has since stopped due to lack of funds from the wholesaler in question.* In future criteria for awarding government duty concessions must be reviewed and minimized to prevent such problems from occurring. Transparency in Government is necessary to win back public trust. If private enterprise cooperates with Government in future social welfare endeavours, it should be strictly on a charitable basis, with no hidden benefit to be gained by the company beyond resulting public goodwill.

486. Binge-drinking patterns characterize alcohol consumption in Solomon Islands. The traditional value system of sharing and reciprocity exacerbates the societal abuse of alcohol. A study in two communities in Ysabel Province found that 82 per cent of respondents said that they normally drank with friends, while only 18 per cent said they drank alone. The association between having a celebration and excessive consumption of alcohol is a firmly entrenched one.¹⁶⁵ Keeping track of alcohol-related illnesses, accidents and crime statistics will assist in developing public awareness of the problem of alcohol abuse. Such data will prove useful as a source of indicators for incidence of child abuse and other issues for children or young people.

487. It is not widely understood by the drinking public that such consumption patterns can be precursors to either psychological or physical dependence, i.e. alcoholism. The detrimental economic effects of alcohol abuse are also significant in a country where wage rates are comparatively low and education costs for children are relatively high. Specific campaigns to heighten awareness of the dangers of binge-drinking alcohol consumption patterns would probably only be helpful in combination with establishment of counselling and referral programmes. Churches may be effective resources for their immediate communities. Establishment of Alcoholics Anonymous (AA) or similar self-help organizations might be useful, especially where other agencies are unable to provide counselling services or adequate support to the person seeking help.

5. General recommendations

488. The extent of child exploitation in Solomon Islands (child labour, prostitution, drug abuse, and sale, trafficking or abduction of children) is not known. This is largely due to the fact that there are no proper statistics kept by the authorities that are concerned with the administration of the relevant legislation. Such bodies include the Police, Social Welfare, courts and hospitals and clinics. Relevant statistics are vital to determining the effectiveness of current legislation. It is difficult to introduce meaningful changes to current laws without relevant data contained in statistical form.

489. The Police, the courts, social welfare officers, health workers, teachers, child rights advocates and citizens must work together to combat exploitation of children on all fronts. A national database of child-relevant statistics needs to be established and maintained. This could be facilitated temporarily through the office of the Secretariat of the National Advisory Committee on Children or, more preferably, through a dedicated position in the lead ministry for children's affairs (currently the Ministry of Youth, Women and Sports). Regardless of where the database resides, it must be accessible. The relevant agencies must cooperate in the process of data-sharing by identifying indicators, tracking child-relevant statistics and updating the national database in a timely and regular manner, e.g. reporting current statistics at least every six months, if not quarterly. The database should be insulated from the capricious transitions of governments, and given priority as a meaningful repository of information. Such information should be monitored in a timely manner to detect both positive and negative trends and facilitate implementation of measures necessary to optimize the development of Solomon Islands children.

490. Laws that do protect children from exploitation are contained in various acts and ordinances. Perhaps due to the fact that such provisions are widely scattered, their implementation is often lacking. A good majority of the citizens of this country do not know where to find these laws, let alone provisions relating to abuse of children. It would be convenient, therefore, to have a separate article of legislation dealing with children. The problem immediately foreseen is that such a law may duplicate the provisions in the Penal Code, Labour Ordinance, Dangerous Drugs Act, etc.

491. All current, child-relevant legislation should be reviewed by the Law Reform Commission and revised. A comprehensive Child Bill should be drafted and enacted to address the existing areas of weakness, thereby strengthening existing legislation. Such a bill might use the Convention on the Rights of the Child as a guideline in considering all areas of law relevant to children. It should create new language for child-protective measures that address the technological developments of the next century. Specifically, use of various present and future communication technologies, such as the Internet, are not covered by current laws, thereby permitting child exploitation practices via these media to go unchecked. Neighbouring Fiji is already wrestling with the problem of applying child-protective legislation inadequate to the electronic age.¹⁶⁶ Solomon Islands must not find itself left behind.

E. Children of a minority or indigenous group

492. Solomon Islands is culturally extremely diverse, with over 80 language groups and distinct differences in customs, lifestyles, physical appearance, etc. - even among Melanesians who form over 90 per cent of the population. Polynesians (4 per cent) and Micronesians (1.5 per cent) form the largest minorities in the country with Asian and Europeans accounting for some 1 per cent each. To some extent, therefore, minorities are the norm. This is especially true, in light of the observation that cultural distinctions are frequently made amongst Solomon Islanders who comprise the Melanesian majority. Most modern Solomon Islanders, who have lived in culturally diverse areas, take great pride in their ability to identify fellow Solomon Islanders' places of origin by either their appearance or by their language. This awareness has been known to engender a lack of cooperation at the workplace. However, it is difficult to gauge whether cronyism or the wantok system permits oppressive discriminatory practices over children.

493. There is no acknowledged or overt discrimination against any of the minority groups mentioned above. However, at least one group of Solomon Islands citizens - those from Kiribati (formerly Gilbert Islands), who were settled here by British colonial authorities in the 1950s - are disadvantaged because of their lack of customary land ownership rights. Other groups from small, remote outlying islands such as the Temotu group, Ontong Java and Sikiana are greatly disadvantaged by their geographically remote positions and the associated difficulties in receiving services provided by Government or businesses.

494. Women and children are generally disadvantaged by their lack of power in social and economic spheres. These inequities may most easily be addressed by continuing to focus attention on the vestiges of institutional discrimination inherent in the remnants of colonial law still used in the modern era. Solomon Islands citizens must also decide to what degree the current inequities inhibit or advance the development of the country. With clear agreement and desire for either facilitating change or maintaining the status quo then education may then proceed to perpetuate or improve the current situation for minorities in Solomon Islands.

Notes

¹ Please refer to the Convention on the Rights of the Child, article 42. In Solomon Islands this will mean the full country report will only be available in English; while shorter, summary reports may be translated into several of the larger local languages, including Pijin, and more widely disseminated.

² Ona calls for referendum ... and condemns Solomons for signing border treaty (16 July 1997). The Solomon Star, p. 5.

³ Peace talk group arrive [sic] on Royal NZ Air Force aircraft (23 July 1997). The Solomon Star, p. 3.

⁴ "Big step forward for peace" (23 July 1997). The Solomon Star, p. 3.

- ⁵ Confidence of peace soon on B'ville (14 October 1997). The Solomon Star, p. 7.
- ⁶ NZ troops fly to B'ville (9 November 1997). The Solomon Star, p. 12.
- ⁷ More Bougainville peace talks (28 November 1997). The Solomon Star, p. 14.
- ⁸ Central Bank of Solomon Islands, (1997). Quarterly Review, September 1997, Honiara. Also, Asian Development Bank, (1997), Solomon Islands Economic Report 1997, Honiara.
- ⁹ Solomon Islands Government (SIG) (1992). Statement of Policies by Solomon Islands Alliance for Change 1997-2001, Honiara.
- ¹⁰ Bus fare rise by 50 per cent (27 February 1998). The Solomon Star, p. 2.
- ¹¹ There are several cut-off points in the education system, at the end of standard 6, forms 3, 5 and 6. The number of students that are able to continue from one cut-off point to another depends on availability of facilities such as classrooms, dormitories, teachers and available places. There are fewer facilities available in secondary schools for females. (MHMS, SWO, March 1997, p. 3).
- ¹² Although health information on incidence of STDs is kept by MHMS, it is not disaggregated by age, so there continues to be an urgent need for data collection on all these issues that affect young people in Solomon Islands. (Source: WHO Mission Report on Adolescent Health, 1997, annex 3).
- ¹³ Fia, P. (1996), Youth and Other Social Problems in Solomon Islands: An Overview, p. 5.
- ¹⁴ SIG/UNICEF 1993. Situation Analysis of Women and Children, Honiara, pp. 27-34.
- ¹⁵ In the period prior to publication of this report there has been great confusion as to the status of children in the governmental ministerial structure. Although the NACC is chaired by the Permanent Secretary of the lead ministry designated for children, the dissolution of the MYWSR in early 1997 meant that youth and women were assigned to separate ministries. This resulted in confusion as to what ministry would have jurisdiction over children's issues. This essentially decapitated the NACC for a sustained period in 1997 as letters by the secretariat requesting governmental clarification produced conflicting information. The issue was still unresolved in March 1998. Among other things, this has negatively affected the momentum for furthering children's rights/needs engendered by Solomon Islands' accession to the Convention. Not having a confirmed lead ministry for children's affairs, the NACC and children's issues themselves have been pushed to the periphery of governmental awareness. Despite a workshop held on the CRC in Honiara in October 1995, the rapid pace of public sector and NGO personnel turnover since then has adversely affected development of a base of informed, highly-placed individuals necessary for sustained continued progress toward the goal of implementation of the Convention.

¹⁶ The Pacific Islands' definition of youth generally corresponds to the WHO definition. This applies to young people 15 years of age up to 30 years of age, essentially young unmarried adults. Such a broad definition of youth means that young people between the ages of 15 and 18 years probably comprise only a small percentage of members within youth groups throughout the country. Consequently, it is difficult to take any data relevant to youth groups and interpret the status of the 15 to 18 year olds in Solomon Islands.

¹⁷ The children's policy is also known as the Draft Solomon Islands Policy, Strategy and Outline Plan of Action for Children. The document incorporates the relevant provisions of the CRC, the World Summit Goals for Children and the principle of the best interests of the child as its framework.

¹⁸ Also for discussion was whether the MYWSR would chair the NACC. At that meeting it was suggested that a full-time officer of children's affairs was needed to keep track of progress towards sectoral targets set out in the policy. Further information on the history of the attempts to establish an officer for children's affairs is contained in NACC minutes for 13 April 1995.

¹⁹ The idea was also introduced to organize a CRC reporting workshop to be held in Honiara in October 1995.

²⁰ Police could assist youths says Short (11 November 1997). The Solomon Star, p. 3.

²¹ The Law Reform Commission should not be confused with the Law Revision Commission, which deals with revision and reprinting of existing laws. Unlike the Law Reform Commission, the Law Revision Commission has no power to recommend changes to the law. The Commission can do grammatical changes to a provision so long as the substance of that law is not changed. A revised edition of a particular Act by the Law Revision Commission becomes the authentic authority.

²² The funding for the production of these materials has been provided by UNICEF and Save the Children Fund Australia (SCFA).

²³ Health booklet will help community (1 August 1997). The Solomon Star, p. 8.

²⁴ Unfortunately this annual tradition was omitted in 1997 due to staffing shortage at SCFA.

²⁵ NACC has an advisory role to the Government on child issues and was charged with the task of formulating a National Policy on Children and Plan of Action. NACC is still the only intersectoral committee for which sitting fees are not paid, the rationale being that Committee members are paid for their work during working hours and that issues affecting children, the future of Solomon Islands, will garner priority amongst the busy demands of participating members. However, lack of interest by some NACC members to regularly attend Committee meetings has been attributed to lack of incentives, such as sitting fees. The Committee roster represents most sectors affecting children (see annex 1, point 10). Notably absent are members from the Ministry of Police; however, the Ministry of Justice is represented by a lawyer from the Attorney-General's Chambers. Historically, the Committee has relied on the goodwill of

individual members to carry on its work. This work has included publishing information on the CRC, lobbying Cabinet for Solomon Islands' accession to the Convention in April of 1995 and raising public awareness of children's issues. This work continues with the compiling of this report and perhaps monitoring into the indefinite future.

²⁶ NACC minutes dated 2 February 1995 and 13 April 1995.

²⁷ MYWSR re-established in the latter part of 1997 by the newly elected Government with the name Ministry of Youth, Women and Sports.

²⁸ NACC minutes dated 14 March 1996.

²⁹ For example, the newly formed Family Support Centre was delegated to write in the area of child exploitation. Although the Centre has dealt primarily with abused women, the need to help affected children is a natural and obvious progression in mission. Discussion of the issue of child abuse and exploitation in the country currently presents a challenge and opportunity to mobilize forces to meet this unmet need (in terms of services for victims of child abuse in Solomon Islands).

³⁰ By way of example, an Under-Secretary from the Ministry of Development and Planning compiled significant portions of the report section dealing with education with input from MEHRD personnel. By way of further illustration, there has not been a sitting representative of SICA (Solomon Islands' Christian Association) on the NACC since the first submissions were requested in August of 1995. This has meant that a valuable source of non-governmental information has been omitted with extra time and effort insufficient to compensate for this loss.

³¹ The notable exception was a submission by the Social Welfare Division of MHMS in August 1996. However, requested feedback from that sector, too, was periodically delayed.

³² Unexpected assistance came via a visit to Honiara by Professor Yuri Kolosov, the Vice-Chairperson of the Committee on the Convention on the Rights of the Child in Geneva. Professor Kolosov met with some members of the NACC in August 1997. His comments on the third draft of the report were of great assistance. The invitation to attend a UNICEF-sponsored Pacific Regional Consultation Workshop on the Reporting and Monitoring for the CRC in Suva, Fiji, also in August 1997, also proved very beneficial to the final drafting of the report.

³³ Even within MHMS there is room for improved statistical records. For example, teenage suicides and attempted suicides have not been quantified. Teenage pregnancy rates and school drop-out/push-out rates have not been correlated. Causes of children's injuries and deaths, above the age of 5, have not been consistently tracked, categorized or quantified in ways that could be useful as indicators of other childhood health issues. The data included in the health section of this report emphasizes traditional areas of childhood health. Deaths or injury attributed to child abuse are not tracked, unless by particular doctors for their own information. These examples point to areas where improved data collection and data sharing is sorely needed. For example, nurses and clinic health workers are not adequately trained in identifying injuries suspected from child abuse. Apart from areas of deficiency in paediatric health-care training, a major obstacle to

development of record keeping in the provinces may also be a culturally based unwillingness to identify people within a child's own family as abusers. Yet the evidence for child abuse worldwide emphasizes family members are frequently abusers of children.

³⁴ For example, information has never been requested from the Commissioner of Police who assumed office in the last quarter of 1997. This omission has been due primarily to report-editing time constraints as the report is now overdue.

³⁵ Neither the draft Child Rights Bill nor the Draft Outline and Policy Plan of Action for Children has been endorsed by Cabinet. The domination of sports council interests in the Ministry designated as the lead ministry for youth has obscured children's and young people's interests apart from sports in the Government's agenda. The process of holding elections in August 1997 and the coincidental loss of the primary focal person for CRC to an intergovernmental organization at the same time also served to slow momentum toward completion of this document.

³⁶ EU approves \$8.0 m for population census (19 November 1997). The Solomon Star, p. 7. Preparations under way for national population census (4 February 1998). The Solomon Star, pp. 6-7.

³⁷ In late February 1998, a census users' committee meeting was held in Honiara to address the question of topics to be included in census data collection. A follow-up meeting was to be held in April 1998.

³⁸ These include civil works (mainly upgrading secondary school facilities); upgrading secondary teacher training; curriculum development; staff development at ministry level; direct assistance to SICHE (upgrading nurse training, adding dormitories, upgrading natural resources training); technical assistance in project management and studies (primarily directed toward school assessment and Ministry of Education Policy Handbook); and cyclone rehabilitation of primary schools in Guadalcanal, Makira, and Temotu (for 1986 and 1991 cyclone damage).

³⁹ This section should technically protect children from abuse who have been informally adopted into families.

⁴⁰ Liquor (Amendment) Act 1988 (No. 15 of 1988), p. 10.

⁴¹ In some cases in traditional matrilineal societies, women's significant roles as landholders are increasingly nominalized as males negotiate with outside interests for cash as in logging and mining enterprises.

⁴² Convention on the Rights of the Child, Part I, article 1.

⁴³ Iroga, R.L. (27 January 1998). Are those U-18 banned in clubs? The Solomon Star, p. 6.

⁴⁴ The exception, perhaps, being hospital facilities.

⁴⁵ SIG/UNICEF, Situation Analysis of Women and Children in Solomon Islands (1993), p. 53.

⁴⁶ Ibid., pp. 55, 64.

⁴⁷ Ibid., pp. 56-57.

⁴⁸ Pollard, A. (1988). Solomon Islands in Pacific women roles and status of women in Pacific societies, ed. T. Tongamoa, Suva: Institute of Pacific Studies, University of the South Pacific, p. 43. Cited in SIG/UNICEF (1993), Situation Analysis of Women and Children in Solomon Islands, p. 54.

⁴⁹ (MHMS) National Nutrition Survey, 1991

⁵⁰ However, some crimes against children do not attract heavy penalties, e.g. attempted defilement of a girl under 13 is only punishable by two years in prison under the Penal Code, section 134 (2).

⁵¹ It must be noted here, however, that it does not state anywhere in this Act that the court must consider the best interests of the child. This practice is derived from British common law. Please refer to paragraph 97, Constraints and recommendations.

⁵² Refer to paragraph 91 of the report.

⁵³ This is illustrated by two cases handled by the Public Solicitors' Office where one family was discouraged from pursuing a legal case on the grounds that they would have difficulty proving the verbal contract made for the informal adoption. While the second case called into question the natural mother's ability to parent and therefore allowed the adoptive parents to engage in legal proceedings on that basis. (See chapter V, section E of the present report: Illicit transfer and non-return.)

⁵⁴ The initiative in the Solomon Islands is the beginning for the South Pacific region. It is being carried out in association with the Institute of Education of the University of the South Pacific, the Ministry of Education and Human Resource Development (MEHRD), the Rotary Club of Victoria, Australia, Rotary International and the Honiara Rotary Club. The programme is expected to last through 2001 if fully funded and will include provincial schools to Grade 4. Source: Report from Evaluation Visit 15-19 July 1996 for Rotary International Literacy Project/Solomon Islands.

⁵⁵ Solomon Islands' definition of youth, for the purposes of forming youth groups and the National Youth Congress, for example, is from age 15 years up to 30 years of age. This means although development of National Youth Policy schemes and programmes have the potential to impact significantly upon the young adult populations, they directly involve a relatively limited number of 15- to 18 years-olds whose needs may intersect or diverge from those of young adult Solomon Islanders.

⁵⁶ A National Youth Policy Workshop was held in Honiara at the Commonwealth Youth Programme Centre from 15 to 17 April 1997.

⁵⁷ Committee work on youth policy (13 February 1998). The Solomon Star, p. 7. Also: Discussion looks at youth problems, (27 February 1998), The Solomon Star, p. 5

⁵⁸ Ueteri-Taasi, I. (29 January 1997). Delay of classes at King George VI School. The Solomon Star, pp. 10-11.

⁵⁹ Students express concern to ministry. (24 October 1997). The Solomon Star, p. 3

⁶⁰ Drop out children: the nation's rising problem. (16 August 1996). The Solomon Star, pp. 12-13.

⁶¹ Ueteri-Taasi, I. (21 January 1998). Understand human rights in Solomons The Solomon Star, pp. 8-9.

⁶² Bus fare rise by 50 per cent. (27 February 1998). The Solomon Star, p. 2 [Once again, in early 1998, bus operators were making moves to increase fares. This continues to increase hardship for families whose children use public transport to reach school. Significant increases in fares affect how children get to school, e.g. rising earlier and walking longer distances. This, in turn, influences which schools children attend and, in some cases, raises the question of whether families can afford school at all.]

⁶³ Lateef, S (1991). A study of women in export development in the Solomon Islands. Commonwealth Secretariat. Cited in SIG/UNICEF (1993). A situation analysis of women and children in the Solomon Islands, p. 65.

⁶⁴ Progress of Nations 1998 survey on birth registration and nationality and malaria, requested by UNICEF, implemented by SCFA.

⁶⁵ Progress of Nations 1998 survey.

⁶⁶ Information, Education and Communication (IEC) Officer, SCFA, personal conversation, January 1998.

⁶⁷ However, this premise will have to be tested on a case-by-case basis in the courts, to be substantiated as fact.

⁶⁸ Kaelonga v. Tuita and Kura (1985) is an example of a case where the Solomon Islands' courts did give custody of children to their mother after their father died. In this case the mother and her husband had seven children. They had been married in custom. When the father of the children died, his two brothers came and took the children. The mother filed for the custody of the children. The Social Welfare Officer's report said in effect that the children would be equally comfortable with their mother or with their uncles. A custom law expert gave evidence that payment of bride price bought the right to the children. He further said that the mother's

right to access could be bought off by further compensation if she agreed. The court said that the mother's determination showed her deep love for her children. He ruled that there was no evidence that the mother was not a good mother. The magistrate said that in the children's interest, the mother was granted custody.

⁶⁹ Per letter to UNICEF Programme Officer from Principal Legal Adviser, Ministry of Foreign Affairs, dated 19 August 1993.

⁷⁰ Passenger criticizes obscene movies screen on MV Ramos 1. (16 January 1998). The Solomon Star, p. 3. [The article highlighted the concern of an adult passenger on an inter-island boat trip that the video seen onboard ship contained sexual material unsuitable for viewing by small children. The same article highlighted the responsible crew member's response that "the movie had gone through censorship board".]

⁷¹ New publications have recently appeared targeted to sports and music audiences in addition to those newspapers that cover more general news items.

⁷² This information was provided by Charles Fox, head of the National Youth Congress, in early 1998. The status of the Youth Congress is now unclear.

⁷³ Unfortunately, there was no further information provided in time for the submission of this report.

⁷⁴ Case hearing under tight security (13 February 1998). The Solomon Star p. 2.

⁷⁵ Furniture and seating arrangements may be modified to remove some of the factors which may contribute to intimidation of the child. For example, the child witness may be physically elevated in the courtroom. This changes the child's position relative to that of the accused - who are normally seated in a box higher than the witness box. Or furniture may be positioned so that any peripheral view of the witness by the accused is obstructed.

⁷⁶ See paragraph 67.

⁷⁷ If the non-custodial father is not working a report is still entered so that in case of his future employment maintenance will be paid. An attachment may be made so that his future employer is notified of his outstanding commitment to pay maintenance and part of his wages can be deposited directly to the account of the mother. Additionally, it is necessary to note that such procedures may also apply to a non-custodial working mother if the father is the custodian of the child.

⁷⁸ SIBC Radio news script, July 1997, used with permission.

⁷⁹ Cited in Fia, P. (1997). Social welfare report on social trends & lifestyle ..., MHMS, Social Welfare Division (SWD), Honiara.

⁸⁰ Poerio, L. (1995). *Domestic violence in Solomon Islands: Results of a community survey*. Griffith University, Brisbane, Australia.

⁸¹ Ibid.

⁸² “Family violence unacceptable” (20 January 1998). The Solomon Star, p. 3.

⁸³ Cited in Fia, P. (1997). Social welfare report on social trends & lifestyle in the Solomon Islands: For “Evaluating health for all by the year 2000”, review report. MHMS, SWD, Honiara.

⁸⁴ Need to set up child protect centre (17 December 1997). The Solomon Star, p. 5.

⁸⁵ Solomon Islands Policy, Strategy and Outline Plan of Action for Children, March 1996 (annex 2).

⁸⁶ Contraceptive Prevalence Surveys conducted in Honiara, 1992, and Choiseul, 1993, showed levels of 36 per cent and 38 per cent, respectively. These surveys, conducted by students enrolled in Masters of Tropical Health degree programmes from Australia indicated there is gross underreporting of prevalence due to significant data recording error. For example, persons choosing tubal ligation as a birth control option should be included as data not only for the year that the procedure is done and for all their remaining potentially reproductive years in light of the fact that they continue to benefit from this long-term contraceptive option. However, it has been pointed out that such individuals have not been included in those subsequent years’ data, resulting in significant error rates in reporting.

⁸⁷ The necessity for accurate updated census figures is illuminated by this example of the difficulty in reconciling projected population figures with actual figures for purposes of determining health-care coverage. As immunization coverage figures are calculated by dividing the total number of doses administered by the total number of children, the need for reliable accuracy for the actual number of children is imperative. In the case of Solomon Islands, intensive canvassing of the country by health-care workers in recent years has consistently shown lower numbers of babies and children than 1986 projected growth rates would suggest. Computations made using population estimates that are too high can make any immunization coverage rate appear to be too low.

⁸⁸ One exception, however, is the Kombito settlement area on the eastern outskirts of Honiara, where a large water tank has not been put into service due to lack of good quality boreholes to provide sources for the water tank. Therefore, residents must walk 30 minutes to get drinking water from a stream. [Eremae, O. (11 February 1998). *The fate of the settlers*. The Solomon Star, pp. 9-11.]

⁸⁹ MHMS, 1996, p. 92, italicized emphasis added.

⁹⁰ The Paediatric category of medical care traditionally includes children from birth to 12 years old.

⁹¹ Mortality included 38 deaths with 47 per cent (18 children) dying in the first 48 hours of admission. This is indicative of late presentation of more severe disease. (MHMS, 1996, p. 91)

⁹² Ibid.

⁹³ MHMS, 1996, p. 92.

⁹⁴ MHMS, 1996, p. 87.

⁹⁵ Iroga, R.L., Doctors recruited from overseas (6 February 1998). The Solomon Star, p. 1.

⁹⁶ Chevalier, C. 1997. Discusses the efficacy of establishing a post mortem interview procedure to discover which factors contributed to a child's death and then feedback this information to the health-care system so that deaths attributable to delays either in seeking medical care or in subsequent referral might be minimized.

⁹⁷ University of Queensland, Brisbane, Australia, 1997, Masters of Tropical Health students conducted research into the sexual knowledge and behaviour of teenage girls in Honiara. In 1998, a companion survey was being conducted with boys focusing on the same topic.

⁹⁸ MHMS, 1996, The Comprehensive Review of Health Services Report, p. 27.

⁹⁹ Ibid.

¹⁰⁰ Spirit poison youths. (25 July 1997) The Solomon Star p. 2.

¹⁰¹ Poerio, L. (1995). Domestic violence in Solomon Islands: results of a community survey. PhD Dissertation, Department of Health and Behavioural Sciences, Griffith University, Brisbane, QLD, Australia, p. viii.

¹⁰² These deaths would obviously not have been considered teenage suicides; however, they may be viewed as useful indicators of problems affecting young people.

¹⁰³ Mielke, J. (1996). Youth, alcohol, and other drugs in the Pacific, cited in Fia, P. (1996) Youth and other social problems in Solomon Islands: An overview, MHMS, SWD, Honiara.

¹⁰⁴ Oberli, H. (1996). Central Hospital Records, cited in Fia, P. (1997). Social Welfare report on social trends and lifestyle in the Solomon Islands: For "Evaluating health for all by the year 2000." MHMS, Honiara.

¹⁰⁵ Here is another indication of the need for improved health data gathered on children.

¹⁰⁶ Interestingly, presence of anaemia in a population is often associated with lower incidence of malaria in the population since microfilariae require healthy red blood cells for their development. Treatment of a population for anaemia may increase the incidence of malaria. (Source: personal conversation with Registered Nurse, MHMS 1996.)

¹⁰⁷ Refer to table 1: Demographic indicators, this document, following paragraph 4.

¹⁰⁸ According to the previous Under-Secretary for Health Improvement of the MHMS, the 90 per cent immunization rate discussed in paragraph 262 above, is probably correct, despite the estimation that there is only 75 per cent coverage, otherwise there would be epidemics and disease outbreaks around the country. The previously discussed formula used for calculations:

Number of doses given in a particular year

Total projected births (1986 census) for year

gives unreliable results if dated birth projection figures are too high as appears to be the case in Solomon Islands.

¹⁰⁹ Yates, D. et al. (1992) Community based rehabilitation for people with disabilities in Solomon Islands: A feasibility study and plan of action. Joint study by MHMS and SCFA, Honiara.

¹¹⁰ Ibid., p. 17.

¹¹¹ Ibid., p. 17.

¹¹² MHMS, 1996, p. 87.

¹¹³ Source, interview with Director of Handicapped Centre, 1997.

¹¹⁴ Yates, D. et al. (1991). Community based rehabilitation for people with disabilities in Solomon Islands: A feasibility study and plan of action. MHMS/SCFA joint publication, Honiara, pp. 11-12.

¹¹⁵ Ibid., pp. 10-23.

¹¹⁶ Ibid., p. 20.

¹¹⁷ Yates, D. et al (1991). Community based rehabilitation for people with disabilities in Solomon Islands: A feasibility study and plan of action, pp. 19-20.

¹¹⁸ See annex 2.

¹¹⁹ NACC Draft Policy, Strategy and Outline Plan of Action for Children (March 1996). Refer to annex 2, this report.

¹²⁰ MHMS, Comprehensive Health Review Report (1997), pp. 11-13.

¹²¹ “Mortality data is poorly collected, analysed and used. When infants and children die it is important to understand why they have died - what factors contributed to deaths which are largely preventable deaths ... Maternal deaths also require more investigation and follow-up ... Particular attention is also needed for investigating the high number of deaths in the perinatal period.” (Mitchell, 1997, p. 31).

¹²² “The rural areas where 80 per cent of the population live receive 40 per cent of the health budget ... The Comprehensive Review states that ‘Deployment of additional staff from Central level to rural areas is identified as a priority intervention.’”(MHMS, 1996, cited in Mitchell, 1997).

¹²³ A mother may travel to bring a sick child to a clinic at great physical expense and only receive treatment for the presenting condition. In this way the health-care system misses an opportunity to measure the child’s growth rate and also improve the mother’s knowledge of basic child health-care needs, diarrhoea prevention and nutrition (Mitchell, 1997).

¹²⁴ Chevalier, 1997, p. 8.

¹²⁵ The Comprehensive Health Review of 1996 is an excellent source of recommendations identified to improve health care. Refer to chapter 12, “Major issues and future directions”, pp. 266-281.

¹²⁶ Routine documentation of maternal and child deaths, e.g. a brief one-page report, sent directly to the MCH Unit, is a low-cost first measure which will ensure each death provides a guide for change for caregivers, communities and health services (Mitchell, 1997, p. 31).

¹²⁷ MHMS, Social Welfare Report, 1997, p. 3.

¹²⁸ MHMS, Social Welfare Report, 1997, p. 3.

¹²⁹ These grant amounts are flat rates based on a formula derived by MEHRD.

¹³⁰ A good portion of this figure is assured to be composed of volunteer teachers from the United States, the United Kingdom and Japan and missionary societies. The remainder may be expatriate teachers contracted by non-governmental schools.

¹³¹ No direct financing by UNICEF/UNDP.

¹³² These fees can be significantly above the approved government range, amounting to SLS\$ 1,000-2,000 per term in the highest cases. This indicates a vast disparity in available education options within the urban capital area. Other options utilized by expatriate families include correspondence education arranged through Australia, New Zealand or the United States, etc.

- ¹³³ Access to “non-fee” government schools is still based on students’ performance on the Solomon Islands Secondary Education (SISE) examination administered to Grade 6 students at the end of their academic year.
- ¹³⁴ The percentage of CDF used in this manner is at the discretion of each MP. Some Members do not provide such assistance. The SIAC government has suspended the practice of dispersing funds in this manner.
- ¹³⁵ “Solomon Islands Teacher Upgrading Project (SITUP) is currently recruiting 30 English and 30 Mathematics teachers who have taught five years or more in a primary school, for a year of study to upgrade their skill levels in order to teach up to Form 3 of Secondary.” Advertisement placed in The Solomon Star newspaper, Friday, 9 January 1998, p. 17.
- ¹³⁶ 1986 Census data.
- ¹³⁷ Cited in Fia, P. (1997). Social welfare report on social trends and lifestyle in the Solomon Islands: For “Evaluating health for all by the year 2000”, review report, MHMS, SWD, Honiara.
- ¹³⁸ SIG/UNICEF (1993), p. 45.
- ¹³⁹ Please refer to draft Policy, Strategy and Outline Plan of Action by NACC, annex 2.
- ¹⁴⁰ Ibid.
- ¹⁴¹ Ibid.
- ¹⁴² Under-18 team wins 9 medals (16 July 1997). The Solomon Star, p. 20.
- ¹⁴³ Mini-Tennis Programme launched (16 July 1997). The Solomon Star, p. 17.
- ¹⁴⁴ Seminar on refugee and international law (8 October 1997). The Solomon Star, p. 2.
- ¹⁴⁵ Fia, P. (1997). Social welfare report on social trends and lifestyle ..., MHMS, SWD. Honiara.
- ¹⁴⁶ At some point during this time, the offender may also have contact with Juvenile Section officers, usually policewomen; however, the interrogation process usually does not include these officers. Intimidation is commonly used in cases where police are fairly certain of the person’s guilt but when he/she will not admit to the crime. Although the suspect is entitled to the company of legal counsel or juvenile officer at the time of questioning, they are often unaware of this right and do not exercise it.
- ¹⁴⁷ All children or young offenders are expected to answer simply “yes” or “no” when asked their opinion of their own guilt or innocence.

¹⁴⁸ In fact, this is often the preferred sentence for juveniles in light of the present lack of prison facilities for juveniles.

¹⁴⁹ Social Welfare Division, Annual Records 1996, cited in Fia, P. (1997). Social welfare report on social trends and lifestyle in the Solomon Islands: For “Evaluating health for all by the year 2000” review report, MHMS, SWD, Honiara.

¹⁵⁰ Cited in Fia, P. (1997). Social welfare sector feedback progress report on children in especially difficult circumstances in relation to CRC for NACC, MHMS, SWD, Honiara.

¹⁵¹ Section 85 does not include protection from employment for children/young persons (12 years of age and upward) in the commercial sector. The absence of such a specific legislative restriction does not imply that children over 12 years are thereby allowed to work in the commercial sector, e.g. hotels, restaurants, casinos, hospitals, offices, theatres, etc. It recognizes, however, that there is no legislative protection in place, thereby leaving children open for exploitation within the commercial sector. Section 84 seems to cover protection of children in the commercial sector, in that the protection is only available for children under 12 years. Children over 12 years technically have no protection under sections 85 or 86. It is clear from Part IX of the Labour Act - in particular, sections 84, 85, 86, 87 - that no provision is in place prohibiting employment of children aged 12 and upwards in the commercial sector.

¹⁵² It must be pointed out, however, that there are many instances of children assisting older family members at work. For example, smallholders who sell oil palm fruits to the processors rely on their family members, including children, to assist in collecting fruits during harvest time. For children this may mean following along for considerable distances behind the load and picking up fallen fruits so that cash received by the grower is maximized. It is common to see children and young people assisting at various construction sites, especially outside of the town area and during school holiday periods. The issue of providing for their families' welfare is a legitimate one. The question to be resolved is at what point a child's work becomes child labour. This question and its definition needs to be addressed by relevant authorities.

¹⁵³ Our men in Thin Red Line (7 November 1997). The Solomon Star, p. 13.

¹⁵⁴ Should the Solomon Islands Government oversee such arrangements? If not, how shall a child be protected if an unscrupulous person takes advantage of his/her access to such a child? This story stated that a grandparent accompanied one young girl. Would the presence of relatives be enough of a safeguard? How does one ensure that the experience is not harmful to the child? All such questions have relevance for the Labour Division, Foreign Affairs or the Tourism Authority.

¹⁵⁵ Centre to hold course for policewomen (13 January 1998). The Solomon Star, p. 5. This article documents training by Family Support Centre staff on topics related to child abuse, sexual assaults, domestic violence, cultural and religious issues, and law, as well as communication and interview skills.

- ¹⁵⁶ Short announces new department to investigate complaints against police (4 October 1997). The Solomon Star, p. 1. The creation of a “Complaints and Internal Investigations Office” is designed to review procedures which lead to complaints by members of the public in an effort to reduce such complaints. Procedures may need to be adapted when dealing with children and minors.
- ¹⁵⁷ Haran, P. (9 August 1997). Defenceless child horror. Adelaide Advertiser, p. ?
- ¹⁵⁸ Ministry of Health staff, with input from the Family Support Centre, recently worked with a group of adult female casino workers and gave them information on exploitation and health concerns, legal rights, etc.
- ¹⁵⁹ For the last few years the Government, via MHMS, has been working on legislation on tobacco. If this bill is debated in Parliament and passed it will be the country’s first national law on tobacco. [MHMS, SWD (1997), Report on Social Trends and Lifestyle in the Solomon Islands ..., p. 12.]
- ¹⁶⁰ Iroga, R.L. (27 January 1998). Are those U-18 banned in clubs? The Solomon Star, p. 6.
- ¹⁶¹ Fia, P. (1996). Social Welfare Sector Feedback Progress Report ... for NACC, p. 14.
- ¹⁶² Police raid illegal beer outlets (28 October 1997). The Solomon Star, p. 2.
- ¹⁶³ Rusa, D. Downward trend in crime (10 February 1998). The Solomon Star, p. 6.
- ¹⁶⁴ The country derives a great deal of income from alcoholic beverages. Import duty from alcoholic beverages in 1994 totalled approximately SI\$ 8,762,443; while excise tax on locally-produced beer in the same year was estimated to be SI\$ 7,875,000 [McDonald D. (1996) Prevention of alcohol-related problems in the Pacific, cited in MHMS, SWD, Report on Social Trends and Lifestyle ... (1997), p. 13.]
- ¹⁶⁵ Fia, P. (1996), cited in Fia, P. (1997). Social welfare report on social trends and lifestyle in the Solomon Islands: For “Evaluating health for all by the year 2000”. MHMS, Social Welfare Division, p. 14.
- ¹⁶⁶ Paedophilia in Paradise (October 1997). Pacific Islands Monthly, pp. 17-24.

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