

## SOLOMON ISLANDS

### CERD (A/38/18) (1983)

421. The Committee considered the initial report of Solomon Islands (CERD/C/101/Add.1) after a brief introduction of the representative of the reporting State.

422. Members of the Committee expressed their appreciation to the Government of Solomon Islands for having initiated a dialogue with the Committee and for having submitted its report on time and in accordance with the Committee's revised guidelines.

423. The Committee, however, regretted that the report only paraphrased articles of the Constitution of Solomon Islands and stated that national legislation to implement the Convention was not needed, since racial discrimination did not exist in the country. The Committee recalled that a number of other States parties to the Convention had taken that line and it deemed it important to explain once again its position. The members of the Committee had an obligation to the States parties to obtain a clear picture of the legal and general situation with regard to racial discrimination in the reporting States. The Committee's membership was not political and the questions asked were not politically motivated. As independent experts, the members of the Committee could not automatically accept the assertion that racial discrimination did not exist in a given country. They had to reach their own objective conclusions and decide what should be done if vestiges of racial discrimination were in evidence. According to the vast majority of internationalists, it was unacceptable for a State to ratify a convention and then argue that it did not have to implement the provisions because the subject-matter was irrelevant to it. States had a clear duty to honor their international obligations and the underlying principle of the Convention was that even countries in which racial discrimination did not exist should take action to prevent the emergence of ideologies or activities that could lead to racism and racial discrimination.

424. With respect to the legal situation in Solomon Islands, the Committee could not agree with the position of the Government of Solomon Islands that the Convention could only be described as supplemental to the Constitution of that country and it observed that, according to the law of treaties, the Convention was pre-eminent. The Government of Solomon Islands should reconsider its approach, reflect the provisions of the Convention in its internal legislation and provide more thorough and precise information on its implementation of articles 2 to 7 of the Convention, including the text of the relevant provisions of the Constitution.

425. Members of the Committee noted from the report that any law inconsistent with the Constitution would, to the extent of its inconsistency, be void and, in that connection, they wished to know who was competent to determine that a law was inconsistent with the Constitution, what was the procedure for annulling such a law, whether it was void ipso facto, whether the courts could refuse to apply such a law or whether it was for the High Court to decide on its inapplicability.

426. With reference to article 2 of the Convention, in particular, members of the Committee wished to receive more detailed information regarding the demographic composition of Solomon Islands,

especially with regard to the languages spoken in the country and the cultural characteristics of the various population groups. They also wished to know whether all groups listed in the report were citizens of the country, or whether only Melanesians enjoyed that status. In addition, members of the Committee wished to know whether the Government was taking measures in accordance with article 2, paragraph 1 (c) of the Convention, how discriminatory legislation could be annulled and what procedures existed to rectify situations in which discrimination had occurred. It was noted that section 15 of the Constitution of Solomon Islands provided for circumstances of exception in which laws could be made, notwithstanding the general protection from discrimination afforded by that section, and it was observed that the text of any such laws should be provided to the Committee together with clarification regarding the circumstances of exception.

427. The members pointed out that article 4 of the Convention did not seem to be fully implemented in the legal order of the State.

428. In respect to article 5 of the Convention, members of the Committee wished to know, in particular, what political rights were guaranteed in Solomon Islands, what provision had been made by the Government to ensure equality of access to education and employment, what economic policies had been formulated by the Government to ensure the adequate development and protection of disadvantaged groups within the population and whether legal provisions to prohibit discrimination in respect of access to public places concerned also such places as private clubs.

429. In connection with article 6 of the Convention, reference was made to section 18 of the Constitution of Solomon Islands and it was asked how it was possible that a person whose rights or freedoms were likely to be contravened could apply to the High Court for redress, what was the procedure to apply to the High Court for redress and compensation, how the legal system of Solomon Islands was organized and whether people were aware of the protection afforded by the Government under the provisions of the Convention. In addition, more information was requested on the judicial cases mentioned in the report as well as on the implementation of article 7.

430. The representative of Solomon Islands stated that he would transmit the questions and observations of the Committee to his Government and assured the members of the Committee that more detailed information would be given in future reports.

## **CERD A/47/18 (1992)**

246. At its 949<sup>th</sup> and 952<sup>nd</sup> meetings, on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Solomon Islands on the basis of its previous report (CERD/C/101/Add.1) and its consideration by the Committee (see CERD/C/SR.635 and 636). The Committee noted that no reports had been received from the State party since 1983.

247. Members of the Committee recalled that the State party had submitted only an initial report and had not responded to a number of questions raised during the consideration of that report. Noting the many changes that had taken place since then, members of the Committee requested further information on recent developments with regard to the Constitution, how it gave force to articles 2 to 5 of the Convention, and what additional measures had been taken to implement those articles. Members also wished to have detailed information on the position of the Convention relative to national legislation; how racial discrimination was prohibited in public and in private organizations; and whether any discriminatory legislation from the colonial era persisted.

248. Members of the Committee also wished to know what measures had been taken to apply article 4 of the Convention prohibiting racist organizations and propaganda. Detailed statistical information was requested on the demographic composition of the population, including the corresponding rates for each racial and ethnic group regarding birth and mortality rates, life expectancy, literacy, educational attainment, unemployment and religious affiliation. Information on the appropriation of Government funds for balancing discrepancies in that regard were also requested. In addition, members wished to be informed about the availability of education in local languages

### Concluding observations

249. As the last, and only, report of the Government of Solomon Islands was made nine years previously, the Committee was unable to make an up-to-date assessment of the situation in that country with regard to the implementation of the Convention.

250. The initial report of the State party had been very incomplete and there had been no response to the questions addressed to the Government representative during the Committee's examination of the report.

251. At that time, neither a copy of the Constitution nor the legislation of the country was available, so that the Government needed to provide those documents to the Committee.

252. It could be seen from the discussion in the Committee with the Government representative and from the written report itself that the provisions of the Convention were not being fully implemented.

253. The Committee recommended that the Government of Solomon Islands should respond to all the questions put by the Committee and should avail itself of the services of the Centre for Human Rights in the preparation of its report.

## **CERD A/57/18 (2002)**

232. At its 1502nd meeting, held on 8 March 2002 (CERD/C/SR.1502), the Committee reviewed the implementation of the Convention by the Solomon Islands based upon the concluding observations on the initial report in 1983 (see CERD/C/101/Add.1 and A/38/18, paras. 421-430) and previous reviews of the implementation of the Convention in 1992 and 1996 (see A/47/18, paras. 246-253 and A/51/18, paras. 446-448). The Committee also took into consideration a variety of materials from both intergovernmental and non-governmental sources. The Committee regrets that Solomon Islands has not responded to its invitations to participate in the meeting and to furnish relevant information.

233. While it is noted with appreciation that Solomon Islands has recently submitted initial reports to the Committee on Economic, Social and Cultural Rights and to the Committee on the Rights of the Child, it is regretted that a report has not been submitted to the Committee on the Elimination of Racial Discrimination since the State party's initial report in 1983. It is recalled that the purpose of the reporting system is for States parties to establish and maintain a dialogue with the Committee on the measures adopted, progress made and difficulties encountered in complying with the rights recognized in the Convention. The non-performance by a State of its reporting obligations creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

234. The Committee recognizes the challenging economic and social conditions faced by Solomon Islands and is aware of the political and ethnic conflicts which have exacerbated the situation there. It is also aware of the violent conflict between the Isatabu Freedom Movement (IFM) and the Malaita Eagle Force (MEF), which has led to gross violations of human rights in Solomon Islands. Internal displacement, hostage taking, killings, torture, rape, looting and the burning of village homes have been reported by a number of intergovernmental and non-governmental organizations. The Committee is concerned that, despite several attempts at securing peace, favourable results have been limited, as tension between the two groups remains high. The Committee is hopeful that the successful elections held in December 2001 and the new ruling party's stated promise to rehabilitate the country politically and economically and to ensure better security will lead to sustainable peace and security in Solomon Islands.

235. In line with its previous recommendations, the Committee strongly urges the Government of Solomon Islands to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.

236. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.