



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: SOLOMON ISLANDS

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2006 and the 2008 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIB); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA)) and workers' organizations (the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the SICCI. 2006 AR: Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	Workers' organizations	2008 AR: Observations by the SICTU and SINUW and its 10 affiliates. 2006 AR: Observations by SICTU, SIPEU, SINUW and SINTA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Solomon Islands ratified in 1985 the Forced Labour Convention, 1930 (No. 29) (C.29).
		Ratification intention	YES, for the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105). 2008 AR: According to the Government: As a result of ILO technical assistance in 2005 to hold consultations with employer's and worker's organizations, the Cabinet approved on 17 May 2007 the ratification of C.105 together with the remaining non ratified ILO fundamental Conventions. It intends at this moment to bring national legislation into compliance with the ILO fundamental Conventions in consultation with the social partners and in cooperation with the ILO. The SICCI expressed its support to the ratification of C.105. According the SICTU: The Letter of Intent concerning the ratification of the remaining 7 unratified ILO fundamental Conventions was presented by the Government during the Celebration of the 30 th years of ILO Presence in the Pacific in Suva (Fiji). The Government should thus finalize this ratification process in cooperation with the ILO.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			<p>2006 AR: The Government indicated that it had the intention to ratify C.105 and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES, the Preamble of the National Constitution, 1978, provides <i>inter alia</i> that the People of the Solomon Islands shall respect and enhance human dignity. Furthermore, Article 6 of the National Constitution specifies that no person shall be held in slavery or servitude and that no person shall be required to perform forced labour. In addition, Articles 5 and 7 of the same text provide respectively that «no person shall be deprived of his personal liberty save as may be authorized by law [...]» and that «[n]o person shall be subjected to torture or inhuman treatment or degrading punishment or other.»</p>	
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy <p>2008 AR: The Government has received the draft of the Industrial Relations Law elaborated in consultation with the social partners and the ILO. It intends to organize soon a national tripartite workshop on labour law review in cooperation with the ILO.</p> <p>2006 AR: The Government intended to adopt a policy for the realization of the PR, and requested ILO assistance in this respect.</p>	
	<p>Basic legal provisions</p>	<p>(i) The Preamble of Constitution; and (ii) The Constitution (Articles 5-7 and 17-18).</p>	
	<p>Definition of forced or compulsory labour</p>	<p>NIL</p>	
	<p>Judicial decisions</p>	<p>NIL</p>	
	<p>Exercise of the principle and right</p>	<p>Special attention to particular situations and human trafficking</p>	<p>NO 2006 AR: According to the Government: The principle of the elimination of forced or compulsory labour applies to all categories of persons or activities.</p>
<p>Information/Data collection and dissemination</p>		<p>NO, however: 2006 AR: The Government plans to collect statistics or other information relevant to the elimination of all forms of forced or compulsory labour.</p>	
<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2006 AR: According to the Government: No specific government authority is responsible for the identification, emancipation and/or rehabilitation of persons subjected to forced labour. In instances where the Government finds that the PR has not been respected, Articles 17 and 18 of the Constitution provide that any person whose fundamental rights or freedoms have been contravened may apply to the High Court for redress and shall be entitled to compensation for the contravention thereof from the person or authority which contravened it. In this respect, penal sanctions have been implemented in the Solomon Islands. Whereas inspection/monitoring mechanisms and civil or administrative sanctions are envisaged.</p>		
<p>EFFORTS AND PROGRESS</p>	<p>Involvement of the social</p>	<p>2006 AR: According to the Government: Employers' and/or workers' organizations have been involved in the development and</p>	

MADE IN REALIZING THE PRINCIPLE AND RIGHT	partners	implementation of government measures as follows: employers' and workers' organizations have been consulted in the framework of the labour law review process. In this regard, the Government is in the process of establishing a National Labour Advisory Board where employers' and workers' organizations shall be equally represented. Tripartite examination of issues is envisaged.	
	Promotional activities	<p>2008 AR: The SICCI stated that Labour Day celebrations are organized but more substantial promotional activities should be carried out.</p> <p>2006 AR: According to the Government: In realizing the PR, penal sanctions have been implemented in the Solomon Islands. In addition, the following measures are envisaged: (i) awareness-raising/advocacy; (ii) legal reform; (iii) special institutional machinery; (iv) capacity building; (v) employment creation/income-generation; (vi) educational programmes; (vii) rehabilitation following removal from forced labour; and (viii) international cooperation programmes or projects.</p>	
	Special initiatives/Progress	<p>2008 AR: The Government provided financial assistance for the national celebration of Labour Day. These activities included awareness raising programmes on the fundamental principles and right at work (FPRW), including radio broadcasting. Furthermore, a weekly radio programme on the FPRW is organized.</p> <p>2006 AR: According to Government: (i) ratification intention for C.105 and (ii) labour law reform in cooperation with the ILO.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2008 AR: The SICCI indicated that the Government lacked capacity in the monitoring and enforcement of the law.</p> <p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SFA: lack of social dialogue; (i) inadequate labour laws; and (ii) lack of public awareness on the PR;</p> <p>SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>SIWIB: (i) lack of adequate legislation; (ii) lack of education among employers' and workers' organizations; and (iii) lack of public awareness-raising and support;</p> <p>SICCI: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness raising and support; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>ASIM: (i) inadequate enforcement of the legislation; (ii) lack of expertise, resources and capacity and willpower of the Labour Division to enforce laws and regulations and (iii) lack of information and data collection;</p> <p>SIIBA: (i) inadequate legislation; (ii) inadequate enforcement of the legislation; (iii) lack of expertise and resources in the Labour Division; (iv) lack of resources and staff for the labour inspection; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.</p>
		Workers' organizations	<p>2008 AR: The SICTU and SINUW mentioned the same challenges it raised under the 2006 AR.</p> <p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SIPEU: (i) lack of public awareness on the PR; and (ii) lack of ratification of both Conventions;</p>

			<p>SINTA: (i) lack of public awareness on the PR;</p> <p>SICTU and SINUW: (i) lack of public awareness on the PR.</p>
	According to the Government	<p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. It added that the Labour Division lacked capacity to carry out its monitoring role to operate and report effectively to the ILO. Moreover, the legal framework relating to the principle and right in the country needs to be revised in order to comply with international labour standards.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in the Solomon Islands are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) legal provisions; (v) lack of capacity of responsible government institutions; (vi) lack of capacity of employers' organizations; (vii) lack of capacity of workers' organizations; and (viii) lack of social dialogue on the PR.</p> <p>With regard to the current factual situation in the Solomon Islands, some girls under 15 years old are involved in prostitution, due to poverty.</p> <p>In response to the employers' and workers' organizations observations, the Government mentioned the following: The Government hopes that the forthcoming establishment of the Labour Advisory Board will help better realize the principle of the elimination of all forms of forced or compulsory labour in the Solomon Islands and bring together the Government and employers' and workers' organizations in better promoting and realizing the PR, including through: (i) the revision of labour laws in the light of the provisions of Convention No.105 to be ratified soon; (ii) capacity building of employers' and workers' organizations; (iii) the strengthening of the new Labour Advisory Board and (iv) public awareness-raising on forced labour issues. In this regard, the ILO technical cooperation (preferably through a comprehensive Declaration Programme) would be most appreciated.</p>	
TECHNICAL COOPERATION	Request	<p>2008 AR: According to the Government: The requests made under the 2006 AR remain valid. The Government and the SICCI again request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. ILO technical cooperation should be sustained with view to guiding the forthcoming national legal reforms.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the principle of the elimination of all forms of forced or compulsory labour in Solomon Islands, in particular in the following areas, in order of priority: (1) assessment in collaboration with the ILO regarding the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation for vulnerable workers; development of social protection systems; rural development policies (for example, land reform, rural infrastructure; agricultural extension, marketing, micro-finance); cross-border cooperation mechanisms; cooperation between institutions (e.g. various ministries and relevant commissions); (2) sharing of experiences across countries/regions; policy advice; and (3) training of other officials (police, judiciary, social workers, teachers). These priorities may be satisfied through the preparation (survey and validation seminar) and launching of A National Declaration Programme for the Solomon Islands. Indeed, the forthcoming ratification of ILO Fundamental Conventions by the Solomon Islands needs to be supported by the ILO in terms of labour law reform, capacity building for labour administration, employers' and workers' organizations, tripartite institutions, etc. The ILO support should be comprehensive, preferably through programmes (DECLARATION, IPEC) that can help the Solomon Islands promote and realize all the fundamental principles and rights at work.</p> <p>All employers' and workers' organizations (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU) supported the Government's request for technical cooperation, including the launch of an ILO Declaration Programme to help promote and realize the fundamental principles and rights at work in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in</p>	

		<p>Solomon Islands in the following areas:</p> <p>SFA: (i) capacity building of employers' and workers' organizations on the PR.</p> <p>SICA: (i) legislation; (ii) data collection; and (iii) public awareness raising on the PR;</p> <p>SIWIB: (i) educational programmes; (ii) capacity building; and (iii) adequate coordination among employers' and workers' organizations concerning the promotion and realization of the PR;</p> <p>SICCI: (i) legal reform; (ii) information/data collection and dissemination; and (iii) public awareness raising and support.</p> <p>ASIM: (i) social dialogue, (ii) labour law reform, (iii) data collection; and (iv) capacity building of Government institutions and of employers' and workers' organizations;</p> <p>SIIBA: (i) labour law reform; and (ii) capacity building of Government and of employers' and workers' organizations'</p> <p>According to the workers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <p>SIPEU: (i) labour law reform; and (ii) capacity building of Government institutions and of employers' and workers' organizations;</p> <p>SINTA, SICTU and SINUW: (i) capacity building of Government institutions and of employers' and workers' organizations.</p>
	Offer	ILO (including labour law reform and assistance in reporting under the Declaration 2006 Annual Review).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs listed Solomon Islands among the countries having expressed their intention to ratify C.29 and/or C.105 or to complete the ratification process. They encouraged these countries to accelerate this process so as to make an important step forward towards universal ratification. In particular, the IDEAs encouraged the Government of Solomon Islands (and four other governments) to initiate or finalize their national labour law review processes. In strengthening and reforming their legal framework in compliance with international labour standards, these countries would allow a better implementation of the principle and right. Finally, the IDEAs noted that a number of governments, employers' or workers' organizations in various countries, including Solomon Islands, were willing to meet these challenges and had requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO. (Cf. Paragraphs 12, 41, 43 and 51 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Solomon Islands and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2007 Annual Review Introduction – ILO: GB.292/4).</p> <p>2000-2004 ARs: The IDEAs expressed concern that several countries, including Solomon Islands, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Solomon Islands and other countries that had never reported under the Declaration Annual Review (for example, cf. Paragraph 30 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	