



COUNTRY REPORT WRITTEN SUBMISSION:

SOLOMON ISLANDS COUNTRY REPORT 2019

The Country Report written submission should be limited to 10-15 pages and include the following titles:

1. Major law and justice sector achievements

[Countries are encouraged to report on recent developments and achievements in the law and justice sector (e.g. establishment of a new court).]

1. Appointment and swearing in of the first female local High Court Judge and an expatriate female Judge.
2. Reestablishment of the Juvenile Court under the Juvenile Offenders Act.
3. Establishment of the 7th High Court in Solomon Islands. SI now has 4 criminal courts and 3 civil courts.
4. Establishment of seven (7) Resident Magistrate Registries in the Provinces.
5. Appointment of the first female Director of Public Prosecutions.
6. Passing of the Anti-Corruption Act 2018 which establishes the Anti-Corruption Commission.
7. Passing of the Whistle Blowers Act 2018 and the Electoral Act 2018.

2. Significant court decisions

[Countries are encouraged to report on recent court decisions which may be of interest to members.]

1. Wale v Governor General [2019] SBHC 43; HCSI – CC 244 of 2019 (24 May 2019)
2. George Temahua v Silas Kerry Vangara and Ors HCSI-CC 282 of 2019.
3. Regina v Dickson Mua

(summaries of cases are attached as annexure 1)

3. PILON strategic priorities

[Countries are encouraged to provide an update in relation to the three PILON strategic priorities, on relevant domestic developments (introduction or amendment of legislation, significant court decisions, policies or practices introduced, institutions established), challenges faced, or other observations.]

Cyber Crime

The Cybersecurity and Information Security Bill Working Group was established on 30 May 2018. The group was established following an informal meeting between the Ministry of Communication/Aviation and the Attorney-General's Chambers, during which meeting it was suggested that there should be a working group/committee (the Group) on cybersecurity. The group was formalized after it was endorsed by Cabinet. There are many stakeholders who have interest in cybersecurity/ cybercrime; however, core players who will play pivotal roles were identified as s:

1. Royal Solomon Islands Police Force;
2. Director of Public Prosecutions (a reference point to MJLA& its agencies);
3. Telecommunications Commissions (Regulator);
4. Ministry of Communication and Aviation
5. S.I.G.ICTSU
6. Attorney-General's Chambers (legal policy/drafting units)

The group's was tasked to work towards a cybercrime bill, discuss a consolidated position to take in discussions with a visiting delegation of New Zealand Law firms engaged by the Pacific Region Infrastructure Facility (PRIF) on a project to consider cybersecurity and safeguarding e-transactions in the Pacific.

The Working Group continued to meet from May 2018 and into 2019 progressing discussions on Cybercrime legislation for Solomon Islands.

From 6-7 June 2018 Solomon Islands Cybersecurity Stakeholders met Robert McKinnon, Assistant Secretary, Australia Department of Foreign Affairs and Trade at the Australian High Commission, Annex conference rooms.

On June 19 2019 the Working group finalized the work on the gap analysis of the Solomon Islands Cybercrime laws against the requirements of the Budapest Convention; the summary of the gap analysis; and deliberated on the Budapest Convention.

On 25 June 2019 The Working Group started considering Cybercrime legislations of other Pacific Island countries like the Tongan computer crimes bill and others.

The Group came up with **Recommendations and Way Forward**



Corruption

The Anti-Corruption and Whistle Blower Bills were passed by the Parliament of Solomon Islands in December 2018.

Sexual and Gender –Based Violence

Stake holders continue to meet and work on the implementation and monitoring of the Family Protection Act and Penal Code (Amendment) Sexual Offences) Act 2016.

From March 2019 Magistrates courts statistics showed a reduction in the number of charges filed , the number of Safety Notices and Protection Orders issued pursuant to

the Family Protection Act. The Magistrates' Court was concerned that its procedures relating to the handling of FPA criminal offences, particularly the sentencing practices, are in need of improvement and reform. It considered that the current practices are not inclusive, they do not address a number of the core issues relating to domestic violence, and they effectively represent a missed opportunity to make interventions and provide support to victims, perpetrators and other affected persons.

On Friday 14 June 2019 a meeting of stake holders was convened to review the Magistrates' Court criminal FPA procedures. The meeting was well attended and the topic was thoroughly discussed. At the end of the meeting the consensus reached called for changes in the Act to enable Magistrates' Court practices and procedures for handling of Family Protection Act (FPA) cases to be more effective. The Communique was sent to the Committee charged with the review of the FPA.

The FPA is currently under review. The Ministry of women took the lead role in the review process. Several meetings with Stakeholders were convened between July and August 2019. Questionnaires were sent to stakeholders to report on the number of FPA related cases reported to or handled by their agencies. Recommendations for changes to the FPA were made by various organizations within and outside the government. Findings /Reports/ Recommendations of the Review Committee has not been published.

[Please indicate whether any PILON activities or resources (listed below) are relevant for your jurisdiction and whether they have been used, or are intended to be implemented in the future and what further support might be needed.]

(a) **Cybercrime**

- (i) 2017 Cybercrime Workshop on Electronic Evidence
- (ii) 2018 Cybercrime Workshop on Combatting Online Child Abuse
- (iii) 2019 Cybercrime Workshop on International Cooperation
- (iv) Legislative overview of Cybercrime laws in the Pacific

- Materials i to iv are useful. The Cyber Crime group will draw a lot of useful information which may be included in the new Cybercrime legislation.
- The Workshop on Cybercrime is useful. The Prosecutor who attended the workshop ran a training session for other Prosecutors when she returned from the workshop. Knowledge gained from that workshop and discussions around it formed the bases of ODPP discussions with

relevant stakeholders (Royal Solomon Islands Police Force, Ministry of Commerce and Immigration) on how SI can combat online child abuse/sexual exploitation of children.

- Australia Attorney General's Department has been working with Solomon Island's counterpart and The Cybersecurity and Information Security Bill Working Group on the way forward to Cybercrime legislation. At a meeting in August 2019, the group deliberated extensively on a cybercrime legislation model that will be adopted by Solomon Islands. A model was not agreed on at the meeting. AGD representative at the meeting was asked to provide more information on the different models that are available and their advantages and disadvantages to enable the Group make informed decision. The Group also deliberated on a time table for the way forward. It was agreed that after a model is agreed, drafting instructions will be provided to AGD before December 2019, and a draft legislation to be provided to the Group by March 2020.

(b) Corruption

- (i) Guiding Principles for Protecting Whistleblowers and Encouraging Protected Disclosures
 - (ii) Who, What, Why of Whistleblower Protection for the Pacific
- Solomon Islands has enacted a Whistleblowers Protection Act 2018.
 - i and ii are useful, some of the issues discussed in the 2 materials are in the Whistle blowers Protection Act 2018.

(c) Sexual and Gender-Based Violence

- (i) General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to Sexual and Gender Based Violence
 - (ii) Model Provisions for amending Evidence Acts or Criminal Procedures Acts to incorporate special measures for vulnerable witnesses to Sexual and Gender Based Violence offences
 - (iii) 2019 Workshop on Quality Evidence without Re-Victimisation: Promoting Special Measures for Vulnerable SGBV Complainants
 - (iv) Legislative overview of child abuse offences in the Pacific
- i to iv are useful.
 - ODPP Prosecutors refer to some of the materials in court submissions and legal opinions.

- ODPP Prosecutors find the resources useful in prosecuting sexual and gender based violence.
- The DPP's office is working closely with the Solomon Islands Police Development Program on electronic recording of caution interview of suspects and electronic evidence of children who are victims of sexual offences.
- Section 52 of the SI Evidence Act 2009 provides for taking evidence by audio visual link. We have not tried that section but are confident we can use the section effectively.

(d) **Other**

- (i) Stocktake of criminalisation of methamphetamine in the Pacific
 - Not applicable

4. Significant issues affecting the law and justice sector, and options to address these issues

[For example, this summary may cover issues including lack of skilled legal practitioners, lack of funding, lack of technical expertise, limited information sharing within the law and justice sector or political instability.]

- High turnover of Government Lawyer as a result of poor working condition and or inadequate remunerations. As a result ODPP and other government Agencies do not have experienced lawyers to take on complex cases that are on the rise
- Judges and Constitutional posts holders are inadequately remunerated.
- Inadequate court houses/rooms. There are seven (7) High Court judges, and 6 court rooms, one of the court rooms also serve as the Court of Appeal court room.
- Only three (3) Magistrate court rooms are shared by seven (7) Magistrates in Honiara.
- No court rooms or registry in five (5) provinces.

- No police presence in Rennell Island in Renbel Province.
- Delay in finalizing criminal cases from arrest to sentence.
- Funding committed to the law and justice sector is inadequate (inadequate manpower/resources/vehicle/office equipment/slow or no internet)

5. Significant initiatives/projects involving the member country and its law and justice sector

[For example, hosting a workshop, conference, or program.]

- Solomon Islands duly attended telephone Conferences for all three (3) working groups (Gender, Corruption and Cybercrime) and meetings.
- Attendance at the Cybercrime Workshop in Port Villa (Solomon sent 5 officers).
- Attendance at the Corruption working group meeting in September, Nadi.

6. Technical legal assistance

[Countries are encouraged to identify main law and justice training priorities or technical assistance needs, as well as any law and justice training or technical assistance that has been provided to the country in the last 12 months.]

- 3 days training on Legal Reasoning and opinion writing was provided by Australian Attorney General Department for nine (9) new lawyers in July 2019 in Honiara.
- 1 week Intensive Advocacy Training was provided by Victoria Bar for 25 Government Lawyers from ODPP and PSO in June 2019 in Honiara
- AGD twinning on Policy.
- ODPP lawyers (2) and administrative staff (1) attached to ODPP Darwin, Northern Territory for 6 weeks from May to July 2009.
- Australia Volunteer International provide volunteers for ODPP (Honiara, Gizo and Auki offices)

- Solomon Islands Justice Program provided 1 x Technical Adviser for ODPP.
- Provision of an Expatriate Judge for Civil cases.

7. Contact information for key law and justice agencies

[Including but not limited to: Attorney General's Office, Ministry of Justice, Directors of Public Prosecutions, Crown Law Office, Courts, Law Reform Commission, People's Lawyer, Office of Parliamentary Counsel, etc.]

Agency	Key responsibilities	Contact person and position	Phone number and email
ODPP		Rachel Olutimayin (DPP)	28427 ROlutimayin@dpp.gov.sb
Magistracy		Andrew Talasasa (Clerk)	21543 ATalasasa@courts.gov.sb
Attorney General		John Muria Jnr (Attorney General)	28395 JMuria@attorneygenerals.gov.sb
Law Reform Commission		Frank Paulsen	FPaulsen@lrc.gov.sb
Public Solicitor Office		Howard Lawry	28406 hlawry@pso.gov.sb
Royal Solomon Islands Police Force		Matthew Varley	22217 Matthew.Varley@rsipf.gov.sb
Solomon Islands Police Prosecutions Directorate		Rodney Wheatney	28414 Rodney.Wheatney@ppo.gov.sb
High Court of Solomon Islands		Myonnie Tutuo	21632 mtutuo@courts.gov.sb