



PILON COUNTRY REPORT TEMPLATE

Please return this completed report to the PILON Secretariat (coordinator@pilonsec.org) by no later than **cob Friday 16th October 2020**, to facilitate timely circulation to PILON members prior to the meeting. Please advise if you do not wish your Country Report to be made available on the PILON website.

COUNTRY REPORT PRESENTATION:

*PILON 2020 will be much shorter than previous years due to the constraints of meeting through a virtual platform. As the country report presentations are typically allocated 3 hours of meeting time, it will be a challenge to hear directly from each PILON member country. The Secretariat welcomes oral updates to the meeting this year on an opt-in basis. **Please advise the PILON Secretariat by 11 September 2020 if you wish to present a short update, so that we can allocate time on the agenda.***

The time for presentation will be strictly limited to **five (5) minutes** and we ask that the focus be on **one key law and justice achievement** that is relevant to **one** of the PILON Strategic priorities; Sexual and Gender Based Violence, Cybercrime, Corruption or you may choose to discuss the COVID-19 Pandemic experience from a law and justice perspective, including its impacts on any one of the PILON strategic priorities.

COVID – 19

Since the outbreak of the COVID-19 crisis, national governments have taken measures to address and mitigate the adverse systemic impact of the pandemic on all aspects of our lives. In particular, PILON members are now engaged in efforts to provide clarity to governments on the application of legal frameworks and measures to support a significant number of policy challenges on this pandemic, at both the national and international levels.

A key law and justice achievement could include a report on any recent legal reform, a review or introduction of important legislation or accession to a new international treaty, *or* efforts taken during the pandemic operations with your respective governments.

It is not necessary to prepare a written presentation for this update.

SOLOMON ISLANDS COUNTRY REPORT WRITTEN SUBMISSION:

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

1. Major law and justice sector achievements

1. In response to the declaration of covid-19 as a global pandemic, the government of Solomon Islands declared a state of emergency to ensure that the nation and people are protected from covid-19
2. The government enacted a number of Regulations to close the borders, restrict flight movements and put measures in place to protect people.
3. The government started the process of enacting a Public Health Emergency Act which will ensure that all people are adequately cared for in times of a pandemic. The Bill is expected to be passed by Parliament in December 2020.
4. The High courts increased the number of circuits to 3 Provinces, at least one provincial circuit to the 3 Provinces every month.
5. The High court introduced virtual court hearings in the Court of Appeal and convened the first session of Virtual court.
6. All Agencies in the Ministry of Justice and Legal Affairs including the Police Watch House and the Correctional Centre in Honiara now have facilities for Virtual Court hearings.
7. The Magistrates courts increased the number of circuits to all the Provinces in the country.
8. The DPP's office recorded a higher disposal rate of cases in the High Court and Magistrates courts. The increase is made possible by proactive plea bargain between the Prosecution and the defence, a rigorous charge screening process and increased number of Prosecutors.

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

2. Significant court decisions

1. From the beginning of 2020, the High Court significantly increased sentences passed on offenders convicted for sexual offence cases against children under the age of 13 and 15 years, from 3-5 years to 12-15 years.
2. On 8 May 2020, the Chief Magistrate delivered a landmark judgment in the first case that arose from the breach of the Restriction of movement in Honiara Order 2020. Among other orders, the defence moved the court to declare the Order null and void as it breached the constitutional right of freedom of movement of Solomon Islanders and to find that the Magistrates court has no jurisdiction to adjudicate over the breach of that Regulation. In a very well-considered decision delivered on 8 May 2020, the Chief Magistrate refused all the orders sought by the defence. As a

result of that judgment, all persons charged for breach of the curfew and lockdown orders have been charged and are being dealt with by the Magistrates courts.

3. A foreigner who breached the Emergency Powers (COVID-19) (Prohibition of Entry of Non-Citizens) Order 2020 and Regulation 8 (1) (2) and (3) of the Emergency Powers (COVID-19) Regulations 2020 by entering the country in his helicopter when he was not exempted by the Prime minister was charged for the offence of prohibition of entry of non-citizens. He pleaded guilty to the charge and was sentenced to SBD\$5000 fine.
4. 3 other foreigners who breached the Emergency Powers (COVID-19) (Prohibition of Entry of Non-Citizens) Order 2020 and Regulations 8 (1) (2) and (3) of the Emergency Powers (COVID-19) Regulations 2020 by entering into Solomon Islands in their yacht when they were not exempted by the Prime minister were also charged for the offence of prohibition of entry of non-citizens. They all pleaded guilty to the charge and were sentenced to SBD\$6000 fine each. The yacht they came in was also forfeited to the state by the Controller of Customs.

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

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.]

[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

Solomon Islands continued the process to having a National Cybercrime/Information Security Bill

2 meetings were held by the National Cybercrime/Information Security Bill Committee on:

1. On 10/12/20 where the Committee considered the terms of reference for drafting instructions prepared by Australia Attorney-General's Department and Drafting Instructions options
2. On 17/2/20 where members of the Committee amended the terms of reference prepared by Australia Attorney-General's Department for a drafting instructions and reviewed the Drafting Instructions prepared for us by AAGD.
3. On 08/08/20 Committee members received a questionnaire on the Cyber-crime legislation drafting instructions. Members are to respond to the questionnaire before the next meeting at which the drafting Instructions will be approved so that the AAGD can commence drafting our Legislation.

(b) **Corruption**

1. The government of Solomon Islands continued to progress the take-off of the Solomon Islands, Independent Commission against Corruption by establishing the physical office of the Commission
2. Put in place the recruitment process for appointment of the Director-General of the Commission. The first time that was done, a suitable candidate was not found and the position was readvertised. Interviews were held and a suitable candidate was identified. The Commission will take off when the recruitment process is completed.
3. The Office of the Director of Public Prosecutions is now drafting an Internal Policy for Prosecuting Corruption offences and how the Office will collaborate with SIICAC in the light of section 49 of the Anti-Corruption Act 2018 which provides **“With the consent of the DPP, the Commission may institute and undertake criminal proceedings against a person for the alleged commission of a corruption offence”**.
4. ODPP has adopted PILON Framework for prosecuting corruption in the Pacific: Experiences, Challenges and Lessons Learnt.

(c) **Sexual and Gender-Based Violence**

1. Sexual and gender based violence is steadily on the increase across the nation. A large proportion of files referred to ODPP are sexual offences against women especially very young children. A large proportion of cases referred to Police Prosecutions department are gender based (domestic violence cases)
2. The High Court is sending a clear message to the public that such offending against women and children will not be tolerated by the courts. Sentencing tariffs for SGBV offences have increased by about 50-70%.
3. The Office of the Director of Public Prosecutions (ODPP) is now drafting an Internal Policy for Prosecuting Sexual and Gender based violence and how to collaborate with the Police Prosecutions Directorate (PPD) to improve the capability of Prosecutors in ODPP and PPD in Honiara and the Provinces.
4. ODPP has adopted PILON General Principles for obtaining the best evidence from vulnerable witnesses in sexual and gender based violence matters.

4. Significant issues (including COVID-19) impacting the law and justice sector, and options to address these issues

On 25th March 2020, the Governor General of Solomon Islands, Sir David Vunagi declared a 'State of Public Emergency' for Solomon Islands. Sir Vunagi said following World Health Organization declaration of COVID-19 as a global pandemic, and the call on countries to be proactive in dealing with the spread of Covid-19, it became necessary to declare a State of Public Emergency in Solomon

Islands. He said Government recognized that the importation of COVID-19 into Solomon Islands could be catastrophic for the country, considering the limited health resources available here. He therefore declared a state of public emergency. On 26 March 2020, the GG made the Emergency Powers (Covid-19) Regulations 2020. It was published as Legal Notice no. 29 in the Solomon Islands Gazette. In Part 2, Section 5 of the Emergency Powers (COVID-19) Regulation 2020, a number of powers is conferred on the Prime Minister. Pursuant to the powers conferred on him, on 27 March 2020, the PM, Hon. Manasseh Sogavare made the Emergency Powers (COVID-19) (Declaration of Honiara as Emergency Zone) Order 2020. It was published as Legal Notice no. 34 in the Solomon Islands Gazette and came into force on that day. It declared Honiara (from the central business district of the capital city to Alligator Bridge (East Honiara) and (from the central business district of the capital city to Poha River/Bridge West Honiara) as Emergency zone. The intention of the Order is to curb the spread of COVID-19 in Solomon Islands.

Further on the 9th of April 2020, the PM made the Emergency Powers (COVID-19) (Restriction of Movement in Honiara) Order 2020. It was published as Legal Notice no. 38 in the Solomon Islands Gazette and came into force on the two days set out in the Order. This Order was made to restrict the movement of people within the Emergency Zone on Friday 10 April and Saturday 11 April 2020 from 8.00pm-5.00am on both days. Apart from publishing the two Orders in the SI Gazette, the Media Unit of (RSIPF) Royal Solomon Islands Police put out Public notices and held meetings with various sectors in Honiara on the proposed curfew. RSIPF also conducted community awareness across Honiara on 9 and 10 April 2020.

On the 2 nights of the curfew, RSIPF mounted operations at different locations in the Emergency Zone and arrested a number of people who were not observing the curfew. All those who were arrested were charged and taken to court.

The number of people charged and the extra number of files that came into the ODPP increased the workload of staff. Staff worked round the clock and on weekends to process charges and have offenders dwelt with speedily.

The extra work was also a strain on the office finances which was already very low as a result of reduced budget to government departments and the transfer and allocation of funds to covid 19 related matters. Office machines and equipment's were affected as a result of reduced budget.

Donors and development partners withdrew their technical advisers and volunteers in the wake of covid-19 in March 2020 and relocated them to their countries. The volunteers in ODPP have not returned since, and may not return. An Adviser was recruited 2 weeks ago and is working remotely from his country. The sudden withdrawal of technical advisers created a sudden gap. There are 15 new Prosecutors in the office who relied on the volunteers and advisers to mentor, coach and teach them. The few senior Prosecutors in the office had to take on the extra work of mentoring, coaching and supervising the new Prosecutors.

[For example, this summary may cover issues including the impact of COVID-19, lack of skilled legal practitioners, lack of funding, lack of technical expertise, limited information sharing within the law and justice sector or political instability.]

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

1. Solomon Islands Justice sector completed a draft document in March 2020. The document is the Solomon Islands justice sector's 3-year strategy for advancing gender equality and social inclusion. The document, the Justice Sector's Gender Equality and Social Inclusion Strategy, sets out clear and practical steps for removing or reducing the barriers that different groups face when accessing the justice system. The Strategy identifies six priority areas for action over the next three years:

1. Improving the justice system's handling of sexual and domestic violence matters
2. Improving access to justice for people with disabilities
3. Improving protection for children and young people
4. Ensuring that our justice premises are accessible and fit for purpose
5. Ensuring equality within our laws
6. Progressing gender balance across the justice sector

For each of these areas, the Strategy identifies various actions to remove barriers in the justice system. Most of the recommended actions already have an existing basis, either in law or practice, which can be strengthened to make practical improvements to the delivery of justice services. Similarly, most of the actions can be progressed drawing on the knowledge and skills of the different people and organisations that make up the justice sector and the wider community. Connecting people and organisations to share knowledge and insights as to the needs of different groups in the community can be an important step in improving our sector's delivery of justice services.

The National Judiciary and the Ministry of Justice and Legal Affairs will serve as the 'custodians' of the Strategy, working to: ensure awareness of the Strategy across the justice sector; coordinate efforts to make the recommended changes; and monitor progress. High level guidance and direction will be provided by the Justice Sector Consultative Committee, with progress reported on an annual basis to the Minister for Justice.

2. Solomon Islands justice sector strategic framework 2020 – 2030 was developed between 2019 and 2020. It was completed in March 2020. The Justice Sector Strategic Framework was created as a high-level framework to guide coordinated, integrated, and flexible sector-level development in the Solomon Islands. The strategic planning process was designed to maximize participation and promote direction and ownership

of the Framework. The creation of the updated Framework for the period 2020-2030 was produced and it is owned by the justice sector.

3. At the PILON level, SI has been active in the 3 working groups-SGBV, Corruption and Cybercrime. We have attended most of the meetings called by the 3 groups.
4. Solomon Islands contributed to ongoing discussions on PILON activities.
5. Solomon Islands volunteered to participate in the preparation of text that explains the policy justifications and the operation of the Model Provisions. Solomon Islands was allocated a chapter and we completed the task.
6. Solomon Islands volunteered to participate in the virtual engagement pilot on evidentiary issues associated with prosecuting corruption and made a presentation on Presentation of Evidence in Corruption cases

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

6. **Technical legal assistance**

1. Solomon Islands ODPP need training in basic, intermediate and advanced advocacy skills for all levels of Prosecutors.
2. ODPP Para-legal officer and 2 Witness coordinators need training in handling witnesses and counselling to make them more effective in their work.
3. All staff need basic training in sign language so as to be able to communicate effectively with complainants and witnesses who cannot talk or hear.
4. From September 2019 to March 2020 Australia volunteers International provided a Prosecutions mentor for the office of the Director of Public prosecutions. The volunteer was based in Honiara. In his short time with the office, he mentored, trained and coached junior Prosecutors in all aspects of prosecutorial work.
5. DFAT provided funding for the government of Solomon Islands to engage a Director of Public Prosecutions from July 2019 to September 2020 and from September 2020.
6. DFAT provided an Adviser to the DPP's office from October 2020 to June 2021.
7. DFAT and British Overseas Aid, provide funding for virtual court equipment for the High Court, Magistrates Court, Office of the DPP, Public Solicitors Office, AG's Chambers, Police Prosecutions Directorate, Royal Solomon Islands Police watch house and the Correctional Centre. The first phase of the project covers Honiara, the second stage of the project will cover the Provinces.

[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.]

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
Attorney-General’s Chambers	Chief legal adviser to the government	Mr. John Muria Junior	jm@attorneygenerals.gov.sb
Director of Public Prosecutions	Chief Prosecutor	Mrs. Rachel Olutimayin	ROlutimayin@dpp.gov.sb
Director of Public Prosecutions	Deputy Chief Prosecutor	Mr. Andrew Kelesi	AKelesi@dpp.gov.sb