

Joint Shadow Report to the Universal Periodic Review regarding Solomon Islands

**Compiled by Equality Australia, the Gender Equality and Social
Inclusion Network, ILGA Oceania and Kaleidoscope Human
Rights Foundation**

[9.10.25]



Kaleidoscope
Human Rights Foundation



Contact Person: Savanh Tanhchareun
Senior Advisor – International Policy
savanh.tanhchareun@equalityaustralia.org.au

TABLE OF CONTENTS

1.	INTRODUCTION AND OVERVIEW	3
2.	SCOPE AND METHODOLOGY OF REPORT	3
3.	LEGAL & SOCIAL CONTEXT IN SOLOMON ISLANDS	4
4.	CURRENT SITUATION IN SOLOMON ISLANDS	6
5.	GENDER AND SEXUALITY BASED VIOLENCE	7
6.	FREEDOM OF EXPRESSION	8
7.	ACCESS TO HEALTHCARE	9
8.	ACCESS TO EDUCATION	9
9.	ECONOMIC DISCRIMINATION	9
10.	SUMMARY OF APPLICABLE HUMAN RIGHTS, CONVENTIONS, DOMESTIC LAWS AND REGULATIONS	10
11.	BREACH OF RIGHTS IN INTERNATIONAL LAW	11
12.	PREVIOUS UPR RECOMMENDATIONS	12
13.	POSITIVE STEPS TAKEN BY SOLOMON ISLANDS	13
14.	PROGRESS IMPLEMENTING PREVIOUS RECOMMENDATIONS	13

1. INTRODUCTION AND OVERVIEW

1.1 For the fourth cycle of the Universal Periodic Review (UPR), Equality Australia, the Gender Equality and Social Inclusion Network, ILGA Oceania and Kaleidoscope Human Rights Foundation have prepared this Shadow Report (**Report**) to the United Nations Human Rights Council (**Council**).

- i. Equality Australia, established in 2015, is a national organisation dedicated to achieving equality for lesbian, gay, bisexual, transgender, queer and intersex (LGBTIQ+) people. Equality Australia combines legal, policy and communications expertise with thousands of supporters to improve the wellbeing and circumstances of LGBTIQ+ people and their families.
- ii. Gender Equality and Social Inclusion Network (GESIN) is an unregistered local group.
- iii. ILGA Oceania, a sub-organisation of the International Lesbian, Gay, Bisexual, Trans and Intersex Association established in 1978, represents 24 countries and non-autonomous territories in the Oceania region, and aims to work for the equality of LGBTIQ+ people and their liberation from all forms of discrimination.
- iv. Kaleidoscope Human Rights Foundation (**Kaleidoscope**) is an Australian-based non-governmental organisation committed to promoting and protecting the human rights of LGBTIQ+ people across the Asia-Pacific region. Established in 2013, Kaleidoscope works directly with local activists to enhance their capacity to identify and reform discriminatory laws, helping them achieve the freedom and equality essential to living a life of dignity.

1.2 This Report assesses Solomon Islands' compliance with its human rights obligations with respect to people with diverse sexual orientations, gender identities, gender expression and sex characteristics (SOGIESC) – although no people with diverse sexual characteristics were identified, limiting the scope of primary data collection to people with diverse SOGIE. It highlights the continued deficiencies that undermine the fundamental treatment and rights of people with diverse SOGIESC in Solomon Islands. Solomon Islands is still failing to fully comply with its human rights obligations with respect to people with diverse SOGIESC under both domestic and international law.

1.3 Drawing on interviews with 17 people with diverse SOGIE in Solomon Islands, as well as desktop research and analysis of relevant legal, policy, and secondary sources, this Report highlights the prevailing situation for people with diverse SOGIE in relation to gender and sexuality-based violence, freedom of expression, access to healthcare, access to education and economic discrimination (with the desktop research covering the situation of people with diverse sex characteristics to the extent possible).

2. SCOPE AND METHODOLOGY OF REPORT

2.1 This Report focuses on the lived experiences of people with diverse SOGIE in Solomon Islands, as informed by qualitative data collected through structured interviews with 17 participants of diverse SOGIE. Interviews were conducted between 7 and 17 July 2025, primarily in Honiara, with additional interviews held in Auki, Malaita. Participants were aged between 19 and 43, and represented a range of provinces in Solomon Islands, including Malaita, Western, Central and Guadalcanal, with some individuals of mixed heritage. The participants encompassed

individuals who are gay, lesbian, bisexual and trans, as well as people with disabilities. No intersex people were identified and interviewed.

2.2 The interview process was guided by a questionnaire comprising 31 open-ended questions, exploring the following nuanced dimensions of daily life and rights:

- i. personal background;
- ii. general environment and personal experiences;
- iii. employment and economic opportunities;
- iv. civil and political rights;
- v. police and government interactions;
- vi. access to services;
- vii. community and activism; and
- viii. recommendations for reform.

2.3 The interviews provide a first-hand foundation for assessing Solomon Islands' compliance with its human rights obligations. The qualitative data is supplemented by secondary research, including a detailed analysis of international human rights laws, domestic laws and regulations. This combined methodology ensures that this report presents a comprehensive review combining the authentic lived experiences of people with diverse SOGIE in Solomon Islands and a broader legal and policy analysis of Solomon Islands' adherence to its international obligations.

3. LEGAL & SOCIAL CONTEXT IN SOLOMON ISLANDS

3.1 Solomon Islands is a sovereign democratic State governed by the *Constitution of Solomon Islands 1978* (as revised in 2018) (**Constitution**). The Constitution provides fundamental rights and freedoms for all individuals, including among other things, life, liberty, security of the person, protection of the law, freedom of conscience (including religion), of expression and of assembly and association. The Constitution also provides protection from discrimination on grounds of race, place of origin, political opinions, colour, creed or sex, where persons of one such description are subject to disabilities or restrictions to which persons of another such description are not made subject. There is no explicit protection against discrimination on the basis of sexual orientation, gender identity or sex characteristics.¹

3.2 Solomon Islands gained independence from British colonial rule on 7 July 1978 and became a member of the Commonwealth of Nations.² Solomon Islands' legal system is based on English common law under which the *Penal Code 1996* (**Penal Code**) sets out criminal responsibility, offences and punishments.

3.3 Sections 160 to 162 of the *Penal Code* prohibit consensual same-sex sexual conduct.

3.3.1 Section 160 criminalises acts of 'buggery' and carries a penalty of 14 years imprisonment;

3.3.2 Section 161 criminalises attempts to commit 'unnatural offences' and carries a penalty of 7 years imprisonment; and

- 3.3.3 Section 162 criminalises acts of 'gross indecency' and carries a penalty of 5 years imprisonment.
- 3.4 The Human Dignity Trust notes that the *Penal Code* uses derogatory and stigmatising language for these offences, such as buggery, gross indecency, unnatural offences and indecent practices.³
- 3.5 The Law Reform Commission of Solomon Islands has reported that these laws have not been enforced since 2003.⁴ There were two prosecutions in 2003, under section 160, both involving adults who sexually abused children under the age of 18 years without their consent.⁵ In 2023, the United States Department of State's Solomon Islands Human Rights Report noted that there were no documented cases of violence or discrimination based on sexual orientation or gender identity in that year.⁶
- 3.6 Several interviewees talked about how the legislation criminalising same-sex sexual conduct, even though not consistently enforced, creates a profound sense of unsafety, forcing them to keep their identities separate from their public lives.
- 3.7 SOGIESC attributes are not explicitly protected under section 15 of the Constitution, which sets out protection from discrimination.¹ There is currently no commitment to amend the Constitution to include such protection.
- 3.8 There is a long-term trend whereby high-profile political figures in Solomon Islands have expressed views opposing the strengthening of protection of the human rights of people with diverse SOGIE. In June 2018, the Governor General at that time, Sir Frank Kabui, spoke about same-sex marriage and LGBTQI+ issues during the Queen's birthday celebration in Honiara. He acknowledged the international pressure to change the laws, but opposed any action:⁷

"The question for us is whether or not we will continue to maintain our current position or instead change our position and be like others, the issue of same sex marriage is coming and we ought to prepare ourselves to deal with it. Let me make it clear, that being gay or homosexual is not the issue, people of this description [are] everywhere in our societies, it is as old as humanity itself. It is not wrong to [be] born with gay or lesbian inclination, it is said to be biological and is beyond individual control. Be that as it may, there is however a choice either practicing it or not with another person of same sex is a matter of choice, practicing it in private or openly when universal acceptance is therefore the issue today."

- 3.9 Kabui further remarked that he was opposed to introducing or teaching about gay and lesbian rights in schools, as this would effectively destroy family values. He continued:⁸

"Our challenge is to continue to remain steadfast against this onslaught, the international gay and lesbian advocates are steadfastly chipping at the edges with the hope that they change the world and accept same sex marriage."

- 3.10 In July 2023, the former Prime Minister, Manasseh Sogavare publicly expressed concern regarding the increasing international focus on LGBTQI+ issues.

"Fellow Solomon Islanders... I'm increasingly uneasy about the LGBTQIA+ issue that has gained prominence... I don't want the issue of LGBTQIA+ to be

¹ Section 15 is drafted in an exhaustive way which means that there is no flexibility to read in other protected attributes commonly protected in other jurisdictions, such as age or disability.

*weaponised against us and used as a condition for accessing aid... We have our own values and will not allow others to impose their values on us.”*⁹

- 3.11 It was reported that under the Sogavare government, LGBTQI+ content was strictly filtered on the national broadcaster, SIBC TV.¹⁰ There is no indication that this policy has shifted since then.
- 3.12 The most recent attempt to repeal the impugned sections of the *Penal Code* were made by the Law Reform Commission during Solomon Islands’ Universal Periodic Review in 2011, when a number of countries made recommendations to Solomon Islands to decriminalise same-sex sexual activity, including France, Norway, Slovenia and Spain.¹¹ However, the government of Solomon Islands did not accept these recommendations, asserting that “the cultural context of society did not condone same-sex relationships” and that “there had not been any submissions to the Law Reform Commission in their review of the *Penal Code* to repeal those sections”.¹² The Law Reform Commission made no proposals to repeal or amend sections 160 to 162 in its Second Interim Report on Sexual Offences, published in June 2013.¹³
- 3.13 No legal protections exist for people with diverse SOGIESC in Solomon Islands. Aside from the lack of constitutional protections, there are no national laws that protect against discrimination in situations such as employment, or laws that protect against hate crimes, incitement to hatred, violence or discrimination based on SOGIESC attributes.
- 3.14 There is very little information available on the status of legal avenues to protect intersex people from surgical intervention in Solomon Islands.¹⁴
- 3.15 The *Births, Marriages and Deaths Act 1896* and the *Births and Deaths (Registration) Act 1988* do not allow for change of gender markers, and there have been no efforts by the Government to amend this legislation to allow for the change of gender markers on birth certificates. Only two genders are recognised in the Solomon Islands.
- 3.16 While gender-affirming care is legal in Solomon Islands, there is limited information about the extent to which such care is accessible in practice.
- 3.17 There is no evidence of any public awareness campaigns aimed at promoting acceptance of, or combating discrimination against, people with diverse SOGIESC. The persistence of criminal laws, even if not actively enforced, contributes to legal uncertainty and reinforces societal stigma. Although the United Nations Country Implementation Plan (2023–2024), endorsed by the government of Solomon Islands, acknowledges the existence of people with diverse SOGIESC,¹⁵ the document does not contain any concrete policy commitments.
- 3.18 Customary law is also recognised as a source of law in the Constitution, and shapes community attitudes towards people with diverse SOGIESC. Custom may vary between provinces and groups, so outcomes for matters dealt with in the customary law system can vary. Customary wrongs – which may include same-sex relationships – are not often resolved through Local Courts (designed to hear customary law matters).¹⁶ Rather, they are dealt with through a 'self-help approach' which may involve an element of violence.¹⁷

4. CURRENT SITUATION IN SOLOMON ISLANDS

- 4.1 People with diverse SOGIE in Solomon Islands continue to face significant legal, social and economic challenges. The interviews with 17 people with diverse SOGIE in Solomon Islands reveal a pervasive and deeply rooted system of discrimination, harassment and violence. These widespread societal attitudes manifest in verbal abuse, physical assault, economic discrimination, and even police brutality, and appear to be rooted in strong cultural and religious beliefs that uphold a strict heteronormative gender binary.

- 4.2 The interviews reveal that discrimination extends into economic and educational spheres. People with diverse SOGIE report being denied employment, forced out of jobs due to hostile environments, and subjected to bullying and harassment in schools and universities. The interviews revealed that the legal framework further compounds these issues: criminalisation of same-sex relations fosters fear and secrecy, while customary law has been used to punish individuals for their identities. Police misconduct, impunity, and differential treatment based on race, sexual orientation and gender identity erode trust in law enforcement, leaving many unwilling to report abuse.
- 4.3 Cultural and religious beliefs play a central role in driving discrimination, with traditional kastom (customs) and Christian teachings reinforcing binary gender norms and condemning same-sex relationships and gender diversity. Many of the interviewees suggested that customary norms were harmful to people of diverse SOGIE, including the belief that there are only two genders. One interviewee stated that "customs really [don't] accept people being lesbian, gay bisexual". They went on to say that due to customary norms, other people may believe that people with diverse SOGIE are "not a human being" but "something else or something different".
- 4.4 A lack of public understanding, peer pressure, and internalised shame contribute to the marginalisation of people with diverse SOGIE. While some find support in family and friend networks, acceptance varies widely – from strong familial support to outright rejection – highlighting the complex and often precarious nature of safety and belonging for people with diverse SOGIE in Solomon Islands.

5. GENDER AND SEXUALITY BASED VIOLENCE

- 5.1 Solomon Islanders who are openly, or are perceived to have diverse SOGIE are at high risk of experiencing gender and sexuality-based violence, both from the general community, family members as well as in intimate partner contexts. In drafting this Report, 'violence' has been interpreted broadly to include physical and sexual assault, as well as threats to physical safety, harassment, blackmail and extortion.

Threats to the personal safety and security of people with diverse SOGIE

- 5.2 Interviewees reported that abuse and discrimination in the public sphere are the most prevalent human rights violations they face. These incidents range from verbal taunts and being called derogatory names, to physical assaults and public humiliation. There is widespread public hostility which contributes significantly to many respondents choosing to remain closeted, fearing direct confrontation and ostracization if their identities become known.
- 5.3 Most interviewees reported persistent verbal abuse, including terms that are derogatory in the context like "poofter", "faggot", "lesbian", "bulldog", "ugly", "bad", "animal", "girl", and "GU"¹⁸. This abuse occurs in public spaces such as nightclubs, streets, town centres and marketplaces. For example, interviewees recounted their experiences,
- i. being physically abused by family members;
 - ii. being sexually assaulted by members of the public; and
 - iii. being the victim of domestic violence, with no avenues to report the abuse, due to stigma.
- 5.4 One transgender interviewee stated, "...to be trans and [I] feel lots of challenges ... there are lots of abuses ... people are abusing me wherever I go". They reported being called names, being sworn at while simply going for a walk, and being physically attacked while out at a club with friends. Another interviewee reported being verbally abused "all the time".

- 5.5 As regards recommendations for reform, one interviewee said "I need the government to put [into place] a protection law for people like ... to work freely in the country, to move freely, [not have to] face those kinds of abusive people ... So the government should be put a policy or a rule, or any law that we can be safe ... and people stop abusing us, stop mistreating us like that in the streets." These statements reflect a clear desire for laws and policies that protect Solomon Islanders with diverse SOGIE from discrimination.
- 5.6 One interviewee recounted an experience of severe abuse while in police custody. After a minor incident, they were detained for four days. During their detention they were slapped, mocked, forced to strip naked and sexually assaulted by another detainee.
- 5.7 Although many interviewees reported feeling unsafe to report assaults or verbal abuse to the police, a few said they would be comfortable to do so.

Blackmail, extortion and criminalisation of people with diverse SOGIE

- 5.8 Several interviewees discussed blackmail and extortion. For example, one interviewee, who is a lesbian, frequently receives hateful direct messages, including gay pornographic images, and negative comments on her online content as an artist. Another individual relayed how he experienced blackmail and extortion attempts from anonymous online accounts, with threats to expose his identity or post his photos if he doesn't comply. The interviews reveal a general trend of negative and disrespectful attitudes towards people with diverse SOGIE in social media comments and a prevalence of cyberbullying on social media.
- 5.9 One interviewee was found guilty under customary law of having previously been in a same-sex relationship. After the trial, the court made a compensation order of custom/traditional shell money equivalent to over US\$1,000, which imposed a significant financial burden on the interviewee's family, who also struggled to accept that the person was gay. The conviction also precipitated severe societal repercussions as the person's interactions with friends and relatives were destroyed, they were isolated, and community members feared them, treating them as a morally "bad person".

Intimate partner violence

- 5.10 Almost all respondents who were in a relationship reported they had experienced intimate partner violence.

6. FREEDOM OF EXPRESSION

- 6.1 Interviewees talked about how Solomon Islanders with diverse SOGIE often choose not to be open about their gender identity or sexual orientation, largely for fear of social repercussions and ostracization.
- 6.2 A small number were accepted by their families. However, the majority of interviewees either had not fully disclosed their gender identity or sexual orientation to their family, or had experienced negative reactions from their family, including ostracization.
- 6.3 Indeed, several interviewees talked about the hostility they had experienced, and how their acceptance in the community has been mixed – some have found acceptance in groups like churches and sporting bodies, while others experienced bullying and verbal abuse from members of those groups.
- 6.4 Many interviewees are extremely fearful of being themselves in public. One recounted an experience while at a nightclub where someone became verbally and physically abusive towards them due to their expression of identity.

- 6.5 An interviewee who identifies as gay stated that people have a "different mindset on people like him" and he had begun to "isolate himself and stay ... where he feels safe". He does not feel safe to be himself and speak his mind in a wide range of environments.

7. ACCESS TO HEALTHCARE

- 7.1 Many interviewees did not consider their access to healthcare to be limited on account of their diverse SOGIE. Most respondents reported no overt discrimination or difficulties when accessing hospital or clinic services. One local NGO was consistently identified as a safe space for healthcare access and volunteering, where individuals feel accepted and not judged.
- 7.2 However, there is still some progress needed in improving access to health care for people with diverse SOGIE. One interviewee noted judgmental jokes from nurses at the National Referral Hospital regarding his sexual health. Another individual experienced difficulties accessing public services for fear of being identified.
- 7.3 One interviewee shared that they had found a healthcare service where they felt comfortable accessing sexual health services and general illness care. They described being treated respectfully and without judgment in this setting. In contrast, they recounted experiences at other health facilities where healthcare workers made judgmental jokes about their sexual health, leaving them feeling stigmatised and unsafe. This disparity underscores the urgent need for inclusive and non-discriminatory healthcare environments across all services.

8. ACCESS TO EDUCATION

- 8.1 Some interviewees reported issues in accessing education in Solomon Islands. One person said they face daily verbal abuse and sexual harassment from other students at school and reported feeling as though they are the "only openly gay student" in a school of 1,600 students. Another individual describes school and university environments as "very bad" with pervasive criticism. Several others reported bullying in high school, with other intersectional factors (such as disability) exacerbating experiences of abuse in the school environment.
- 8.2 One interviewee said, "I was bullied in high school. Boys called me names like lesbian or bulldog." This verbal abuse contributed to a sense of exclusion and fear during her formative years and highlights the compounded stigma faced by individuals with diverse SOGIE, particularly those with disabilities. Another interviewee reflected on his time at university, saying, "In university, it's very bad. If you are the only gay in the compound, you get criticised." This account underscores the lack of inclusive environments, including in higher education institutions.
- 8.3 These testimonies reveal a widespread issue of stigma and exclusion in educational spaces, which not only impact on their academic performance but also mental health and personal development.

9. ECONOMIC DISCRIMINATION

- 9.1 Interview data indicates that economic status significantly influences the ability of individuals with diverse SOGIE in Solomon Islands to live openly and safely. Participants reported a range of employment situations, including work as hairdressers, market vendors, hotel staff, store owners and managers. Others were students or unemployed, relying on family support. One participant reported engaging in sex work as a primary source of income. Several individuals also volunteered in roles such as sports instructors or with non-profit organisations.

- 9.2 Those with stable employment or financial independence generally reported greater comfort in expressing their identities, particularly within family settings. One transgender participant noted that her family's acceptance was closely linked to her role as a financial provider.
- 9.3 Conversely, economic vulnerability was associated with increased exposure to discrimination. One participant reported being denied a receptionist position at a charitable organisation due to her sexual orientation. Another anticipated difficulty securing employment, citing concerns about discrimination during recruitment. A third individual left a retail position due to a hostile work environment and inadequate wages.
- 9.4 The intersection of economic necessity and risk was particularly evident in the case of a participant engaged in sex work. He reported negotiating condom use with clients and charging higher rates for unprotected sex due to health concerns. This raises concerns about the conditions under which he operates, as financial pressures appear to compel acceptance of elevated health risks.
- 9.5 While it is not possible to generalise which economic situations are most conducive to safety and openness, the interviews suggest that financial independence, particularly when accompanied by familial or community support can improve personal security and social acceptance. However, even among those with secure employment, experiences of discrimination persist, indicating that economic empowerment alone does not eliminate vulnerability in the absence of broader legal and institutional protections.

10. SUMMARY OF APPLICABLE HUMAN RIGHTS, CONVENTIONS, DOMESTIC LAWS AND REGULATIONS

- 10.1 Solomon Islands has ratified the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, which afford protections to LGBTIQ+ people.²
- 10.2 Solomon Islands has also ratified the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, which prohibits discrimination against all women, including lesbian, bi, trans and intersex women.¹⁹ The CEDAW Committee has affirmed that the treaty protects against both sex-based discrimination (discrimination on the basis of biological differences) as well as gender-based discrimination (culturally constructed identities and gender roles).²⁰ Further, discrimination against women includes violence against women, which the CEDAW Committee has described as “one of the fundamental social, political and economic means by which” gender roles are perpetuated.²¹
- 10.3 In 2025, the CEDAW Committee affirmed that the protection provided under CEDAW extends to LBTI women, and called on Solomon Islands to adopt legislation and implement national strategies to address gender-based violence and discrimination.²² Additionally, the CEDAW Committee has expressly recognised that discrimination against women is inextricably linked with other culturally constructed axes of identification, and that sexual orientation, gender and HIV/AIDS status impact individuals' experiences with discrimination.²³ The issue of hate speech is addressed in Article 5 of CEDAW, which deals with prejudices and gendered stereotypes. Other protections include the prohibition against discrimination contained in

² International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) (ICESCR). This treaty was ratified by Solomon Islands on 17 March 1982.

Article 2, the right to equal access to healthcare contained in Article 12 and the provision for equal participation in economic and social life in Article 13.

- 10.4 In addition to the treaties ratified by Solomon Islands, there are a number of other treaties relevant to the protection of the rights of persons with diverse SOGIESC, such as the *International Covenant on Civil and Political Rights (ICCPR)*,²⁴ the *International Convention for the Protection of All Persons from Enforced Disappearance*,²⁵ the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*.²⁶ Though Solomon Islands has not acceded to these instruments – and is therefore not legally bound by those obligations – they are nevertheless informative, as some of their provisions codify obligations under customary international law. For example, there is growing support for recognition of the right to privacy, enshrined in Article 17 of the ICCPR, as also being sourced in customary international law.²⁷ Similarly, the right to be free from cruel, inhuman or degrading treatment is also considered a customary international law obligation. This is particularly relevant given the degrading treatment that one interviewee reported having experienced at the hands of the police.
- 10.5 The Yogyakarta Principles Plus 10 outline a set of international guidelines that apply existing human rights laws to issues relating to sexual orientation and gender identity, including treaty obligations.²⁸ The Principles have been referenced by several organs of the United Nations.²⁹
- 10.6 International human rights bodies increasingly recognise that protections against discrimination extend to transgender and gender-diverse individuals, including rights to legal gender recognition, bodily autonomy and access to gender-affirming healthcare. Despite the applicability of these international frameworks, transgender and gender-diverse individuals in Solomon Islands continue to face significant cultural stigma, which undermines the practical realisation of their rights and protections.
- 10.7 As a member of the United Nations, the Solomon Islands Government has also committed to the 2030 Agenda for Sustainable Development. The Agenda includes the pledge that “no one will be left behind”: a principle that includes LGBTIQ+ people.

11. BREACH OF RIGHTS IN INTERNATIONAL LAW

Freedom of expression

- 11.1 Article 7 of CEDAW sets out the obligation of States parties to eliminate discrimination with respect to women’s right “to participate in non-governmental organizations and associations concerned with the public and political life of the country”. Our interviews suggest a potential breach of this obligation, with many of the interviewees not being able to freely express themselves and participate in community organisations.
- 11.2 Article 19 of ICCPR guarantees the right of everyone to hold opinions without interference and the right to freedom of expression, which has been interpreted by the human rights committee to include freedom to express their SOGIESC identities.³⁰ The ratification of the ICCPR would entitle SOGIESC individuals to better protections to freely express their identities in Solomon Islands.

Economic discrimination

- 11.3 Employment opportunities and financial independence can improve the ability to live openly and safely. This has been recognised in Articles 6 and 7 of the ICESCR, which provide for the

right to work and to have just and favourable conditions of work, respectively. Interviewees revealed potential violations of these rights.

- 11.4 Additionally, Solomon Islands has ratified the International Labour Organization (ILO) *Discrimination (Employment and Occupation) Convention*.³¹ Articles 1 and 2 provide that State parties must implement policies for the purpose of eliminating workplace discrimination, including on the basis of sex. The ILO's Committee of Experts has, in some of its recommendations on State parties' compliance, identified sexual orientation and gender identity as grounds of discrimination in the workplace.³² As such, the experiences of interviewees being discriminated against during recruitment processes and being subjected to unequal treatment, is likely to amount to a violation of these ILO obligations.

Access to education

- 11.5 The right to education is contained in Article 13 of ICESCR and has several dimensions. Education systems must be available, provided in sufficient quantities, accessible to everyone without discrimination, suitable/appropriate for students and flexible to adapt to the needs of changing societies and communities.³³ Relevantly, the requirement that education be accessible includes an element of non-discrimination – education must be accessible to the most vulnerable groups, both in law and fact. This includes the incorporation of gender-sensitive accommodations and a right to be free from bullying, violence as well as general exclusionary practices or discrimination. Our interviews highlight that students individuals with diverse SOGIE face a heightened risk of verbal and physical abuse from classmates and teachers, and school staff, including teasing, derogatory names, threats, online harassment, and violence.

Right to healthcare

- 11.6 The right to sexual and reproductive health is an integral part of the right to health sourced in Article 12 of the ICESCR. This provision does not provide a right to be healthy, per se, but includes the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.³⁴ While dimensions of this right appear to be upheld in Solomon Islands, interviewees did highlight some issues in accessing health services for individuals with diverse SOGIE. Similarly, individuals who cannot readily access healthcare may not experience an adequate standard of living as provided for in Article 11 of ICESCR; this may amount to another breach of international law.

12. PREVIOUS UPR RECOMMENDATIONS

- 12.1 The most recent Solomon Islands UPR was adopted by the Working Group on 14 May 2021, where Solomon Islands reaffirmed its commitment to the spirit and the purpose of the UPR process and supported the Human Rights Council's efforts to promote respect for all human rights and fundamental freedoms.³⁵ Solomon Islands has consistently received recommendations in all its UPRs to repeal laws criminalising consensual same-sex sexual activity and a broader recommendation to repeal all discriminatory provisions relating to persons with diverse SOGIESC.³⁶
- 12.2 Solomon Islands has not accepted recommendations to repeal laws criminalising same-sex relations or to enact anti-discrimination protections for persons with diverse SOGIESC. The Government has cited the need for national consultations to address Christian doctrines and cultural perspectives.³⁷ It was indicated that a budget for such consultations would be allocated in the 2012 national budget, but no further action was taken to implement these reforms or to hold consultations.³⁸

- 12.3 Additionally, Solomon Islands received recommendations to ratify the ICCPR and CAT. These treaties contain provisions directly relevant to the rights of people with diverse SOGIESC. Failure to ratify these treaties and to reform discriminatory laws has resulted in people with diverse SOGIESC in Solomon Islands remaining vulnerable to rights violations without adequate legal protection.

13. POSITIVE STEPS TAKEN BY SOLOMON ISLANDS

- 13.1 Solomon Islands has partnered with the United Nations to develop the Country Implementation Plan (2023–2024), which acknowledges intersectional vulnerabilities including sexual orientation and commits to advancing equality.³⁹ While the Plan does not include gender identity in its agenda, it does note discrimination on account of gender identity.
- 13.2 They have also engaged with international human rights mechanisms, such as the CEDAW Committee, which has provided recommendations to strengthen protections against gender-based discrimination.⁴⁰
- 13.3 Although same-sex relations remain criminalised under national law, there have been no recent arrests or prosecutions, indicating a lack of active enforcement and suggesting a shift in practice, if not yet in policy.⁴¹

14. PROGRESS IMPLEMENTING PREVIOUS RECOMMENDATIONS

- 14.1 Solomon Islands has made limited progress in implementing previous human rights recommendations.⁴² Recommendations related to anti-discrimination and the rights of persons with diverse SOGIESC remain unfulfilled.⁴³ For example:
- 14.1.1 there is no comprehensive legal definition of discrimination;
 - 14.1.2 ICCPR and CAT have not been ratified; and
 - 14.1.3 there have been no legislative reforms to protect against discrimination based on SOGIESC.⁴⁴
- 14.2 The draft Federal Constitution (to depart from its unitary parliamentary system) has not been finalised, and it does not yet include provisions prohibiting direct or indirect discrimination on the basis of SOGIESC.⁴⁵ Rather, a 2013 draft carves out the "prohibition of cohabitation of same sex partners" as a ground for discrimination.⁴⁶

15. RECOMMENDATIONS

15.1 It is recommended that Solomon Islands:

1. **de-criminalise same-sex sexual conduct between consenting adults by repealing sections 160 – 162 of the *Penal Code* in line with international human rights obligations and recommendations previously received during the UPR;**
2. **amend the Constitution to enshrine sexual orientation, gender identity and sex characteristics as protected attributes within the non-discrimination clause;**
3. **enact comprehensive anti-discrimination legislation that prohibits discrimination on the basis of SOGIESC in all spheres, including employment, education, health, housing and access to public services;**
4. **introduce legal protections against hate crimes and hate speech on the basis of SOGIESC, including appropriate penalties and mechanisms for redress.**
5. **develop and implement inclusion policies in education and healthcare sectors, including anti-bullying frameworks, gender-sensitive teacher training, and non-discriminatory health service guidelines to ensure equal access for people with diverse SOGIESC.**
6. **establish safe and confidential mechanisms for reporting discrimination and violence, including within customary legal frameworks and law enforcement.**
7. **roll out nationwide, government-led public education and awareness campaigns that promote understanding, respect, and acceptance of people with diverse SOGIESC, including targeted programs for schools, faith leaders, traditional authorities, and the media.**
8. **provide financial, technical and institutional support for the establishment of local civil society organisations which focus on advocating for the rights of people with diverse SOGIESC and providing essential support services, such as counselling and capacity building initiatives.**
9. **ensure meaningful participation of SOGIESC communities and organisations in the design, implementation and monitoring of policies and programs affecting them.**

¹ *Solomon Islands Constitution 1978 (with amendments through 2018)*, Chapter II: Protection of Fundamental Rights and Freedoms of the Individual.

² *Solomon Islands Act 1978* (UK).

³ Human Dignity Trust, 'Next Steps Towards Reform: Assessing good practice and gaps in Commonwealth sexual offences legislation, The Pacific', (January 2020) <<https://www.humandignitytrust.org/wp-content/uploads/resources/2020-Next-Steps-Pacific.pdf>>.

⁴ *Stand Up And Fight – Addressing Discrimination and Inequality in Solomon Islands* (Final Report, 2016) 107.

⁵ Solomon Islands Law Reform Commission, *Review of the Penal Code and Criminal Procedure Code: Sexual Offences – Sentencing Research Paper*, 2011 [3.19].

-
- ⁶ United States Department of State, *2023 Country Reports on Human Rights Practices: Solomon Islands* (Final Report, 2023) 17.
- ⁷ Andrew Fanasia, ‘Sir Kabui: Prepare to deal with it’, *Solomon Star News* (online, 14 June 2018) <<https://www.solomonstarnews.com/>>.
- ⁸ Ibid.
- ⁹ Jennifer Kusapa, ‘No Faith in Rainbows’, *The Island Sun* (online, 9 July 2023) <<https://theislandsun.com.sb/no-faith-in-rainbows/>>.
- ¹⁰ Monitor, ‘Solomon Islands: Concerns around transparency of policing agreement and vilification of the LGBTQI+ community’ <<https://monitor.civicus.org/explore/solomon-islands-concerns-around-transparency-of-policing-agreement-and-vilification-of-the-lgbtqi-community/>> (online, 14 July 2023).
- ¹¹ United Nations Human Rights Council, Universal Periodic Review, *Report of the Working Group on the Universal Periodic Review: Solomon Islands*, 11 July 2011, UN Doc. A/HRC/18/.
- ¹² Ibid [26].
- ¹³ Solomon Islands Law Reform Commission, *Review of the Penal Code and Criminal Procedure Code: Second Interim Report: Sexual Offences* (June 2013).
- ¹⁴ Equaldex, ‘LGBT Rights in Solomon Islands’ (online, no date) <<https://www.equaldex.com/region/solomon-islands/>>.
- ¹⁵ Solomon Islands Country Implementation Plan 2023-2024 (Report, 2023) pgs 8, 14 <<https://pacific.un.org/en/254270-solomon-islands-country-implementation-plan-2023-%E2%80%93-2024>>.
- ¹⁶ Philip Kanairara, Principal Legal Officer, Solomon Islands Law Reform Commission, ‘An analysis of the recognition of customary law and common law and equity in the legal system of Solomon Islands’ (online, October 2013) <<https://www.lawreform.gov.sb/publications/other-reports/conference-papers/16-underlying-law-conference/file.html>>.
- ¹⁷ Ibid.
- ¹⁸ A pejorative term in a local language for “aberrant” or “stupid” sexual behaviour.
- ¹⁹ *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) (CEDAW).
- ²⁰ Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc CEDAW/C/GC/28 (16 December 2010) [5].
- ²¹ Committee on the Elimination of Discrimination against Women, *General Recommendation No 35 on Gender-Based Violence against Women, Updating General Recommendation No 19*, UN Doc CEDAW/C/GC/35 (26 July 2017) [10].
- ²² Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of Solomon Islands*, UN Doc CEDAW/C/SLB/CO/4-5 (10 July 2025) [26].
- ²³ Ibid [12]; Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc CEDAW/C/GC/28 (16 December 2010) [9]; Committee on the Elimination of Discrimination against Women, *General Recommendation No 33 on Women’s Access to Justice*, UN Doc CEDAW/C/GC/33 (3 August 2015).
- ²⁴ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).
- ²⁵ *International Convention for the Protection of All Persons from Enforced Disappearance*, opened for signature 20 December 2006, 2716 UNTS 3 (entered into force 23 December 2010).
- ²⁶ *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).
- ²⁷ See e.g. Arvind Pillai and Raghav Kohli, ‘A Case for a Customary Right to Privacy of an Individual: A Comparative Study on Indian and other State Practice’ (2017) 3 *Oxford University Comparative Law Forum* <<https://ouclf.law.ox.ac.uk/a-case-for-a-customary-right-to-privacy-of-an-individual-a-comparative-study-on-indian-and-other-state-practice/>>.
- ²⁸ *Yogyakarta Principles plus 10: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics*, International Commission of Jurists and International Service for Human Rights (10 November 2017).

- ²⁹ Committee on Economic, Social and Cultural Rights, *General Comment No 20: Non-Discrimination in Economic, Social and Cultural Rights (art 2, para 2, of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc E/C.12/GC/20 (2 July 2009) [32]; Constance Thomas and Catherine Weber, Information Paper on Protection against Sexual Orientation, Gender Identity and Expression and Sexual Characteristics (SOGIESC) Discrimination, International Labour Organization, NORMES/2019 (March 2019) <<https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ednorm/@normes/documents/publication/wcms700554.pdf>>; Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, *Report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity*, UN Doc A/73/152 (12 July 2018); Council of Europe, Commissioner for Human Rights, 'Time to Recognise That Human Rights Principles Apply Also to Sexual Orientation and Gender Identity' (Web Page, 14 May 2008) <<https://www.coe.int/en/web/commissioner/-/ee>>.
- ³¹ *Discrimination (Employment and Occupation) Convention*, opened for signature 25 June 1958, ILO Convention No 111 (entered into force 15 June 1960).
- ³² International Labour Organization, *Direct Request – Discrimination (Employment and Occupation) Convention, 1958 (No 111) – Spain*, <https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:4118757>.
- ³³ Committee on Economic, Social and Cultural Rights, *General Comment No 13: The Right to Education (Art 13 of the International Covenant on Economic, Social and Cultural Rights)*, 21st sess, UN Doc E/C.12/1999/10 (8 December 1999).
- ³⁴ Committee on Economic, Social and Cultural Rights, *General Comment No 14: The Right to the Highest Attainable Standard of Health (Art 12 of the International Covenant on Economic, Social and Cultural Rights)*, 22nd sess, Agenda Item 3, UN Doc E/C.12/2000/4 (11 August 2000).
- ³⁵ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Solomon Islands*, 48th session, 13 September – 1 October 2021, Agenda Item 6 [5]
- ³⁶ United Nations UPR Info, Responses to Recommendations & Voluntary Pledges: Solomon Islands (June 2016) <https://upr-info.org/sites/default/files/documents/2016-09/recommendations_and_pledges_solomon_islands_2016.pdf>.
- ³⁷ Solomon Islands Country Statement at the United Nations Human Rights Council, 18th sess (21 September 2011) p. 4.
- ³⁸ 'Solomon Islands' ARC International <<http://arc-international.net/global-advocacy/universal-periodic-review/s/solomon-islands/>>.
- ³⁹ United Nations in the Pacific, *Solomon Islands Country Implementation Plan for 2023–2024* (1 December 2023) <<https://pacific.un.org/en/254270-solomon-islands-country-implementation-plan-2023-%E2%80%932024>>.
- ⁴⁰ Office of the United Nations High Commissioner for Human Rights, 'UN CEDAW Committee Concludes First Technical Cooperation Session in the Pacific' (Press Release, 11 April 2025) <<https://www.ohchr.org/en/press-releases/2025/04/un-cedaw-committee-concludes-first-technical-cooperation-session-pacific>>.
- ⁴¹ Human Dignity Trust, *Country Profile: Solomon Islands* (17 December 2024) <<https://www.humandignitytrust.org/country-profile/solomon-islands/>>.
- ⁴² United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Solomon Islands*, 48th sess, Agenda Item 6, UN Doc A/HRC/48/14 (13 September – 1 October 2021) [5].
- ⁴³ Office of the High Commissioner for Human Rights, *Solomon Islands Country Page* (Web Page, 2025) <<https://www.ohchr.org/en/countries/solomon-islands>>.
- ⁴⁴ Office of the High Commissioner for Human Rights, *Solomon Islands Human Rights Overview* (PDF Document, 2022) <<https://www.ohchr.org/sites/default/files/2022-03/Solomon%20Islands.pdf>>.
- ⁴⁵ .
- ⁴⁶ 'Draft Federal Constitution of Solomon Islands' (2013) <[https://www.sicr.gov.sb/2013%20Draft%20Federal%20Constitution%20of%20SI%20\(Full%20web%20version\).pdf](https://www.sicr.gov.sb/2013%20Draft%20Federal%20Constitution%20of%20SI%20(Full%20web%20version).pdf)>.