

**THE NGO SHADOW REPORT ON THE STATUS OF WOMEN IN
SOLOMON ISLANDS, 2014**

**INITIAL, SECOND and
THIRD REPORT
(2002 – 2014)**

Solomon Islands NGO CEDAW Coalition Group Shadow Report

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Executive Summary

The NGO Shadow Report on the Status of women in the Solomon Islands was developed by more than ten women's organizations and groups, led by the National Council of Women and the Women's Rights Action Movement. This collaborative process included joint workshops on CEDAW and the UN Human Rights System; sharing of expertise on the lived realities of women and girls in Solomon Islands; research on statistics, law, policy and stories; and joint report development. In addition, the report was circulated to a much larger group of NGOs and women's groups through national and local networks for feedback and input. Women from multiple provinces, races, ages, classes and communities participated in the process.

The process was made more difficult by the unavailability of sex and age disaggregated data across the different sectors that especially those that affect the ability of women, young women and girls to fully enjoy their human rights.

Through the process, we realized just how many women and girls in Solomon Islands who have not heard of CEDAW and do not know (and therefore do not claim) their human rights.

The Solomon Islands government has developed some good policies and initiatives to mainstream gender and eliminate discrimination against women, but this has largely been coordinated by the Government Women's Machinery. Mainstreaming of these policies is yet to be fully realised. The government women's machinery itself is lacking in capacity.

While the Ministry of Women, Youth, Children and Family Affairs has CEDAW training as part of its programs however, the awareness programs are done on ad-hoc basis and are limited due to inadequate resources and capacity. There is resistance both at community and within government when it comes to raising awareness and advancing the commitments under CEDAW. This is evident in public exchanges (media) and statements by Members of Parliament that disapproved of CEDAW.

Further to this, the Cabinet rejected a Cabinet paper seeking for the establishment of a National Human Rights Institution. These national statements reflect a need for comprehensive awareness and training on the rights of women and girls at all levels of government, with the judiciary and the general population.

There are certain groups of women who more vulnerable and need targeted interventions by government. This includes young women, women in rural areas, women and girls with disabilities, elderly women and women who are victims of violence. Support from government needs to move beyond legislative and policy making and focus more on providing resources for effective implementation of these policies and legislations such as the newly passed Family Protection Act 2014. Active steps need to be taken to ensure that vulnerable groups are able to enjoy their rights.

This report highlights the following critical issues and recommendations:

- Adopt CEDAW principles and standards into the Constitution, legislation and policies;
- Implement the recommendations from UN Women's "*Protecting Women's Human Rights in Solomon Islands Law*" Toolkit. This toolkit contains a gender equality analysis of Solomon Islands Law using CEDAW and recommendations for reform to ensure that CEDAW is fully implemented in laws, policies and other measures;
- Prioritise enacting a comprehensive family legislation
- Prioritise reform of employment laws so that they are not discriminatory for women.

- Ensure gender inclusive language in all legislation and policy in order to protect women's rights to substantive equality and non-discrimination.
- Regularly collect comprehensive sex, age, disability, urban, rural disaggregated data and gender statistics and use this data to reform laws and develop programs that aim to achieve women's equality.
- Implement recommendations from Universal Periodic Review to advance the situation of women and girls and address gender discrimination. Specifically recommendations existing laws and regulations that discriminate against women and girls (including equal rights in relation to property, inheritance and custody of children) **(Rec. 80/1, Rec. 80/25, Rec. 80/28, Rec. 81/21, Rec. 81/24)** and take the necessary steps to change traditional customs and patriarchal practices that violate the human rights of girls and women **(Rec. 80/26)**, pass legislation to make spousal rape a crime, make sexual harassment illegal **(Rec. 80/4)**, ensure that laws are in place to specifically address domestic violence **(Rec. 80/3, Rec. 80/6, Rec. 80/7, Rec. 80/8, Rec. 80/9, Rec. 80/10, Rec. 80/12, Rec. 80/27, Rec. 80/28, Rec. 80/29)** including raising public awareness **(Rec. 80/4, Rec. 80/35)** and providing enforcement officers with further training and support to ensure that such crimes are properly investigated and enforced **(Rec. 80/11, Rec. 80/30)**, Create national awareness of political participation and representation by women, at all decision making levels, including the Parliament **(Rec. 80/40, Rec. 80/41, Rec. 80/42, Rec. 80/43, Rec. 81/29, Rec. 81/52)**, Implement fully its *Gender Equity and Women's Development Policy* and the *National Policy on Eliminating Violence against Women*, and convene a first meeting of the oversight mechanism – the National Steering Committee – at the earliest opportunity **(Rec. 81/25, Rec. 81/26, Rec. 81/27, Rec. 81/28, Rec. 81/29)**.
- Create a National Human Rights Institution that is independent from government, ensure adequate and long-term financing, aligned to the Paris Principles and vest it with the authority to ensure that the human rights of all people in Solomon Islands are respected, protected and fulfilled.
- Enact an Equality law which is based upon and include the definitions of discrimination against women and substantive equality in CEDAW. Include in the Solomon Islands Constitution a provision that: "Where there is a conflict between customary laws or practices and women's right to equality under this Constitution, women's right to equality shall prevail."
- Strengthen monitoring and evaluation of all policies and programs that aim to achieve women's equality and non-discrimination. Work in partnership with women's NGOs and groups to ensure that the policies are meeting the needs of women in communities.
- Increase the budget of the Ministry for Women, both for operations and grants, to ensure that the Ministry has the budget needed to effectively fulfil its mandate to set out programs to address gender inequality and discrimination faced by women and girls. Ensure that this budget allows the Ministry for Women to hire the staff with the relevant capacities needed to achieve its outcomes.
- Provide accurate information on the status of women in rural areas to assist policy-makers, as well as advocates, to improve the status of women and enhance their contributions to local development.
- Harmful cultural notions of women as inferior to men impact every area of women's rights. The Government needs to address these through providing opportunities for women,

young women and girls to succeed and gain confidence, and run awareness programs that combat negative gendered stereotypes. The Government must take active steps to combat cultural and religious beliefs that endorse violence and domination over women.

Contributing NGOs to this report are as follows:

Christian Care Centre,

Family Support Centre,

Live, Learn Solomon Islands,

People with Disabilities Solomon Islands,

Sistas Save White River Group,

Solomon Islands National Council of Women,

Solomon Islands Planned Parenthood Association,

Young Women Christian Association Solomon Islands,

Vois Blo Mere Solomon,

Women's Rights Action Movement,

Western Provincial Family Support Organisation,

World Vision Solomon Islands

Part I: Critical Issues

Violence against Women

Reports on violence against women appear in the main newspapers almost on a daily basis. These cases which come before the courts are the few cases of domestic violence that are reported to the Police and other service providers. There is a very low reporting of domestic violence cases because society and law enforcers see violence against women not as a crime, but as a private domestic matter. A study on domestic violence carried out in 2009 showed that 64% of partnered women between the ages of 15 to 49 experienced violence by their intimate partners.

The justice system has failed to protect victims of violence who are mostly women and girls¹. The Family Health and Safety Study show that of women who experience domestic violence, only 17.9% will seek help and only 2.4% of these women will report the matter to the court or seek legal advice.

There is limited legal aid provided for women especially, those in rural areas and court circuits conducted in the provinces has been reduced and in some cases, stalled due to lack of financial support. Only the Honiara Public Solicitor's Office has a Family Protection Unit. The Family Support Centre experienced that most cases reported to the Public Solicitor's Office or the Police for prosecution were not taken up to court and there is lack of data and information to ascertain the extent of the issues². Some members of the Police force were militants during the tensions and some are perpetrators of domestic violence, making public trust in the Police an issue.

The Police have a No Drop Policy which only applies for their officers but is not applicable to matters reported by the general public.

Women in rural areas are often discouraged by their families, communities and also the Police from making official complaints on domestic violence and other forms of violence they experience. Young women have reported to YWCA that they face sarcasm and abuse by Police when they try to report. Accessibility to Police is also an issue with most rural communities finding it difficult to access Police officers to make reports.

In Honiara, the most common complaint about reporting gender-based violence is that the police do not take domestic violence seriously, using vehicle or staff shortage as an excuse not to provide prompt service or not responding to calls at all.³

While a local chiefs' compensation settlement is a popular option for the community to resolve conflict, including in cases of domestic and gender-based violence, the process dis-empowers women because women are prohibited from participating (they rely on male family members to speak and represent for them). Further, the compensation is to repair damage to disharmony between families but does not address the harm experienced by the victim.

There is only one safe house for women fleeing violence and only one women's crisis centre which provides counseling services in the whole country. The government provides some financial support

¹ Law Reform Commission. *Review of the Penal Code and Criminal Procedure Code, Second Interim Report, Sexual Offences*, June 2013

² Family Support Centre Records, 2012. 104 cases of family matters seeking legal assistance received, 80 were referred to the Public Solicitors' Office and Police but no data/record was available to know whether these cases are being dealt with or not. FSC kept receiving complaints from victims that their cases are not being dealt with.

³ World Visions, *Community Vision for Change Baseline Report 2012*

for these NGOs however; this is deemed inadequate – 150,000 Solomon Dollars (approximately US\$1,400) per annum for each institution. This grant commenced in 2013 and is not institutionalized as it is dependent on budget bids made by ministry staff from year to year. Few NGOs have taken the initiative to establish safe houses in the provinces however; the lack resources and government support to allocate land has affected the progress of these plans.

A Memorandum of Understanding for the SafeNet Referral System for victims of violence, between health care workers, social welfare, the safe house (Christian Care Centre), the Police, the Family Support Centre and the Public Solicitor's Office (Legal Aid) was signed in 2013. However, these services and the SafeNet initiative are only available in the national capital which limits accessibility for rural women.

In recent years the Courts have become less tolerant of gender based violence. In June 2014, a Judge gave the highest rape sentence to date of 14 years (*Regina v Livia*). The maximum penalty for rape is lifetime. Common law criminalizes marital rape. However, the courts still need to have a consistent approach to violence against women as also recently, a judge reiterated in a rape case that there is no corroboration (when women report) because women tend to lie⁴. A husband who pushed objects into his wife's vagina and forced her to have sex with a dog only received a sentence of 8 years. The definition of rape in the *Penal Code* is limited to penetration by the penis. The Evidence Act does not completely remove the discriminatory practices of corroboration and using past sexual history of a complainant to discredit the credibility of victims of sexual offences.

Violence During Conflict (“The Tension”)

The conflict in Solomon Islands from 1999-2003 was a period of increased violence against women, both in public and private. The *Women's Submission to the Solomon Islands Truth and Reconciliation Commission* reports that a high number of women and young women, married and single were raped during the tension, resulting in physical and psychological trauma and unwanted pregnancies. The report includes stories of women being raped by men at gunpoint, women being raped using foreign objects, and one woman miscarrying as she was raped again and again.

Although numerous “tension trials” have been held, not one militant has been prosecuted for sexual violence including rape.

Although the Government created the Solomon Islands Truth and Reconciliation Commission, the report of the Commission has not been officially released. The Regional Assistance Mission to the Solomon Islands (RAMSI), which has been responsible for ensuring law and order and in building capacity to maintain law and order, has scaled down their input and women are afraid of what will happen when RAMSI leaves. One woman said, “The police we have now were militants in the tension. We don't trust them. When RAMSI leaves we are afraid it will go back like before.”

Recommendations:

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- Hasten the *Penal Code* Review and immediately action the recommendations; ensure that these are aligned to international human rights principles and standards, including CEDAW, criminalizing all forms of violence against women, decriminalizing abortion including for victims of rape, and eliminating all exceptions that allow marriage below the age of eighteen.
 - The government to allocate resources for the full and effective implementation of the Family Protection Act 2014.

⁴ *Regina v Piko* [2012] SBHC 89, 14 Aug 2012.

- Implement training for the Judiciary, Police and relevant government agencies on CEDAW, gender discrimination and the proposed new provisions in the *Penal Code* relevant to violence against women and the Family Protection Act.
- Amend the Evidence Act to completely remove the application of the corroboration rule and the use of past sexual history to discredit the credibility of complainants in sexual offences matters.
- Provide resources to enable the expansion of SafeNet to the provinces and government to provide ongoing budgetary support for SafeNet. Implement the GEWD and EAW Policies immediately with rigorous and continuous monitoring and evaluation of programs under the Policies. Prioritise and robustly finance implementation of the key strategic areas of EAW Policy in collaboration with NGOs.
- Urgently provide technical and more financial support to victim support services, including specifically the Christian Care Centre and the Family Support Centre, and referral networks and finance additional safe houses and crisis centres throughout the country.
- Develop and implement policies and legislation that mandate, finance and support eliminating violence against women services to be fully accessible to women with disabilities.
- Conduct, in partnership with NGOs, more training on business skills for women to ensure women's economic security and ability to leave violent relationships.
- Work in partnership with, and provide financing to, women's NGOs to develop and implement public awareness to ensure that all women and men, girls and boys know their rights, including the duty to respect the rights of women/girls to live free from violence.
- Officially release the report of the Solomon Islands Truth and Reconciliation Commission. Develop and implement programs to reduce tensions between communities/ethnic groups and support women's peace initiatives

Corruption and Women

Corruption is prevalent in the Solomon Islands. The World Corruption Perception Index in 2011 rated Solomon Islands at 120 out of 190, with 1 being the least corrupt. The country has recently ratified and reported to the UN Convention Against Corruption in 2012. Women's organisations were not consulted for this report.

A survey done by Transparency Solomon Islands in 2012 as part of the Global Corruption Barometer (GCB) reported that 56% of the people surveyed (N=500), said that the Police is the most corrupt institution, followed by the Public Service 29% and Members of Parliament 21 percent. This goes to show that women are further marginalised when it comes to receiving state support, which may result in further discrimination.

In 2014, Cabinet was presented with two issues paper, one on sexual offences and another on corruption. They endorsed the sexual offences paper which means it is now sent to the Attorney General's Chambers to develop drafting instructions. The paper on corruption was rejected.

Recommendation:

- Enforce existing and develop new legislation to address the widespread problem of corruption in Solomon Islands and actively enforce legislation including minimum sentences for crimes involving the misuse of public funds.
- Amend the Leadership Code Commission Act to reintroduce powers for the Commission to pursue legal action for reported cases.
- Address the reasons for the rejection Law Reform Commission rejection of the Issues Paper on Corruption with the objective of endorsing drafting instructions to address corruption in legislation.

- Engage with women's groups on the implementation of the United Nations Convention Against Corruption to develop strategies which target the impact of corruption on women.

Women with Disabilities

A first ever national disability survey was held in 2005. This survey found that 45% of the disability population are women ⁵. In 2009, the Solomon Islands Census recorded a total of 30,111⁶ persons with disabilities. Based on World Health Organization estimates, the number should be over 60,000.

Women with disabilities do not enjoy their rights as provided under the Constitution, CEDAW and the Convention of the Rights of Persons with Disabilities. The lack of endorsement of the reviewed Solomon Islands National Disability Inclusive Development Policy 2014 – 2018, delay in ratifying the Convention on the Rights of Persons with Disabilities and inadequate actions to further the work on the draft legislation on Persons with Disability indicates a failure by the state in carrying out its obligations.

In Solomon Islands, women with disabilities have no or little access to many basic services and are⁷; less likely to be educated, most vulnerable to abuses, less likely to be employed, likely to have very low self-esteem and most vulnerable to diseases including HIV.

Women with disabilities are usually the poorest of the poor⁸. Systemic discrimination against women with disabilities has, to a certain extent, become a societal “norm”. Negative cultural perceptions about girls and women with disabilities also strengthen discrimination and abuses against women with disabilities. In many cases, women with disabilities are kept hidden as they are seen as “bad omens” or “filthy”. One young woman from Guadalcanal province said, “My parents said you are a disabled girl, you stay at home and do the washing. They didn’t want me to leave the house.”

Women with disabilities are often excluded from government policy, including gender policies. For example, the Eliminating Violence Against Women Policy⁹ has captured important thematic areas; however, it has failed to address the issues and concerns of women with disabilities.

Sexual health and reproductive rights of women with disabilities are of great importance and there is a great need for sexual health services for women with disabilities in the country¹⁰.

Access to Education for women with disabilities

Lack of access to education is one of the biggest barriers for women with disabilities. In many cases, parents and often teachers deny the right to education for the girl. If a girl with a disability is among other siblings, only the other siblings will be sent to school. Girls with disabilities who have access to education are unlikely to advance past the sixth grade. The total population of girls attending school is twice the rate of girls with disabilities (37%

⁵ Solomon Islands National Disability Survey 2005, SIG/EU

⁶ Children in Solomon Islands: 2011 An Atlas of Social Indicators, UNICEF, 2011

⁷ Pacific Sisters With Disabilities: at the intersection of discrimination, Stubbs and Tawake, UNDP, 2009

⁸ UNICEF. UNICEF Pacific’s 2010 Mid-term Review: Pacific Children with Disabilities

⁹ www.pso.gov.sb/index.php/resources/doc.../190-sig-final-evaw-policy

¹⁰ Sexual and Reproductive Health Needs of Women Living with a Disability in the Solomon Islands, UNFPA, 2011

compared to 18%).¹¹ Ministry of Education and Human Resource Development data suggests that only 2% of the total enrolments in schools are children with disabilities.¹²

Violence Against Women with Disabilities

Women with disabilities are also vulnerable to all forms of violence. However, the Family Health and Safety Study 2009 did not include any data on women with disabilities. According to the World Report on Disability¹³, people with disabilities are at a greater risk of violence. They are likely to be continuously abused and not reported to authorities at all for various reasons including their disability, and no access to police and support services. Violence faced by women and girls with disabilities is also a manifestation of inter-sectional discrimination. It can be more prevalent and severe than that experienced by other women.¹⁴ Women with disabilities in Solomon Islands continuously face these issues. Lack of accessibility to shelters and economic dependence on the perpetrator makes it difficult for a girl or women with disability to report abuse and seek protection from abuse.

Recommendations:

- Amend the Constitution to have disability as a prohibited ground of discrimination.
- Enact a stand-alone equality legislation with specific provisions addressing discrimination faced by women and girls with disabilities.
- Immediately ratify, domesticate and fully implement the Convention of the Rights of Persons with Disabilities and the Optional Protocol signed in 2008 and 2009 respectively.¹⁵
- Develop and fully implement a national action plan on disability and ensure consultation with People with Disabilities Solomon Islands at all stages.
- Mainstream disability in all legislation, policy, program and activities
- Ensure that all public services and infrastructure are accessible to women with disabilities.
- Develop and implement incentives to ensure representation of women with disabilities across all sectors.
- Ratify the ILO Convention 159 and amend the labour laws of Solomon Islands to ensure equal rights to employment of women and girls or person with disability without discrimination.

Part 2: Articles of CEDAW

Article 1 and 2: Non-Discrimination and Obligation to Eliminate Discrimination

Solomon Islands Constitution Section 15 provides protection from discrimination. However, the current definition of discrimination is not comprehensive to cover indirect discrimination. It also has a number of concerning exceptions that have a serious impact on the realisation of the right to non-discrimination for women. The exceptions include adoption, marriage, divorce, burial, devolution of property on death or other like matters in the personal law applicable to persons of that description; the application of customary law and the tenure of land. These are areas in which women are particularly disadvantaged in the Solomon Islands through provisions and applications of the law.

Attempts have been made by the governments to protect its citizens from discrimination and

¹¹ Pacific Sisters With Disabilities: at the intersection of discrimination, Stubbs and Tawake, UNDP, 2009

¹² Children in Solomon Islands: 2011 An Atlas of Social Indicators, UNICEF, 2011

¹³ World Report on Disability P59, 2010

¹⁴ Pacific Sisters With Disabilities: At the intersection of discrimination, Stubbs and Tawake, UNDP 2009

¹⁵ <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> (accessed September 2014)

recognise their right to equality in the draft Federal Constitution in Chapter 3 – Our Human Rights. Article 19(3) states; *The government in every sphere, and every organ of government, must not discriminate directly or indirectly against anyone on one or more grounds, including birth, age, culture, sex, pregnancy, marital status, disability, social status or economic status. In this subsection, “sex” is not to be interpreted as including sexual orientation.* However, the limitations of these rights and freedoms are concerning in regards to eliminating discrimination against women as it recognises and accommodates past and/or present custom or customary practices to qualify or limit these rights.

However, it almost been 10 years since the work on the Federal Constitution began and it is unclear as to when this process will conclude¹⁶. No known attempts have been made to amend the current constitution to incorporate freedom from discrimination and substantive equality. Furthermore, there are no provisions to regulate and sanction discriminatory acts by Non-State Actors.

Current laws are weak in addressing discrimination against women and progress to change this situation has been slow as seen in the lethargic pace taken by the state to action the recommendations from the Law Reform Commission.

Religion and/or religious faiths influence the treatment and perception of women. For example, the restriction of women to access family planning, reinforcing gender stereotypes such as requiring wives to submit to their husbands results in women accepting ill-treatment, domestic violence and condoning these acts¹⁷.

Rape and Rape in Marriage

Despite the fact that the crime of rape carries a maximum sentence of life imprisonment, the highest sentence ever given in Solomon Islands for a conviction of rape is 14 years. The average sentence is only 3-4 years. There is no statutory recognition of rape in marriage.

Women hesitate to report rape cases, according to anecdotal evidence and Amnesty International report in 2004¹⁸.

On October 8, 2012 the High Court of Solomon Islands issued a ruling in the case of Regina –v- Macberth Gua that states: “To the question whether or not a husband can be criminally liable for raping his wife, the answer must now be “yes” (para 61). While this is a promising step forward this common law development is not reflected in the relevant statute.

Same Sex Relationships:

Women and gender non-confirming persons (and men) in same sex relationships; or who identify as transgender, bisexual or lesbians; are discriminated against by the criminalization of same sex relationships in the *Penal Code* section 160 and 162. Despite the fact that the CEDAW General Recommendation 28 specifically recognizes state obligation to protect against discrimination based on sexual orientation and gender identity, the Solomon Islands Government has not reformed discriminatory legislation. The government rejected three recommendations from the Universal Periodic Review Report in 2011 to decriminalise same sex relationships.

¹⁶ It is expected that the final draft of the Federal Constitution will be presented to Cabinet in 2015 however, financial support to finalise the draft Federal Constitution is not available.

¹⁷ National Statistics Office (SISO), SPC and Macro International Inc. 2007. *Solomon Islands 2006-2007 Demographic and Health Survey*, P279.

¹⁸ Amnesty International. *Solomon Islands: Women Confronting Violence*, Nov 2004

While there is anecdotal evidence of women and young women living in same sex relationships throughout Solomon Islands, the Solomon Islands Government does not collect any data on sexual orientation, gender identity or same sex relationships. The Solomon Islands Government's failure to recognize people's sexual orientation and gender identity, as well as same sex relationships status, limits women's enjoyment of human rights and access to services including: (1) lack of safe and accessible sexual and reproductive health services, (2) lack of services to prevent and/or treat STIs and HIV, (3) lack of comprehensive sexuality education, (4) lack of legal recognition of same sex relationships, (5) discrimination against women in same sex relationships who wish to legally marry and/or adopt children, (6) increased vulnerability to violence because it not safe to disclose sexual orientation or gender identity and it is unsafe to report.

Further, because none of the legislation governing family law recognises *de facto* relationship rights (including same sex couples) on the same basis as marriage (SIG, 2012 (unpublished)), women and young women in *de facto* relationships and their children are at increased risk of being denied rights to property ownership and inheritance when their relationship ends due to separation or death of their partner.

Recommendations: Article 1 and 2

- Include in the Solomon Islands Constitution an anti-discrimination clause protecting against direct and indirect discrimination on the grounds of sexual orientation or gender identity.
- Consistently and fully enforce new legislation that criminalizes rape in marriage, including training the judiciary, Police and relevant government divisions, and set a minimum sentence of not less than five years for all forms of rape.
- Legislate that the definition of rape includes sexual penetration of any kind of the vagina or anus of the victim by the perpetrator's penis or any other object used by the perpetrator or the mouth of the victim by the penis of the perpetrator, and includes coercion or force or threat of force against the victim or a third person. Reform *Penal Code* [Cap 26] to ensure that a child under 18 years cannot be charged with incest and to remove the defence of honest and reasonable belief that the victim is of the legal age to consent to sexual intercourse.
- Legislate a restriction on the requirement for proof of resistance in the case of rape, marital rape and all cases of violence against women and girls
- Allocate sufficient funding for gender mainstreaming in every annual budget. Be rigorous in implementation of gender mainstreaming programs and provide evidence on resource and financial allocations through annual reports. These annual reports should be coordinated by the Gender Mainstreaming Taskforce under the Ministry of Women.
- Institutionalise and support ongoing gender mainstreaming within the government and expand this initiative to the provincial government.
- Fully implement the government's mandate on gender budgeting, analysing every budget line to ensure that the resources of Solomon Islands equally benefit women and men, girls and boys.
- Mandate, finance and support consolidation of data on rape cases in rural and urban areas from Police, Hospitals, rural clinics and services providers, use this data to inform government on its response, and make statistics easily available to NGOs and the public.
- Reform legislation to protect the sexual orientation and gender identity rights of women and young women, including women and young women in same sex relationships. This includes recognizing and protecting same sex relationships, including the right to marry, adopt children, divorce, own and inherit property, and access safe health care services.
- Systematically collect sex and age disaggregated data on same sex relationships for the purpose of effectively protecting sexual orientation and gender identity rights.
- Strengthen the government's network with faith-based organisations including the Solomon Islands Christian Association, Solomon Islands Full Gospel Association and NGOs, to provide gender equality training with Biblical references that support women's rights.

Article 3: Basic Human Rights

National Government's Women's Machinery

The government has policy statements on Gender Development – Policy Statement 10.3 recognises Gender Equity and Policy Statement 10.3.I promises Gender Development¹⁹. The Ministry of Women, Youth, Children and Family Affairs set up in 2007 deals with most of the vulnerable populations and assumes the lead role in implementing the CEDAW commitment however, the budgetary and human resources allocated to this ministry is not adequate to undertake its mandate and fulfil the government's policies and obligations. In 2013, the overall budget for this ministry is \$24,823,624 (~USD3,546,232). This covers the general running of the ministry, staffing and program support²⁰.

The Ministry of Women, Youth, Children and Family Affairs has 4 national policies – Youth Policy, Children's Policy, Gender Equality and Women's Development Policy and Eliminating Violence Against Women Policy. While progress is made on some of the key outcomes areas of the policies, mechanisms and processes to effectively implement, coordinate and monitor these policies have been either established but not functioning or not established at all. These policies are due to be reviewed and these important mechanisms and processes are yet to be fully established and function.

It is envisaged that the current efforts to mainstream gender across the whole of government and recognising the need to step up efforts to effectively implement, coordinate and monitor the policies will effect change in the lives of women and girls in the country.

Recommendations: Article 3

- Government to increase the budget of the Women's Development Division, including the level of funding flowing to the provinces and rural areas, in order to:
 - Ensure that staffing is commensurate with mandate and responsibilities;
 - Wide consultation with women who face inter-sectoral discrimination when designing national policies, strategies and budgets
 - Immediately establish and rigorously implement, coordinate and monitor national women's policies with adequate focus on rural women, women with disabilities, single mothers, young women and the elderly

Article 4: Temporary Special Measures

There has not been any significant process made by government to provide Temporary Special Measures to achieve gender equality especially in education, employment and politics. Whilst the educational enrolment is reflecting near parity in primary and secondary levels, there has not been any Temporary Special Measures to encourage women to continue education at secondary and tertiary levels (see more under Article 10). There is no record or knowledge of any TSM for women in employment to encourage women to stay in the work-force or in the informal sector. The government's attempt at providing TSM for Women in Parliament does not reflect the principles of substantive equality and does not address the issues gender barriers women face to

¹⁹ The National Coalition for Reform and Advancement Government Policy Statement 2010.

²⁰ Solomon Islands Government 2013 Development Budget and 2013 Recurrent Budget

enter parliament. The Political Party Integrity Act 2014 provides for political party quota however, it is not compellable.

Recommendation: Article 4

- Provide adequate resources (including financial) and technical support to address TSM for women in business and employment, tertiary education and politics
- State to provide adequate resources and funding to implement outcome 3 of the Gender Equality and Women's Development Policy, which address equal participation of women and men in decision making and leadership.
- Finance awareness programmes and consultations on Temporary Special Measures where relevant and appropriate.

Article 5: Modification of Social and Cultural Patterns of Conduct

Bride Price

In a recent survey²¹ conducted in the capital city of Honiara, 90.1% of respondents reported that their community practices bride price. Traditionally, in order to recognize the value of a woman in a family, a family was given shell money by the family of the man when she got married. Reciprocally, the family of the woman would give back gifts or food of equal value to the family of the man. With the introduction of the cash economy, dollars are now commonly used in place of shell money or in addition to shell money. The shell money has now also been given excessive monetary value.

With this distortion of the customary practice the idea of "ownership" of a wife by a husband has become prevalent, and leaves women extremely vulnerable to violence and to early and forced marriage, especially in rural areas where economic options are limited.

According to the Family Health and Safety Study, women whose marriage involved a bride price are significantly more likely to experience intimate partner violence, and in situations where the bride price is unpaid or partially paid the rate of violence rises to 81%.

Age of Marriage

The Islanders Marriage Act states that the legal age of marriage is 15 years of age, with parental consent required to age 18. In practice, there are many marriages that take place where the girl is under 15. One young woman in Western Province was married at age 14 when her parents signed consent and lied, saying she was 20.

Many young women are engaging in transactional sex or being wedded to foreign nationals because of limited economic options, especially in rural communities where there are few opportunities except subsistence gardening and fishing.

Unpaid Work in the Home and Child-Rearing

Men often refuse to participate in unpaid work in the home, including child-rearing, as it is customarily perceived by many men and women as the role of a woman. Women reported that

²¹ World Vision: *Community Vision for Change Baseline Report 2012*

when they request that their husbands or partners to participate in domestic chores in the home, they are either ignored or it escalates to verbal or physical violence.

Attitudes Impacting Equality

A recent study in Honiara reports that over 65% of women and 61% of men believe that women are supposed to be submissive to men and let men rule over them. In the same study, when asked whether boys and girls are equally important over 57% of boys strongly agreed while only 21% of girls strongly agreed.²² These statistics underscore the fact that distortions of both custom and Christianity maintain inequality by perpetuating the belief that men are supposed to be the leaders and decision-makers in the family, community and country.

Recommendations: Article 5

- Include in the Solomon Islands Constitution a provision that: “Where there is a conflict between customary laws or practices and women’s right to equality under this Constitution, women’s right to equality shall prevail.”
- Laws addressing violence against women should be clear that bride price should not be recognised as a justification for violence or to validate claims for custody of children.
- Train the Judiciary, Police and other relevant government departments to ensure that bride price is not accepted as a defence to prosecution of violence against women or used to reduce the sentence.
- Ensure that the legal age of marriage is 18 and that the two people getting married are the only people whose consent is essential. Abolish the provision that youth aged 15-17 can be married with parental consent. Implement public awareness programs designed to eliminate violence against women and sex role and stereotypes including bride price that prevent women, young women and girls from full enjoyment of their human rights.

Article 6: Trafficking and Prostitution

Trafficking in Persons²³

Although formal statistics are unavailable, we have anecdotal evidence²⁴ that both girls and boys are being “sold” by their families, under the guise of “informal adoption,” to pay debts and/or in return for money or goods. This sometimes results in situations where there is forced labour as domestic workers and/or forced sex work. In 2010 the Department of Social Welfare documented 3 cases of girls being “sold” by their mothers in return for both money and goods. Limited capacity and resources coupled with inaccessibility of services, such cases are rarely reported.

The distortion of the custom of “bride price” (including the name “bride price”) sees some families “selling” girls into marriages in return for money. Official data on this practice is unavailable.

Prostitution

²² Ibid

²³ The information in this report on Trafficking in Persons is taken from: American Bar Association Rule of Law Initiative & Solomon Islands Christian Association. (October 2012). *Policy Note: Raising Awareness on Trafficking of Persons in Solomon Islands*. Unpublished.

²⁴ Solomon Islands Law Reform Commission. “Review of the Penal Code and Criminal Procedures Code, Second Interim Report, Sexual Offences”, June 2013

Living on the earnings of prostitution or aiding prostitution is illegal under section 153 of the Penal Code, meaning that women who are forced into this job are not protected. This makes them very vulnerable to violence, rape and STIs and HIV, and they are unable to seek Police protection. One woman reported Police refused to listen to her report of being raped because she is a sex worker.

Recommendations: Article 6

- The government to work with stakeholders to explore appropriate options for dealing with sex work which will safeguard the human rights of sex workers, protect them from exploitation, and promote their health, safety and welfare.
- Develop a legislation on trafficking in persons which criminalises this act and must also include a comprehensive definition, mandatory minimum sentences, protects and assists all victims of trafficking, give powers to relevant institutions to deal with this issue and promotes and facilitates national and international cooperation.
- Amend the *Penal Code* to criminalize sex tourism, including separate offences for perpetrators and for organizing or facilitating sex tourism.
- In partnership with women's organizations, fully finance support for women, and girls who are survivors of trafficking including safe affordable housing, health care, psychological support, education and vocational training, and legal aid.
- Ratify, domesticate and fully implement the UN Convention against Transnational Organized Crime 2000 and the Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children.

Article 7: Political and Public Life

The Constitution provides for equal eligibility for all citizens to vote and for political representation. However, there are a lot of cultural barriers to women enjoying their political rights. Anecdotal evidence shows that community members are usually pressured to vote with the family patriarch. For example, during YWCA workshops with youth in Western Province three separate groups identified that people in their communities are told by the most powerful man in their families who they must vote for.

While government has a national policy on Gender Equality and Women's Development with a goal on equality in leadership and decision-making, this commitment did not evolve into concrete actions due to lack of political will and lack of financial assistance to advance the work of the Legislative Taskforce setup to facilitate TSM for women in decision making including representation in Parliament.

The economic implications of political campaigning also make it extremely difficult for women to run for elections. Recently, one young woman was nominated by the government to attend training for future parliamentarians because she was contesting in a provincial election. However, at the last minute she was told that she would have to pay for her flight to Indonesia and be reimbursed by the government later. She does not have access to this amount of money and she did not attend the training. Since independence, there were only two female Members of Parliament.

Recommendations: Article 7

- Work in partnership with, and provide financing to, NGOs and women's organizations to develop and implement public education to raise awareness that the right to vote is open to all women and men 18 or older including the right to choose who to vote for.
- Introduce TSM with legislation reform to allow for reserving at least 30% of elected seats for women in national and provincial governments.

- Encourage women to vote and run for election at all levels.
- Introduce TSM to increase women's participation in public and statutory institutions
- Encourage women in the formation of political parties that foster empowering women in democracy and good governance.

Article 8: Participation at the International Level

Solomon Islands have one woman who is the High Commissioner to New Zealand.

Recommendation: Article 8

- Ensure that 50% of names given to UN or Multi-Lateral Organisations for the election or nomination of persons to positions of special representative, peace negotiations or peace keeping are women.

Article 10: Education

Violence Against Girls

Although the government says that all children have access to education, some schools in rural areas serve many communities and are located long distances from some of the communities in their catchment area. Girls who must walk long distances to and from school are vulnerable to violence, including rape.

Literacy Rates

The government census data for calculating literacy rates does not provide an accurate picture of literacy rates in the country. According to a study conducted in two provinces in Solomon Islands by the Asia & South Pacific Bureau of Adult Education (ASBAE) with the Coalition for Education Solomon Islands (COESI) in 2007, the study highlighted that the census data is a proxy indicator which relied on self-declaration rather than individual assessment. The study used a simple test to assess the literacy levels/skills of respondents and found that 17% of respondents are literate, (male 21.1% and females 14.5%), 42.7% are semi-literate (49.6% male, 39.8% females), and 40.2% are non-literate (29.3% and 45.7% females). A similar study conducted in one of the provinces in 2012 also show similar trend – female literacy rate is at 16% compared to 24.9 percent for men.

Comprehensive Sexuality Education

Solomon Islands Government has promised to include sexual and reproductive health education in schools. The process is not transparent and it is unclear what the curriculum will look like and whether it will take place in primary and/or secondary schools.

It is also noted that gender role sharing is not mainstreamed into the learning curriculum. Such help encourage the stereotypical practice of male dominance and female subordination in the society which often lead to discrimination against women at home and in the public sphere.

Solomon Islands Government Scholarships for Education

Solomon Islands Government awards of scholarships to tertiary students to attend school in both Solomon Islands and abroad. Data on scholarships going to women are not available, and it is clear that proper records are not kept.

Solomon Islands Government scholarship programs do not provide funding for young women to bring their children with them when they travel for tertiary education. This prevents young women from applying for scholarships, since they bear childcare responsibilities. The result is that when young people have families the husband applies for and is awarded the scholarship and the wife stays home and cares for the children.

Sex Roles and Stereotypes in Education

Most secondary schools in the country have more dormitories for boys than girls²⁵. Girls from rural areas outside Honiara (80% of the population) have extremely limited access to attend.

The 2010 Solomon Islands MDG Report there were 95 girls for every boy in primary school, this figure dropped to 84 girls for every boy in secondary school with the number falling steadily with each successive grade. 66% of the population has only primary school education, the majority of who are women and girls. The drop-out rate is higher for girls than for boys at every level and increases dramatically after Form 3. This is due to a number of factors including: (1) girls are primarily responsible for housework, reducing the time available to study; (2) families do not value the education of girls because of the customary belief that a woman's place is in the home; (3) education is not free at any level in Solomon Islands (while primary education is tuition-free, there are costs associated with uniforms, books, sports, school supplies and other necessities); (4) when families cannot afford to send all children to school the preference is to send boys rather than girls since it is assumed boys will need the education to find work and girls will stay at home in the future.

There is lack of action by the government and private education authorities to address the issue of female students being expelled from school when they get pregnant. Boys and girls who are accused of being in an intimate relationship are expelled from secondary school, reducing the already limited opportunities of girls to participate in secondary and tertiary education and severely limiting their economic options to support themselves and their children while boys (partners) can still continue his education.

Human Rights Education

Human rights education is not offered in the primary or secondary school curricula. Unless students are participate in a human rights workshop offered by a NGO, they have little access to information about human rights. There are no systematic training for the judiciary and government institutions that are responsible for the promotion, protection and fulfilment of human rights.

Human rights education is an important tool to combat harmful sex role stereotypes that prevent women, young women and girls from full enjoyment of their human rights. In recent workshops delivered by YWCA peer educators, one student provided the following feedback: "I had heard of human rights before this workshop, but I didn't understand how they applied to me. When I go back to my village I will tell people about human rights and stand up for my rights" (young woman, aged 18 years).

²⁵ Solomon Islands Government. *Digest of Education Statistics*, 2005

Civic Education

Many women and girls in Solomon Islands are uneducated about Solomon Islands laws, policies and government. As a result, they are vulnerable to human rights violations.

Recommendations: Article 10

- Include in the Solomon Islands Constitution a guarantee of equal access to education for both girls and boys.
- Invest in building more schools so that there is a primary and secondary school within, or a short walking distance from, every community and ensure safe passage for girls and accessible for girls with disabilities.
- Collect age and sex disaggregated data and gender statistics on scholarships to improve planning and education for women, including girls with disabilities.
- Increase the number of scholarships awarded to women in order to close the gap between women and men graduating from tertiary education programs, and ensure that the process for awarding all scholarships is fair and transparent.
- Work with NGOs and women's organizations to develop and implement incentive programs for young women with children and young women with disabilities to attend tertiary education, including providing scholarship quotas for young women with children and young women with disabilities.
- Legislate that girls and young women who become pregnant be allowed to stay in school during pregnancy and allowed to return to school when they are ready.
- Work with NGOs and women's organizations to design education programs that are flexible so young women with childcare responsibilities are not discriminated against.
- Ensure access to vocational schools and training for young mothers and work with women's organizations to ensure that the curricula meet their needs. *Sistas Save* model, designed to improve economic opportunities and parenting, can inform this process. This model is aimed at empowering disadvantaged young women between the age of 15-30 who are victims of domestic violence, unemployed, school drop-outs and single mothers. It offers training in financial literacy, life skills, sexual reproductive health and other related activities.
- Ensure the same number of dormitories for girls and boys at every school and provide security to ensure that both female and male students can safely move around.
- No expulsion of students unless acts committed are in breach of the law.
- Enact Temporary Special Measures designed to encourage girls and young women, including girls with disabilities to complete tertiary education.
- Work in partnership with, and provide financing to, NGOs and women's organizations to develop and implement in the primary and secondary school curricula:
 - a. comprehensive human rights education with a special focus on CEDAW and other relevant international standards and treaties;
 - b. civic education that includes financial and economic literacy, inheritance and property law, information on how to access the National Pension Fund, how CEDAW is being implemented through Solomon Islands laws and policies, the Gender Equality and Women's Development as well as Ending Violence Against Women policies, and laws on domestic and gender-based violence; and
 - c. comprehensive sexuality and reproductive health education into all school curricula at all levels of education, starting at class 4.
- Implement awareness campaigns that girls and young women have the same right to education as boys and young men.
- Mainstream gender studies into the learning curriculum where pupils can learn about gender equality and the importance of role sharing.

Article 11: Employment

The Labour Act does not recognise informal labourers, self-employed workers, domestic workers or outworkers as workers with full rights. This disproportionately affects women, as their main employment opportunities lay within the “informal sector”. Without protection, women’s employment is often exploitative and insecure.

Women’s lack of access to education, and lower educational attainment, result in reduced access to formal employment and decent work. According to the 2007 Demographic Health Survey of Solomon Islands, only 33.4% of married women received cash income.

Even when women are able to access employment, there are no laws mandating equal pay for equal work. This results in women earning such low salaries that they are unable to meet even basic expenses. Most women supplement their incomes from formal employment with work in the informal sector such as selling produce from their gardens and selling baked goods and other prepared foods.

Women and young women also lack access to vocational training that would support their entry into formal employment. The few vocational training programs that are available are not recognized by most employers as valid educational qualifications.

Women are affected by laws regarding entering formal employment before 18 years old; more young women drop out of school before 18 years old. This pushes young women into illegal employment, unemployment and poverty. For example, one of the reasons many young women engage in transactional sex because they have low literacy skills, low educational attainment and few vocational skills.

Maternity Leave

While Solomon Islands is one of a minority of countries in the world that prohibit the dismissal of a worker on maternity leave for any reason (ILO, 1998), Solomon Islands offers very little maternity leave for working mothers. Maternity leave is only 12 weeks following birth with 25% of pay provided by the employer. With wages in Solomon Islands already far below the cost of living (minimum wage is \$4SBD = \$0.57USD per hour), many women are unable to take 12 weeks away from work at 25% of their pay. If women choose to take longer than 12 weeks of maternity leave they have to use their annual leave or go on leave without pay. This reality, combined with the fact that women often do not have a choice about whether to become pregnant, discriminates against women and negatively impacts their economic security and access to decent work.

In the Public Service General Orders and in practice, Public Service employees are paid 100% of their salaries while on maternity leave. However, this is not codified in legislation and is not available to women working for other employers.

Social Norms that Disadvantage Women

Women’s employment opportunities are also limited by cultural expectations that women will stay at home and perform all reproductive and domestic unpaid work. This is compounded by the fact that most women and men believe that a husband must give permission for a woman to get a paid job. This results in most women being financially dependent on their spouse with extremely limited economic security and no economic independence. Most women, even if they would be willing to go against social norms to leave abusive relationships, are unable to leave because they have no means of support. One example is a young woman who left school when she was 14 years old and

quickly became pregnant. She has an older husband who is unemployed, but he physically abuses her if she tries to gain employment. This is an all-too-common story in the Solomon Islands.

There are no child care facilities in all of Solomon Islands.

Recommendations: Article 11

- Include in Solomon Islands Constitution a guarantee of equality between women and men in the workplace, including equal pay for work of equal value.
- Government to review and reform all employment laws to ensure that they meet the substantive equality and non-discrimination provisions in CEDAW. Incorporate protection of the rights of informal workers, domestic workers and outworkers including women who are pregnant and women with children. Raise the minimum wage to \$15SBD per hour to address the fact that the current minimum wage of \$4SBD per hour salaries are insufficient to meet even basic needs for food, clothing and shelter. Subsequently increase the minimum wage as cost of living increases.
- Legislate to protect women from harassment and sexual harassment, including complaint mechanisms.
- Protect women who engage in sex work, and provide services for sex workers to ensure they are safe and able to access health care.
- Increase the legal period of maternity leave to 6 months with 100% wages, regardless of the job or sector in which a woman is employed. Responsibility for wages during maternity leave should be jointly shared between the employer and the government.
- Improve the current education system to educate and equip young people for employment and ensure universal basic literacy.
- Partner with, and finance NGOs to provide more vocational trainings for women to gain formal and informal employment. These vocational trainings should provide nationally recognised certification.
- Raise public awareness of the benefits of women having formal paid employment and their right to be employed, earn income, and make spending decisions.
- Establish quality, accessible government-supported childcare centres as part of respecting and promoting women's opportunities to employment.

Article 12: Health

Social norms inhibiting access

Women are severely impacted by lack of equal access to healthcare. Social norms requiring women to perform all child care duties make travelling to health-care centres and attending to their health very difficult.

Social taboos around sexual activity before marriage mean that young women do not access much needed health care for sexual/reproductive health issues. National health reports²⁶ have highlighted

²⁶ <http://countryoffice.unfpa.org/pacific/drive/ADEEPERSILENCE.pdf#page=1&zoom=auto,-47,842 p.24>

that many women are too embarrassed to visit sexual health clinics because of the lack of confidentiality within the health system and stigma associated with having sex outside of marriage and/or being infected with a sexually transmitted infection.

Early Termination of Pregnancy (Abortion)

In Solomon Islands, early termination of pregnancy (abortion) is only legal before the foetus “is capable of being born alive” (*Penal Code*, Section 221), and to save the life of the woman. Recommendations and signatures of two physicians are required, as well as consent of the spouse or next of kin. If the young woman is under the age of 18 years, parental consent is required.

While no reliable official data is available, there is ample anecdotal evidence that point to culture, social stigma and religious beliefs being deterrents to young women accessing existing sexual and reproductive health services, and there is anecdotal evidence of unsafe ‘backyard’ abortions in Solomon Islands. Unsafe abortion endangers the lives of hundreds of women and girls each year and raises the rates of maternal mortality and morbidity.

The *Penal Code* (Section 158) states that a “woman with the intent to procure her own miscarriage” is guilty of a felony and carries a maximum sentence of life imprisonment. Similarly, Section 221 states that to “destroy the life of a child capable of being born alive” carries a maximum sentence of life imprisonment.

Limited Capacity of Health System

Outside of Honiara and other main centres, access to health-care is extremely limited. The capacity of the Solomon Islands public health-care system is limited, meaning that the free health-care that is promised cannot be fully realised. For example, many women in rural Guadalcanal province must walk for several hours to reach a health clinic and in remote locations; the high cost of transport to reach a health centre adds a different dimension to “free health-care”.

The limited capacity of the public health care system is exacerbated by insecurity and violence. Nurses at Number Nine Hospital in Honiara report that they are afraid to work at night because there have been several incidences of violence against nurses at night when there are fewer staff on duty. One nurse reports that her husband no longer allows her to go to work at night.

Along with very limited access to public health care, most women do not have the means to visit private health care facilities.

Recommendations: Article 12

- Include in the Solomon Islands Constitution an anti-discrimination clause protecting from direct and indirect discrimination on the grounds of health status, including HIV status.
- Include in Solomon Islands Constitution a guarantee to access to health care, including sexual and reproductive health care.
- Provide scholarships to increase the number of female doctors, especially General Practitioners and Gynaecologists. Provide incentives and training assistance for people specialising in women’s health.
- Partner with NGOs to offer sexual/reproductive health services in a variety of discreet ways. Implement youth and disability-friendly awareness campaigns to reduce stigma around accessing sexual/reproductive health care.

- Respect and protect women and young women's sexual and reproductive health rights by ensuring full access to free, safe early termination of pregnancy services without a requirement for additional consent.²⁷
- Develop and implement quality, free, and accessible comprehensive sexual and reproductive health care services.
- Work in partnership with, and provide financing to, NGOs and women's organizations to develop and implement public awareness initiatives designed to change attitudes and behaviour that prevent women, young women and girls from exercising their sexual and reproductive health rights, including men's duty to respect women's right to health and to choose the number and spacing of her children.
- Provide quality health care facilities with qualified medical practitioners in all provinces and rural areas and improve the capacity in existing health care facilities to enable all women, young women and girls to access free and universal health care.

Article 13: Social and Economic Benefits

Lack of Access to Household Income

The contributing NGOs have observed that generally, men consider all household income as belonging to them exclusively and assert full decision-making rights over the income. Many women reported that when men make decisions, household income is not prioritized according to family needs. Being faced with such situation many women turn to small income generating activities to supplement their household income such as marketing of and hand crafts. However lack of infrastructure and support from the government through regulating economic activities in the informal sector has hindered women from maximizing their income. Although the Government has provided an equal opportunity for business registrations such environment is usually more suitable for men.

Women and Banking

While the Central Bank and commercial banks are easing their requirements to open bank accounts and making banking products and services available in rural areas through mobile-phone banking, the lack of technical know-how and fear of using such systems by rural women remains an obstacle to fully utilise these services.

Savings through the bank is further discouraged by extra administration and bank fees imposed on customers, which continually reduce their savings leading rural people to close their bank accounts.

Women and Girls Living in Poverty

According to the 2010 Solomon Islands MDG Report, 22.7% of the population live on less than US \$1/day. The majority of people living in poverty are women and children. In 2007, over 56% of married women reported earning no income at all while an additional 10% of women reported earning all or part of their income in-kind²⁸.

²⁷ While other NGOs participating in the report development process agreed that this recommendation is important to women's rights, World Vision Solomon Islands does not support this recommendation.

National Provident Fund

The only social benefit available to women is the National Provident Fund (NPF). The fund is mandatory only for formally employed people, of which women make up a very small percentage.²⁹ The fund discriminates against women whose husbands are the only income earners, as they have no benefit in their name unless they are officially nominated by their husbands as beneficiaries.

As women are often informally or unemployed, and do not contribute to NPF, they have no financial security measures upon reaching old age.

Recommendations: Article 13

- Amend the National Provident Fund Act to allow wives to benefit automatically from their husband's savings upon his death or disability and to allow those working in the informal sector to make contributions to the fund.
- Develop and implement a financial child support system that would provide financial support from the government to young single mothers.
- Increase start-up grants, financing and capital for women's groups and organisations. The Rokotanikeni (gathering of women) Association is good model to use to set up women's organisations in rural areas.
- Develop alternative banking models for poorer communities, based on successful banking models (e.g. World Vision lock and key model or the Live and Learn Environmental Education Savings Clubs in some parts of the country).
- Provide capital to women's organisations and groups to develop and expand income generating projects.
- Improve banking access and methods in rural communities, and make it easier for women to open and maintain bank accounts and access credit
- Encourage credit union organisations to offer rural services and to support rural women to learn from other women's groups who have successfully established credit unions.
- Develop and implement programs and opportunities that encourage women to learn how to produce and sell a variety of products for income generation.
- Implement financial literacy education and awareness for women
- Provide infrastructures that could accommodate women operating in the informal sector, such as small market stalls for women selling their produce in both urban and rural areas.

Article 14: Rural Women

There are no legal provisions for special measures to advance substantive equality for rural women. Across all government policies and programs, development initiatives for rural areas do not contain specific support for rural women with the exception of initiatives of the Women's Development Division. However, the Women's Development Division do not contain specific supports or programs for women with disabilities in rural areas. Very few sexual/reproductive health programs or services target rural women, despite the fact that 80% of the total population live in rural areas.

The Medium-Term Development Strategy

²⁹ According to the 2007 Demographic Health Survey of Solomon Islands, only 33.4% of married women earned cash incomes and an additional 8.9% earned both cash and in-kind.

The government's Medium-Term Development Strategy (MTDS) includes both Infrastructure Development and Social Services as priority areas including improving rural and peri-urban standard of living, food security, free basic education, health centres, rural water supply, recognizing traditional rights of resource-owners and social well-being. While these have the potential to positively impact women's equality, gender is only mentioned in the MTDS in relation to gender-based violence and there is no mandate to ensure gender budgeting or gender mainstreaming in any initiatives under the MTDS.

In addition, the MTDS includes initiatives that in other contexts have been proven detrimental to women's equality including reforming the public sector in order to shift resources to the private sector without gender considerations, as well as emphasis on sectors in which women are not traditionally employed or are only employed in low-paying jobs including fisheries, mining and forestry.

The Rural Community Development Fund (RCDF) is regularly depleted through corruption, further reducing rural women's access to programs and services that would allow them to enjoy their human rights.

Provincial Agricultural Officers

Despite the Ministry of Agriculture deploying officers in rural areas through its Agriculture Women Extension Division, these officers need to be given funds to go into communities and actually help women farmers. In Gizo, for example, the agriculture officers stay in their offices because they do not have funds to travel to women's farms nor to provide grants to women farmers. The Women's Extension Division has no funds for 2015 according to reports in the media³⁰.

Women and Agricultural Income

Women are primarily engaged in subsistence farming. In few communities, women also have access to markets to sell or trade what they produce. Women face barriers to earning income from farming including the cost and inaccessibility of transport to markets, the distances from farms to markets, lack of storage facilities, climate change which is reducing crop yields for kumara and other staple crops, the time it takes for women to complete all of the unpaid work they are expected to perform, and the belief that women need permission from their husbands to earn income and also to make decisions about the use of that income.

Provincial Women Development Officers

Most provinces do not have a Women's Development Officer and provinces that have such officers, their department is severely under-funded and there is limited capacity to provide the required services to women. The Western Provincial Women's Development Officer resigned in the late 1990s and the office has been left vacant since.

Access to Health Care

While in rural areas there are some health centres, clinics and aid posts built by the government and development partners, lack of transportation means that these services are not accessible for many rural women. This is compounded by the fact that health facilities that are set up in the provinces

³⁰ Solomon Star News, Issue No. 5624, Tuesday 23rd September, 2014

lack utilities and basic resources like plasters and pain relief medication. In addition, health facilities are not accessible for persons with disabilities.

Access to Education

Many communities have primary schools. However, facilities are poor, there are not enough teachers, and many teachers are untrained. Parents are unable to pay fees or for school uniforms. Some communities have secondary schools, while young women and men from other communities either board at secondary schools outside their communities or stay with relatives.

Rural young women who move to Honiara for education purposes become vulnerable to abuse and neglect at the hands of relatives, lack of support for their continued participation in education, lack of money necessary to meet basic needs (and so engage in transactional sex), and unwanted pregnancies and STIs.

Although most communities have primary schools, culture still inhibits girls from attending school. Beliefs that girls and women are responsible for unpaid household work and gardening, as well as the belief that girls do not need education because they will get married and stay in the home with the children, mean that rural families are reluctant to invest in or support girls' education.

Access to Justice

People in the rural areas, especially women, know very little about the law and how it applies to them, nor how to use the justice system to seek redress or legal advice.

Anecdotal evidence suggests that women are reluctant to report rape because of the daunting process and the fact that everyone in the community will know. There is incredible stigma for victims of rape and other forms of violence in rural areas.

Access to Justice for Women with Disabilities

Access to justice for women with disabilities is difficult and this must be made accessible to enable victims to report violence of any shape or form. Court infrastructure, services and information are not provided in accessible forms making it even more difficult for women with disabilities.

Access to NGOs

It is difficult for NGOs and civil society organisations to acquire land from the government or get government support to establish offices and/or programs in rural areas.

There is limited support from government for safe houses or crisis centres, so it would be extremely difficult to establish them in rural areas. The only women's safe house is in the capital city, and not accessible to rural women. An initiative to establish one in Gizo, Western Province, has not eventuated as support from the local government has been limited, especially in terms of acquiring land to build.

Roads Access

Public infrastructure, including roads, in rural communities and even in urban centres is very poor. Where roads exist, logging and other private companies are not required to contribute to maintenance, despite the fact that their vehicles cause damage on a regular basis. Roads are not lighted at night, and women largely feel unsafe to walk on roads after dark.

Inter-island shipping service is erratic and is a national issue ever since shipping was privatized several years ago. This negatively impacts access to education, health care, and other services necessary to fulfil women's rights.

Clean Water and Sanitation

Over half of households in rural communities in Malaita and Makira provinces practice open defecation while another 30% use open pit toilets (World Vision, 2012). In most rural communities, some but not all residents have access to clean water while others only have access through private rain water tanks. Women suffer most because they are responsible for unpaid work in the home including care work.

Recommendations: Article 14

- Provide new or amend existing legislation to provide special measures that advance substantive equality for rural women.
- Ensure that the MTDS, the Rural Community Development Fund and all development strategies across all sectors, have objectives and indicators that address the wide range of needs and priorities of rural women in development and include gender mainstreaming and gender budgeting.
- Implement gender equality awareness campaigns and programs in our rural areas.
- Ensure access to primary and secondary education for all rural young women and girls.
- Increase budgets for rural development and prioritise women's socio-economic development. Increase funding for programs and services targeting rural women across all sectors, including the Women's Development Division.
- Introduce measures to eliminate corruption in the administration of the RCDF.
- Improve people's standard of living by ensuring that all communities have universal free access to clean water, sanitation, public health care and primary education. Ensure public water supply is regular or provide water tanks for hospitals and clinics. Any projects dealing with installing water must also include installation of pour flush toilets to ensure that the clean water supply remains clean.
- Ensure that government funding for income generating projects has transparent application, screening and vetting processes that fairly distribute opportunities.
- Agriculture officers should be provided with budgets to regularly visit communities and support farmers with seeds, tools and assistance in finding market outlets for their produce
- Facilitate the establishment of manufacturing industries with fair labour and ethical environmental practices in rural areas to add value to local products that women produce such as potato and banana chips, soap and virgin coconut oil.
- Ensure that health centres, clinics and aid posts are within reasonable walking distance from remote communities and ensure timely and consistent supply of medical resources.
- Partner with NGOs and women's organizations working on sexual and reproductive health rights, including HIV prevention and reducing stigma, to ensure that rural women, young women and girls have access to comprehensive information and services.
- Ensure all infrastructure and services are accessible for persons with disabilities.
- Train rural women on laws protecting women's rights.

- Hire more (women) lawyers to work in the Public Solicitors Offices in the provinces.
- Government to assist in providing safe houses and support NGOs to establish their centres in rural communities by providing land and financing for facilities and ongoing costs.
- Ensure that roads are built and well-maintained to allow women and girls access to health care, primary and secondary schools, markets and other services.

Increased subsidies to support the inter-island shipping service and ensure that regular service to rural remote areas. Ships' conditions must be regularly assessed to ensure they are sea-worthy and have safe and secure spaces for women who are travelling by ship.

Article 16: Marriage and Family Life

Overwhelmingly, both women and men believe that women are not equal to men in marriage. Contemporary distortions of the practice of bride price, particular interpretations of Christianity and the pervasive belief that men alone are decision-makers contribute to the perception that women are the property of men and/or that woman must obey their husbands. In daily life in rural areas, women are responsible for gardening and all unpaid work in the home including child-rearing. Most men have not accepted shared responsibility for unpaid labour in the home or child-rearing. Instead, in many families, men engage in the formal employment sector while women stay at home. Most women do not have decision-making power over household income except any income they might earn that is “extra” from selling products.

Solomon Islands has one of the highest rates of intimate partner violence, with 2 out of 3 partnered women experiencing violence³¹. Within marriages, most women and men accept the idea that husbands should use violence to ensure that their wives obey them and abide by their decisions as well as to ensure that women fulfil their role as wife and mother. As one woman said, “If we say no [to the husband], then he will say ‘you must have another man’.”

When women try to leave their husbands, usually their family or the community convinces them to stay in the marriage regardless of whether or not there is violence. Many women will say, “You have to stay for the sake of the children. They need their father.” With only one safe house in the country, and with little family and community support, women often feel that their situations of violence and inequality cannot change.

While the Government is attempting to reform some of the legislation within family law in order to support women’s empowerment and equality rights, the efforts are piecemeal and result in laws conflicting with one another. There is no comprehensive effort to reform family law into one Family Law Act that would ensure all family laws are consistent with one another and consistently support substantive equality and non-discrimination.

De facto relationships are excluded from family law and discrimination against women in *de facto* relationships includes exclusion from land and property rights when a couple separates, exclusion from receiving their partner’s National Pension Fund, and exclusion from the possibility of receiving maintenance upon separation.

Divorce and Matrimonial Property

The Islanders Divorce Act stipulates that either spouse can initiate divorce proceedings. If the other partner does not consent, the law provides that the other partner can be summoned to appear in court to participate in divorce proceedings.

³¹ Ministry of Women, Youth, Children Affairs. *Solomon Islands Family Health and Safety Study*, 2009

The Divorce system is not accessible to many women. There are two ways to obtain a divorce in Solomon Islands, either by going to the High Court in Honiara and paying a small fee to register the divorce or by hiring a private lawyer and appearing in Auki, Gizo or Honiara. Both options are prohibitively expensive for most women because of the cost of travel to Honiara, Gizo or Auki as well as the cost of hiring a private lawyer.

In addition, there are strong customary and religious beliefs that restrict the access to separation and divorce by women and young women.

Inaccessibility to divorce renders women more vulnerable to violence because it is extremely difficult to leave a marriage even when domestic violence occurs. In fact, the attitude of many people in Solomon Islands is that a woman has a responsibility to her husband, children and even the community to remain in the marriage and “make it work”. Often, women and young women are advised that if they behave better and pray harder and things will improve. Rural women are particularly vulnerable because most are not actively involved in the cash economy and do not have access to funds for divorce or to fight for their land and inheritance rights in court. This particularity increases rural women’s vulnerability to violence.

When women do manage to access divorce proceedings in court, they face discrimination in the division of matrimonial property. The law is silent on the equitable division of property, leaving women vulnerable to the decision-making of individual magistrates. Where matrimonial cases come before the Courts, archaic British laws and common law are used to determine distribution of property. In practice, women are almost never awarded 50% of the matrimonial property and assets by the court. This is compounded by the fact that many women do not have access to accurate and complete information about the property and assets that they own jointly with their partner. We have been unable to find documentation of a single case in which a woman obtained 50% of matrimonial property and assets. Recently, one woman from Western Province was awarded only a small percentage of the matrimonial property and nothing of the family business.

Land Ownership and Inheritance

The Ministry of Justice and Legal Affairs is developing a Bill on Land Review Tribunals which will give powers to traditional community based tribunals to determine land issues. It should be compulsory that women are members of this tribunal, and discrimination against women and girls must be prohibited.

Solomon Islands law recognizes customary law regarding land ownership and property and inheritance rights. Four provinces practice matrilineal land ownership and inheritance customs while five provinces practice patrilineal land ownership and inheritance customs. Further, in *Kasa v Biku (2000)* the judgement included the following statement: “...blindly adopting legal and equitable concepts under received law must be avoided where such concepts do not apply or cannot accommodate the fundamental principles of customary law jurisprudence.”

This recognition of customary land ownership discriminates against some women and girls. In the matrilineal system, children of sons (both girls and boys) have weaker claim to land ownership and inheritance than children of daughters. In the patrilineal system, women and girls do not have claim to land ownership and inheritance.

In all provinces, regardless of customary law, in practice men exercise decision-making rights over land use and over income generated from the land (e.g. royalties from logging and mining operations). For example, one woman from Guadalcanal province inherited family land on which

there is a palm oil plot from which the company working in the area buys palm oil. Despite the fact that under customary law she inherited land ownership, her husband collects the royalty checks and exercises full decision-making power over the income.

Young women are particularly discriminated against in community decision-making processes about land use. In most communities, women and especially young women are not permitted to speak during community meetings about land use. Despite the fact that women are concerned about the impacts that unrestricted logging is having on traditional land, and that they have land ownership rights, women are prevented from participating in decision-making about the use of that land.

The Land Reform Bureau is currently conducting research that will inform government's plan to develop and implement a policy framework and strategies "to resolve the many problems associated with ownership of customary land" in Solomon Islands. The research involves: (1) recording land boundaries, genealogies and tribal leadership; (2) codifying the rules of customary land tenure in different provinces and communities; and (3) devising a new dispute resolution system to decide on customary land disputes. The process involves extensive consultation with communities, but there is no gender equality mandate. In Solomon Islands cultures men are the decision-makers and only men are allowed to speak out at public meetings. Although this is slowly changing, currently women are almost universally silenced in public spaces. Without a gender equality mandate, the Law Reform Bureau will hear primarily from male decision-makers and there is real danger that the policy will reflect what works for men and not what supports women's rights. The Land Reform Bureau and the Ministry of Justice will collaborate "to come up with alternative systems ...after consulting with the public." It is unclear whether the Ministry of Justice will apply a gender equality framework as part of this process.

Recommendations: Article 16

- Ensure that the Solomon Islands Constitution includes an anti-discrimination clause protecting citizens from being discriminated against on the basis of marital status and reform all existing laws that contravene this protection.
- Remove the fault-based divorce system, and legislate that the only grounds should be that the marriage "has broken down irretrievably" without a required period of separation and that either spouse can initiate proceedings.
- Ensure the development and implementation comprehensive family law reform leading to a Family Law Act in one legislation. Consult with women's organizations and violence against women service providers to ensure that the legislation will effectively support women's equality rights.
- Ensure that legislation requires that the sharing of matrimonial property shall take into consideration the needs of the children and family, all financial and non-financial contributions of both parties, due recognition of women's roles and contributions to the welfare of the family, which party will have custody of the children, the length of the marriage and the extent to which it has affected the earning capacity of both parties, and the needs of the parties after the divorce.
- Ensure that the legislation includes a list of guidelines that should be taken into consideration when making decisions on maintenance including which party will have care and responsibility for the children, and the length of the marriage and extent to which it has affected either party's earning capacity.
- Remove section 18 of the *Islanders Divorce Act* which provides for a husband to claim compensation from the person with whom his wife committed adultery.
- Educate the judges, public defenders, the police and public servants on the comprehensive Family Law Act once it is developed.
- Provide free, accessible legal aid for women seeking divorce and ensure that it is accessible to women living in remote and rural areas.

- Legislate that women and men have equal right to access land, the right to own land and to make free and informed decisions about their land.
- Ensure that the Land Reform Bureau and Ministry of Justice apply a gender equality framework to all initiatives, including the new dispute resolution process for deciding customary land disputes. This should include public education on women's rights to land and property ownership and inheritance, including women's right to dispute land ownership land use, and use of the profits generated from land.
- Work in partnership with, and provide financial support to NGOs and women's organisations to develop and implement public awareness that women and young women have the right to participate equally in decision-making about land and property, including land use and community benefit from land use.

THE END