



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 26 November 2012

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OBJET/SUBJECT: **Letter from the Special Rapporteur on violence against women, its causes and consequences**

Excellency,

Please find attached a letter and the advance unedited copy of the report of the visit that the Special Rapporteur on violence against women, its causes and consequences, undertook to Solomon Islands from 11 to 16 March 2012.

Please accept, Excellency, the assurances of my highest consideration.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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26 November 2012

Excellency,

I have the honour to transmit to you an advance unedited version of the report on the visit I undertook to Solomon Islands from 11 to 16 March 2012.

I kindly ask that your Excellency's Government review the report with a view to informing me of any errors of fact or law which shall be carefully considered prior to the submission of the report for editing in accordance with United Nations documentation requirements. I would be grateful if such information could be provided by 20 December 2012 electronically in Word format, to the attention of Ms. Gabriela Guzman, Human Rights Officer at the Office of the High Commissioner for Human Rights (+41 22 917 9412; gguzman@ohchr.org).

The report shall be presented to the twenty-third session of the Human Rights Council which will be held in June 2013. Please inform the Secretariat as to whether you would like to have your comments circulated as received as an Addendum to my report to the Human Rights Council.

I thank you for your Government's support in the preparation of, and during my visit, and the opportunity to engage in an open and constructive dialogue with the authorities and a variety of stakeholders. I look forward to continuing dialogue with you and your Excellency's Government.

Please accept, Excellency, the assurances of my highest consideration.

Rashida Manjoo
Special Rapporteur on violence against women,
its causes and consequences

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including the right to development

Report of the Special Rapporteur on the violence against women, Rashida Manjoo

Addendum

Mission to Solomon Islands

Summary

The present report contains the findings of the Special Rapporteur on violence against women, its causes and consequences, following her visit to Solomon Islands. The Special Rapporteur examines the situation of violence against women in the country, including violence perpetrated within the family and in the community, violence perpetrated during the 1998-2003 "tensions", and violence related to the development of extractive industries. She discusses the State's legislative and institutional responses to such violence, and provides recommendations.

Annex

Report of the Special Rapporteur on violence against women, Rashida Manjoo: Mission to Solomon Islands (from 12 to 16 March 2012)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official mission to Solomon Islands from 12 to 16 March 2012. The objective of the visit was to examine the situation of violence against women in the country in a comprehensive manner, including violence that is perpetrated within the family and in the community, violence that was perpetrated during the “tensions” which occurred between 1998 and 2003, and violence related to the development of the country’s extractive industries.

2. The Special Rapporteur met with the Prime Minister, as well as with high level representatives of cabinet, including Ministers and Permanent Secretaries from the Ministry of Women, Youth and Children Affairs; the Ministry of National Unity, Peace and Reconciliation; the Ministry of Justice and Legal Affairs; the Ministry of Police, National Security and Correctional Services; the Ministry of Development Planning and Aid Coordination; the Ministry of Health and Medical Services; the Ministry of Education and Human Resources Development; and the Ministry of Commerce, Labour, Employment, Industries and Immigration. The Special Rapporteur also had the opportunity to meet with the Chief Justice, with the Speaker of the National Parliament, and with officers from the Regional Assistance Mission to Solomon Islands (RAMSI).

3. She also met with organizations belonging to Solomon Island’s NetSafe Referral Initiative, which includes civil society organizations and State institutions including the Public Solicitors Office, the Social Welfare Division, the Family Violence Support Unit of the Police, and the Department of Public Prosecution.

4. Meetings were held with representatives of civil society, including women’s organizations, and representatives of United Nations agencies, funds and programmes. She had the opportunity to visit the Women’s Correctional Facility at the Rove Prison Headquarters, as well as the country’s only NGO-run shelter, where she heard testimonies from a number of women.

5. The Special Rapporteur wishes to express her appreciation to the Government for its cooperation throughout her visit. She is also grateful for the support received from the United Nations Country Team, especially the Deputy Resident Representative in Solomon Islands, and the gender advisor from the Regional Office in Fiji of the UN High Commissioner for Human Rights. The Special Rapporteur looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

II. The national context and the implications for women

6. Solomon Islands is a culturally diverse and geographically widespread country with no single homogenous society. However, Solomon Islanders share some traditional and religious values which largely shape the roles that women play in the family and in society. Women generally enjoy a lower social status than men and face inequality and discrimination in many aspects of life, including in politics, education or access to economic resources. This is due, first and foremost, to the status of women in the family. Women are mainly valued in their traditional roles as mothers and homemakers and are

expected to be submissive and obedient in the family, with men commonly resorting to physical violence to "discipline" women who do not conform to their expected roles.¹

7. Women's participation in public and political life is extremely limited with none of the Parliament's 50 seats currently being occupied by women. In the national elections of August 2010, 25 women contested, but none of them won a seat.² De facto barriers to women's participation in political life include views that women are not qualified to take on these positions, the lack of support from families and communities, and the lack of resources for successful campaigning.³ There are currently no legal provisions for minimum quotas or reserved seats for women in Parliament or in government. While some high level posts at the ministerial level are occupied by women, there are currently no women holding a ministerial post. The lack of female role models in positions of authority reinforces the country's traditional and dominant views regarding women's status and value.

8. Solomon Islands is amongst the least-developed countries in the world, and is ranked 142 out of 187 countries in UNDP's human development index. Maternal mortality is high, estimated to be of 100 per 100 000 live births. According to the Ministry of Health, Solomon Islands is not on track to achieve the Millennium Development Goal of universal access to reproductive health services. The contraceptive prevalence rate is 27 per cent, compared to the 40 per cent MDG target for 2015, and the adolescent fertility rate is of 12 per cent, compared to the 6 per cent MDG target.⁴

9. In terms of access to education, the gender gap in primary school enrolment narrowed in the past decade, and reached an average of 95 girls in primary school for every 100 boys in 2006.⁵ However, gender disparities continue to exist, with families prioritizing male education, particularly when unable to pay school fees.⁶ There are also high levels of school desertion at the secondary level, with girls being more affected.⁷ Current legislation does not guarantee women and girls equal access to education nor creates special measures to encourage this.

10. As regards women's participation in the labour force, women working in the formal sector are often relegated to junior positions with low wages, lack of opportunities for promotions and the risk of being dismissed due to pregnancy.⁸ Women assume the largest share of unpaid work including household and domestic duties, caring for other people, and agriculture and fishing. As regards agricultural work, while traditionally women engaged in farming and gardening activities for subsistence purposes only, the country's economic situation has prompted many of them to also engage in marketing at a larger scale. Sixty-six per cent of women are engaged in informal trade, with 30 per cent of them being the family's sole provider.⁹

¹ UN Women, *Ending Violence Against Women and Girls. Evidence, Data and Knowledge in Pacific Island Countries*, July 2011, pp. 9-10.

² Amnesty International, *Submission to the UN Universal Periodic Review of Solomon Islands*, May 2011.

³ UNIFEM Pacific Regional Office and Ministry of Women, Youth, and Children's Affairs (MWYCA): *Protecting women's human rights in Solomon Islands law*, Suva, 2009, pp. 61-62.

⁴ Statistics shared with the Special Rapporteur during meetings in the Ministry.

⁵ UNDP and Ministry of Development, Planning and Aid Co-ordination, *Millennium Development Goals Progress Report for Solomon Islands*, 2010, p.70.

⁶ UNIFEM op. cit., p.65

⁷ Ibid. p.64

⁸ UNIFEM op. cit., pp.68-69.

⁹ Ibid., p.76.

Women and the tensions

11. Between 1998 and 2003 the Solomon Islands went through a period of internal unrest referred to as “the tensions”, which resulted in violent clashes including killings, torture, internal displacement and other human rights violations.

12. The tensions impacted the lives of women in many ways. Women were victims of sexual abuse, increased domestic violence, killing and torture. Many of them also suffered displacement, loss of property, and loss of access to services such as education or health. Women experienced the loss of loved ones and saw their capacity to fulfil their traditional roles limited by the fear and trauma they experienced during the conflict.¹⁰

13. It is reported that the tensions also pushed many women to expand their traditional roles as homemakers and to undertake roles as peacemakers, counsellors, and community leaders. Many women reportedly resorted to innovative methods of surviving and helping bring the conflict to an end.¹¹ Women’s wings of church organisations in Honiara were crucial in meeting and mediating with warring factions, such as militant groups, the police and government officials; they visited rural communities; or facilitated the return of child militants.¹² Nevertheless, women were excluded from the peace agreements of Townsville in 2000, as well as from following transitional justice initiatives. It is reported that none of the trials related to the tensions have prosecuted cases of violence against women.¹³

14. National reconciliation after the tensions has been a priority for the government. A Truth and Reconciliation Commission (TRC) was established by Parliament in August 2008 and began its work in January 2010. In an attempt to encourage women’s participation in the process, a joint submission to the TRC was developed representing the views and recommendations from the women affected by the tensions. The process included regional consultations and workshops. Through this process women’s groups documented their experiences during the tensions, to ensure that the TRC had necessary information on the gendered impact of the ethnic tensions and that appropriate reparations and recommendations were included in the final report. It remains to be seen to what extent women’s contributions will be included in the final TRC report. At the time of the Special Rapporteur’s visit, a National Action Plan on Women, Peace and Security to implement Security Council Resolution 1325 was also being finalised. The action plan is based on the country’s National Peacebuilding Policy Framework, the Gender Equality and Women Development Policy and the National Policy on Eliminating Violence against women; and will include the findings and recommendations from the women’s chapter of the TRC report.¹⁴

¹⁰ *Stori Blong Mere* Workshop, Women’s Submission to the Solomon Islands Truth and Reconciliation Commission, 2011, p.1.

¹¹ International Center for Transitional Justice (ICTJ), Submission to the UN Universal Periodic Review of Solomon Islands, May 2011, para.10.

¹² Leslie, Helen and Selina Boso, “Gender-related violence in the Solomon Islands: The work of local women’s organisations”, in *Asia Pacific Viewpoint*, Vol. 44, No. 3, December 2003, p. 329

¹³ ICTJ (2011), *op.cit.*, para.10.

¹⁴ The TRC report was finalized and officially submitted to the Prime Minister in February 2012, just prior to the Special Rapporteur’s mission to Solomon Islands. However, the report is still under review at the Cabinet level and it will then be forwarded to the Parliament for review/debate. The Special Rapporteur did not receive any indication of when the report will be made public.

III. Main manifestations and prevalence of violence women

A. Violence in the Family

15. In 2009, the Ministry of Women Youth and Children Affairs published a study on violence against women and children in Solomon Islands.. According to the study, women are much more likely to experience severe violence such as punching, kicking, or having a weapon used against them, rather than "moderate violence".¹⁵

16. The study indicates a high prevalence of violence against women in the family. Approximately 64% of women aged between 15 and 49 years old, who have been in a relationship, reported experiencing physical and/or sexual violence by an intimate partner.¹⁶ The study also found that there is a significant overlap of emotional, physical and sexual violence against women perpetrated by intimate partners, with 58% of the women experiencing both physical and sexual violence, 14% experiencing physical violence only, and 28% experiencing sexual violence only.¹⁷ Another important finding was that 90% of women who had reported experiencing violence, had experienced it from an intimate partner, 30% had experienced it from both intimate partners and non-partners, and only 10% of women aged between 15 and 49 years old had experienced violence exclusively by a non-partner. Also 14.9% of women were subjected to violence with the use of a weapon.¹⁸

17. The Special Rapporteur met with several survivors of intimate partner violence in Honiara. One of the interviewees had escaped her abusive husband and moved to a women's shelter after he threatened to kill her with a knife. Her husband was a drug user, who would beat her every time he was intoxicated. He would use his fists or beat her with objects such as stones, or an iron. It was clear from the Special Rapporteur's interviews, that the injuries sustained by women victims were often very severe given the use of objects as weapons to hurt them. Women victims are hit, kicked, dragged, choked, burnt, and hurt (or threatened) with a weapon.

18. As regards sexual violence in the family, forced sexual intercourse was the most common form of abuse reported (52.4%), followed by women acceding to have sexual intercourse out of fear (42.8%), or being forced to sexual activities they found degrading or humiliating (27.9%).¹⁹ Throughout the mission, the practice of bride-price was constantly brought to the attention of the Special Rapporteur as one of the main aggravating factors for intimate partner sexual violence, with men often feeling entitled to have access to their wives bodies at their discretion, as a result of having paid a price to marry them.

19. Emotional and psychological abuse is also a prevalent form of intimate partner violence, with women being insulted or made to feel bad about themselves, belittled or humiliated in front of other people, intimidated or scared on purpose, and/or threatened with harm.²⁰

20. As regards economic violence against women, reported instances included partners causing women to give up or refuse a job (5.9%), taking their earnings and/or savings

¹⁵ Ministry of Women, Youth, and Children Affairs and National Statistics Office, *Salomon Islands Family Health and Safety Study: A study on violence against women*, 2009, p.69.

¹⁶ Ibid. pp.61-62.

¹⁷ Ibid.; p.68.

¹⁸ Ibid. p.82.

¹⁹ Ibid. p.63

²⁰ Ibid. p.64

(14%), and/ or refusing to provide money for household expenses (14.9%).²¹ While economic violence was reported at a lower level than physical and sexual violence, the study found a clear correlation between these forms of violence. For example, 19% of women who had experienced intimate partner violence had had their earnings or savings taken from them by their partners compared with only 5% of women who had not experienced physical or sexual violence by their partners.²²

21. Intimate partner violence is fuelled by a range of structural causes, with women's low social status in society as the main underlying factor. Such violence is extremely underreported due to women's fears of reprisals, whether against them or their children; women being isolated in remote communities and with no knowledge of where to seek help; and women being economically dependent on their abusers and fearing not being able to provide for their children. Often women feel ashamed or responsible for the abuse, or may be encouraged by village or church leaders to go back to their husbands and strive to keep the family unity.

22. Many interlocutors referred to the practice of bride-price, as an aggravating factor that fuels situations of violence against women in the home and limits the avenues for women to escape abusive relationships. Men commonly feel entitled to control and even abuse their wives as a result of having paid the bride price, thus regarding women as their property. Likewise, families who received such payment are reluctant to provide support or receive abused women back in the family home, as this will entail paying compensation or returning the goods or money received for the marriage.

23. There is a strong correlation between women experiencing intimate partner violence and controlling behaviour by their partners. Abusive men often restrict women's contact with family or friends; insist on knowing their whereabouts; constantly accuse them of being unfaithful; and/or become angry if they speak with other men.²³ For example, the Special Rapporteur met with a victim of domestic violence who had been in a shelter for three months and who had escaped after 17 years of an abusive marriage. She explained that the main source of conflict with her husband was his extreme jealousy, and how he would not allow her to leave the home, or would beat her severely when/if she ever had to go out to shop or to run errands.

24. The Special Rapporteur was informed that the levels of intimate partner violence are generally higher in Honiara than in the provinces. It is argued that the greater availability of alcohol coupled with social problems associated with living in the capital city, such as unemployment or overcrowding, place women at a greater risk of abuse. The 2009 study found that women in Honiara were generally more financially dependent on their partners than those living in villages, and also had less family or traditional sources of protection, so were therefore more constrained to leave abusive relationships.²⁴

25. As regards incest and sexual violence, 37% of women aged 15-49 reported that they had been sexually abused when they were under the age of 15. Approximately two-thirds said that they had been abused by someone they knew (family member, friend of the family, boyfriend or acquaintance) and 24% reported that they had been abused by a stranger. A boyfriend was the most commonly identified perpetrator of sexual abuse of girls under 15.²⁵ The high levels of sexual abuse among very young girls are particularly worrisome. It confirms information shared with the Special Rapporteur by activists and

²¹ Ibid. p.67

²² Ibid. p.66

²³ Health and Safety Study, op. cit., p.64

²⁴ Ibid., p.78.

²⁵ Ibid. p.89.

women's groups, indicating that women are exposed to sexual violence at a very young age, grow up seeing it as a normal part of their lives, and therefore expect for it to take place as adults and within marriage. It was clear in interviews that both individual women, and their communities, do not recognize these abuses as crimes and human rights violations that need to be addressed by the authorities.

B. Violence against women in the community

1. Violence against women and the tensions

26. Women in Solomon Islands carry the legacy of the crimes committed against them during the tensions. As regards gender based violence, rape was a common form of violence used by both militants and the police, particularly as a way to extract information from women and girls regarding the whereabouts of male family or community members.²⁶ Sexual violence was also used as a means to humiliate the enemy, with men sometimes forced to watch as their wives were raped by militants. Some of these rapes resulted in unwanted pregnancies.²⁷ In addition, women and girls experienced heightened levels of insecurity and were exposed to sexual harassment by armed men, whether from their own communities or from opposing factions.

27. The Special Rapporteur was also informed of the suffering endured by women indirectly, as mothers or spouses of men who were killed, starved, tortured or ill-treated during the tensions. Other challenges such as the lack of access to medical and educational services during the tensions had particular effects on women who were sometimes forced to give birth in the bush or were prevented from vaccinating their children, taking them to a doctor when ill, or registering their births.²⁸

28. Interviewees explained how domestic violence also substantively increased during the tensions, together with family and marital break-ups. The crisis reportedly legitimized the use of violence, as the number of men in arms increased, and a belligerent atmosphere became pervasive.²⁹

29. It is estimated that the number of cases of violence against women related to the conflict has been extremely under-reported. A 2004 study found that 85 per cent of men and women in Solomon Islands reported that their families had been directly affected by the conflict and that 75 per cent of women suffered direct personal trauma, including rape, death of family members, and threats of violence and intimidation, among others.³⁰ Perpetrators, including police, armed militants, or individuals, were rarely brought to justice. The fears of reprisals, and the lack of legal avenues, were deterrents for witnesses and victims to come forward.³¹ Furthermore, fear of stigmatisation and being rejected by their families pushed women, both married and unmarried, to keep silent about the abuse they experienced.³²

²⁶ Leslie op. cit., p.328

²⁷ *Stori Blong Mere* Workshop op.cit., pp.20-21

²⁸ Leslie op. cit., p.328

²⁹ *Stori Blong Mere* Workshop op.cit., p.21.

³⁰ Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands, available at <http://www.forumsec.org.fj/resources/uploads/attachments/documents/Social%20Impact%20of%20Peace%20Restoration%20Initiatives%20in%20Solomon%20Islands%202004.pdf>, p. 35.

³¹ AusAid, *Violence against women in Melanesia and East Timor*, 2008, p.109p. 134

³² Amnesty International, *Solomon Islands: Women confronting violence*, 2004, p.13.

2. Sexual violence in informal settlements and in remote communities

30. The Special Rapporteur received anecdotal information regarding cases of commercial sexual exploitation of children, particularly in fishing communities and logging camps, yet with no official data or statistics to establish prevalence rates. Girls are reportedly taken to fishing boats where they exchange sex for fish which is then sold in local markets. Other incidents involve young women and girls exchanging sex for goods or money in remote logging areas. The Special Rapporteur was also informed of how young women are often “married off” by their families to men who will pay the families a bride price but then abuse the women and/or later abandon the women and children born of the union. A 2007 study carried out in remote logging areas of the country revealed that young boys are often used to facilitate meetings with young girls in exchange for money or alcohol and that children are exposed to or used in pornography.³³ Of 25 cases of child prostitution identified in the study, 19 involved foreign loggers as perpetrators.³⁴

31. The Special Rapporteur received allegations of incest, defilement, gang rape, and exploitation by foreign workers in the logging and fishing industries. The increasing influx, into poor and isolated communities, of men who are employed by logging and fishing companies and who have access to money, and other goods that are inaccessible to locals, has created a “market” for sexual services, and has also resulted in cases of sexual exploitation and abuse. The lack of opportunities and poor living conditions for many of the victims and their families is another triggering factor. This is coupled with a lack of awareness regarding commercial and sexual exploitation among the communities and the lack of monitoring of these camp sites by the labour and environmental authorities.³⁵

32. Another source of risk as regards violence against women in the communities is lack of access to water and sanitation. Especially in and around informal settlements in Honiara, women are at a heightened risk of experiencing physical and sexual violence when they are collecting water, bathing, or using toilets, particularly after dark. Most settlements do not have a regular source of clean water, therefore women and girls have to walk long distances, either to fetch water or to use the toilet. Settlements are also poorly lit due to lack of electricity, and women are often physically and/or sexually abused by young men from neighbouring settlements who gather to drink close to the roads. It is reported that women do not report these incidents due to shame or fear of retaliation.³⁶

IV. Legislative Framework

A. Non-discrimination and equality

33. The Constitution states in chapter 2, that “every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual [...] whatever his race, place of origin, political opinions, colour, creed or sex”. The Constitution also provides for protection from discrimination, specifying that no law shall make any provision that is discriminatory, that no person shall be treated in a discriminatory manner by any public office or public authority, or in respect of access to premises or public spaces.

³³ Herbert, Tania. *Commercial Sexual Exploitation of Children in the Solomon Islands*, July 2007, pp.26 and 28.

³⁴ Ibid., p.24.

³⁵ AusAid, *Violence against women in Melanesia and East Timor*, 2008, p. 132

³⁶ Amnesty International, *Where is the dignity in that? Women in Solomon Islands slums denied Sanitation and Safety*, 2011, p.7,10.

34. These Constitutional provisions have not necessarily translated into specific legislation that upholds the human right of women to equality and non-discrimination. There are currently no laws prohibiting sex discrimination, or providing affirmative action measures such as temporary special measures, to improve women's standing in society and their access to education, the labour market, or their participation in public and political life. Furthermore, some of the current national laws are outright discriminatory towards women, such as the penal code, and the marriage and divorce laws, which are discussed below.

35. Solomon Islands has taken steps towards a constitutional reform process that would create a Federal Constitution and transform the country's political system into a Democratic Federal Republic. A draft federal constitution was drafted in 2004, and subsequent amendments were made in 2009 and in 2011. The 2009 draft included a specific provision stating that women have the right to full equality, including the right of equal opportunities in political, economic and social activities, and reaffirming the country's commitment to the Convention on the Elimination of All Forms of Discrimination against Women.³⁷ It also indicated that upon coming into force of the Constitution there would be ten elected women members out of the fifty in the Federal Parliament.³⁸ This was amended in the 2011 draft, which now specifies how each State (today nine provinces) and Honiara City would ensure the presence of at least one women representative in the Federal Parliament, and suggests a rotation system.³⁹ The inclusion of these specificities is a positive development. Unfortunately, provisions on equality and non-discrimination, and a commitment to the CEDAW Convention, as stated in previous versions, were excluded in the most recent draft.

B. Domestic and sexual violence

36. There is currently no domestic violence legislation in Solomon Islands. Cases of physical violence against women is addressed through the country's Penal Code as "common assault", with a penalty of up to 1 year in prison; "intimidation or molestation", with a penalty of up to 3 years imprisonment; "assault causing bodily harm", with a maximum penalty of 5 years in prison, or "causing grievous harm", which can result in a 14 year imprisonment penalty.⁴⁰

37. However, the Special Rapporteur was informed that most cases of domestic violence are settled through the use of customary law and practices at the village level. Village chiefs or other community leaders, such as church leaders or pastors, are approached by the affected families and establish the disciplinary measures for the perpetrator, as well as any payment of economic compensation to the victim's family. Interviewees stated that such systems are traditional and patriarchal, and rarely take into consideration the needs and wishes of women. This allows for the resolution of disputes between the victim's family and the perpetrators, but does not provide effective justice to the victim.

38. As regards sexual violence, the Penal Code covers offences such as "defilement", indecent assault and rape, which are classified as "offences against morality".⁴¹ Currently,

³⁷ Article 54 of the 2009 Draft Federal Constitution of Solomon Islands, available at: [http://www.sicr.gov.sb/Draft%202009%20Fed_Const%20WebVersion%20\[Completed\].pdf](http://www.sicr.gov.sb/Draft%202009%20Fed_Const%20WebVersion%20[Completed].pdf)

³⁸ Article 88 of the 2009 Draft Constitution, op. cit.

³⁹ Article 69 of the 2011 Draft Federal Constitution of Solomon Islands, available at: <http://www.sicr.gov.sb/2011%20Draft%20Fed%20Const%20of%20SI.pdf>

⁴⁰ UNIFEM, op.cit., p.22.

⁴¹ Penal Code, Part XVI

marital rape is not a criminal offence. The Penal Code is an out-dated document that is currently being reviewed by the Law Reform Commission. One of its main shortcomings is its definition of rape as “unlawful sexual intercourse with a woman or girl, without her consent, or with her consent if obtained by force, threats or intimidation”.⁴² The definition is limited to vaginal penetration and does not include rape with objects, or other forms of rape. The latter acts would be classified as indecent assault and result in lesser sentences for perpetrators.⁴³

39. Other limitations of the Code include the lack of minimum sentences for cases of sexual violence, as well as the differentiation made when punishing child sexual abuse depending on the age of the victim. The “defilement” of girls less than 12 years old may carry a penalty of life in prison, and if the victim is between 12 and 15 years old, the maximum penalty is 5 years in prison.⁴⁴ Furthermore, the Penal Code also sets a statute of limitation indicating that no prosecution will be commenced for cases involving victims 15 years or older, if more than twelve months have passed since the alleged rape incident. This results in impunity for the perpetrator, as victims may take much longer to report the incident, more so if the perpetrator is a relative or family friend.⁴⁵

40. As regards incest, the maximum penalty is lower than for the crime of rape. Furthermore, the Code foresees that women and girls over 15 years of age may also be charged with incest if they “permit” a grandfather, father, brother or son to have sexual intercourse with them.⁴⁶

41. The Penal Code also includes other discriminatory provision such as the penalisation of female sex workers, but not clients; or the establishment of a maximum penalty for trafficking of women and girls of two years in prison.⁴⁷

C. Legislative reform initiatives

42. In 1995, the Law Reform Commission (LRC) was tasked with reviewing the Penal Code and the Criminal Procedures Code. The review process began in 2008, starting with an analysis of the Penal Code, followed by countrywide consultations which lasted 15 months, and the production of a report with recommendations. At the time of the Special Rapporteur’s visit, the LRC had completed reforms regarding corruption related offences and was in the process of developing recommendations regarding sexual offences.

43. An important legislative development was the enactment of the Evidence Act of 2009 which removed the “corroboration rule”, requiring victims to produce evidence in cases of sexual violence. The Act also established that prior sexual conduct of the victim will not be taken into consideration when establishing consent. Moreover, the Evidence Act allows for victims and other witnesses to testify in camera.

44. The LRC has also received requests to review and amend the laws relating to marriage and divorce.⁴⁸ The Islanders Marriage Act of 1945 prohibits marriages of children

⁴² Ibid.

⁴³ UNIFEM, op cit. p.28.

⁴⁴ Penal Code sections 142 and 143

⁴⁵ UNIFEM, op cit. pp.26-27.

⁴⁶ Penal Code sections 163 and 164

⁴⁷ Penal Code section 153.

⁴⁸ In 2003, the Committee on the Rights of the Child also made a recommendation for Solomon Islands to increase the age of consent for marriage. Source: State submission for UPR. A/HRC/WG.6/11/SLB/1, paras. 60 and 65.

who are younger than 15 years old, while children aged between 15 and 18 years of age require the written consent from their father to be married.⁴⁹ However, under customary law, girls may be married when they reach puberty, that is, as young as 12 or 13 years old. Given that customary law has constitutional status, that many births are not officially registered, and that registration of marriages is voluntary, it is currently very difficult to enforce the legal minimum age for marriage.⁵⁰

45. Under the current Islander's Divorce Act, women may file for divorce on grounds of adultery, desertion, cruelty, and/or insanity of the husband. A woman can also present a petition for divorce to the Court if her husband has been found guilty of rape, sodomy or bestiality.⁵¹ The Special Rapporteur was informed, however, that it may be very difficult for women wishing to leave abusive marriages, to produce evidence of any of the grounds for divorce in a context where domestic violence is rarely timeously reported, and where private matters are not disclosed, especially due to fears of further violence.

46. The Islander's Divorce Act also includes discriminatory provisions such as men being entitled to claim damages for adultery, but women not having that entitlement. This reinforces the idea of men "losing their property" to another man.⁵² Another challenge is the lack of provisions regarding women's entitlements to the matrimonial property after divorce, which puts them at risk of being left destitute, especially considering that their contribution to the household is usually through non-remunerated domestic work and childcare.⁵³ Women are also at risk due to the lack of specific criteria in the Act regarding the allocation of maintenance payments for divorced women and their children. This is left to the discretion of judges who might not adequately consider the extent of the burden that a woman will face when caring for her family alone.

V. Institutional Framework

A. Policy framework

47. The Ministry of Women, Youth, Children and Family Affairs (MWYCFA) was established in 2007 and is in charge of coordinating the country's main policies on women. The Ministry is working to prioritize the issue of violence against women in the country's agenda, through dissemination and awareness raising at the provincial level, but also among other government agencies and public servants.

48. The Ministry has taken the lead in preparing the pending (combined initial, second and third) report to the Committee on the Elimination of Discrimination against Women. The Special Rapporteur was informed that an Advisory Committee would be set up to that end, with the participation of civil society organizations and other development partners. Through funding received from UN Women, training workshops were already provided to key stakeholders to facilitate the reporting process, and it was hoped such training would also be provided to the members of the Advisory Committee, once it is set up.

49. The MWYCFA also coordinates the implementation of the Gender Equality and Women Development Policy (GEWD Policy) and the National Policy on Eliminating

⁴⁹ Islanders' Marriage Act. Part 1. Section 10.

⁵⁰ UNIFEM, *op. cit.*, p. 80.

⁵¹ Islanders' Divorce Act. Part 2. Section 5.

⁵² UNIFEM, *op. cit.*, p. 81.

⁵³ *Ibid.* p. 83.

Violence against women (EVAW Policy), as well as national policies focused on children and young persons.

50. The GEWD Policy was launched in 2010 following a review of the 1998 National Policy for Women. The 2010 policy shifted the focus from women's development towards a gender mainstreaming and multi-sectoral approach and established as priority outcomes: 1) improved and equitable health and education; 2) improved economic status of women; 3) equal participation of women and men in decision making and leadership; 4) elimination of violence against women; and 5) increased capacity for gender mainstreaming.⁵⁴

51. The coordination of the policy is largely led by the National Women's Machinery, comprised of the MWYCFA in partnership with Solomon's Islands National Council for Women⁵⁵. The policy establishes clear and specific performance outputs and measures, according to each of the abovementioned priority outcomes.

52. In addition, the EVAW Policy was launched in March 2010 and is guided by four main principles: 1) a zero tolerance policy for violence against women; 2) the recognition of women's rights as established by CEDAW and other international instruments; 3) a shared responsibility of the government at all levels, NGO's, the churches and the general public in eliminating violence against women; and 4) the achievement of gender equality between men and women.

53. With a strategic focus on prevention of violence, protection of women and prosecution of perpetrators, the Policy sets out key areas of work including: developing national commitments to eliminate violence against women, strengthening legal frameworks and justice systems, increasing public awareness and advocacy, improving victim's services, and providing rehabilitation and treatment of perpetrators. While these key areas of work are indeed strategic in the elimination of violence against women, the Special Rapporteur received limited information regarding to what extent they have actually guided the government's efforts to address the problem. The general perception among interviewees was that a lack of sufficient resources and political commitment at the highest levels, has affected progress in these areas of work.

54. When established, the EVAW Policy envisaged the allocation of sufficient government resources for the implementation of the policy, including the appointment of an EVAW coordinator within the MWYCFA.⁵⁶ At the time of the mission, the EVAW Policy Officer was being recruited with the financial support of RAMSI's Law and Justice Program for an initial period of 15 months.

55. To promote the implementation of these two policies, as well as their ownership by governmental and non-governmental stakeholders, the Ministry established five National Taskforces which cover five main crosscutting issues: 1) Health and Education, 2) Economic Status of Women, 3) Decision making and Leadership, 4) Eliminating violence against women (EVAW), and 5) Gender Mainstreaming. These are chaired by high ranking officials from relevant ministries and report to a National Steering Committee (on Gender Equality and Women's Development), which is the main oversight mechanism for these policies and reports directly to Cabinet.⁵⁷

⁵⁴ GEWD Policy, Strategic Plan of Action, pp. 6-8.

⁵⁵ An umbrella organization for all women's organisations in the country.

⁵⁶ Section 6.1.4 of the Policy states: "Government will provide sufficient resources for the implementation of this policy. [...] Government will also provide sufficient resources for the appointment of an EVAW coordinator in MWYCA to implement the Policy and its NAP."

⁵⁷ PIFS, op.cit. See also: EVAW Policy, Annex 1: National Steering Committee.

56. The MWYCFA has held orientation meetings with the chairs and co-chairs of each of the taskforces, in order to introduce gender related concepts and terminology. Ministries involved in each taskforce are also required to report on the work they have undertaken to implement the policies, and to identify how the MWYCFA can assist them. This has allowed the MWYCFA to assess the role that each Ministry has assumed as regards the implementation of both women's policies. It still remains for participating Ministries to internalise the implementation of the taskforce objectives, ensure their ministries are adequately involved and have clarity of their work's linkages with gender issues.⁵⁸

57. The EVAW Taskforce is comprised of representatives from the MWYCFA and other government agencies (police, health & medical services, and education agencies), together with civil society organizations, media organizations and donor partners. The Special Rapporteur met with government officials in several ministries participating in the EVAW taskforce, who shared the steps that have been taken to implement the EVAW Policy.

58. As regards the Ministry of Health, the main focus has been to improve the capacity of health service providers to identify and adequately address cases of violence against women and girls they attend to on a daily basis. With the support of the WHO and UNFPA, medical staff have received specific training, including on the identification, documentation and adequate care of sexual assault victims. Furthermore, clinical protocols for the treatment of survivors have been developed, as well as a standard medical report form for physical and sexual violence cases. Since November 2010, 323 cases of gender based violence have been registered. At the time of the Special Rapporteur's visit, a "quiet room" had been set up in the Honiara Hospital to provide a safe and private space for victims to receive counselling and information on referrals services.

59. The Special Rapporteur was informed however, that important challenges still remained as regards the need for forensic training, ensuring the use of the standardized medical forms, and referring cases of gender based violence to the authorities. Hospital staff explained how cases coming through emergency services are not always adequately registered or referred to appropriate services, even more so in provincial facilities. It is therefore not uncommon for women to be sent home by medical staff after treatment. Furthermore, medical staff is not required to report cases of violence against women to the police, and this is only done in very severe cases.

60. The Special Rapporteur was informed of the SafeNet referral system for victims, which was launched together with the Social Welfare Division, the Police, the Public Solicitors Office and two civil society organizations providing services to victims, the Christian Care Center and the Family Support Center. The objective of the SafeNet referral system is to better coordinate the work of these various stakeholders working on gender-based violence and facilitate referrals. It also aims to develop a national database on gender-based violence that will capture the information from all these service providers in a coherent manner. A memorandum of understanding between the participating institutions is to be signed to formalize the initiative and to recruit a SafeNet Coordinator.

B. Shelters and services

61. There are currently just two NGOs providing shelter and other services for women victims of violence, with both being based in Honiara. The Family Support Centre (FSC) provides legal information and facilitates referrals to the police and other authorities. It also

⁵⁸ PIFS, op.cit.

carries out awareness-raising programs and skills training at the community level. In 2011 the FSC assisted 304 clients, 62 of which were domestic violence victims. The FSC handled cases of sexual harassment (2 clients), child sexual and/or physical abuse (47 clients), as well as 68 clients who required assistance regarding divorce, child custody and maintenance issues. Of the total clients, 63 were "repeat clients".

62. The Christian Care Centre (CCC) is the only shelter for women victims of violence in Solomon Islands. Besides providing housing, the CCC offers counselling services and conducts community awareness programs. During the mission, the Special Rapporteur visited the Centre and met with some of the women and children sheltered there, as well as with the staff and the director.

63. One of the main issues that came up during this visit was the inability of women to leave the shelter, due to lack of employment, family support or any means to support themselves and their children. While the shelter is only supposed to receive women for some weeks, the Special Rapporteur met women that had been there between three and seven months. The shelter provided activities that are considered beneficial and soothing such as sports, prayer groups and bible study. Women were not receiving any vocational or skills training, nor engaging in any productive activities such as gardening or marketing, to prepare them for independent living outside the shelter.

64. The few organizations providing counselling and shelter services for women victims of violence work with insufficient resources that are received exclusively from donors. There is no funding being received from the government, despite the obligation of the state to provide redress measures, including counselling and shelter services. As regards the provinces, such services are largely non-existent.

65. The Special Rapporteur was informed about a government pledge to devote five million Solomon Islands dollars to be used for the establishment of women's resource centres in each constituency. According to the MWYCFA, these centres would not be managed by the provincial governments, but directly by Members of Parliaments in their constituencies. One of the main envisaged challenges for the establishment of such centers would be the need to allocate land for their constructions. Concerns were also raised regarding the lack of information about the budget allocation, the planning and model that would be used to establish these centers, as well as the staffing provided. This lack of clarity raised concerns that the use of these funds could be politicized or mishandled by parliamentarians and would not be used for their original purpose of establishing women's resource centres within each constituency.

C. The formal justice system

66. As regards access to judicial services, the current centralization of the legal system prevents cases of violence against women from reaching the courts. Women do not have access to court facilities as circuit courts are not operational due to financial constraints. There are currently only ten magistrates serving in Solomon Islands, seven local, and three foreigners provided by RAMSI, all based in Honiara. There is also a shortage of lawyers at the provincial level. The Special Rapporteur was informed of a case of domestic violence in which the victim had to be assisted and prepared for court by a social welfare officer.

67. There is a clear disconnect between the capital and the rest of the country as regards access to justice. This is reflected in the lack of infrastructure, and human and financial resources; and the lack of sufficient numbers of judges, magistrates and lawyers, in the provinces. The Special Rapporteur met with some civil society organizations that strive to raise awareness and bring cases of violence against women to the formal justice system in the capital. However, the remoteness of these locations and the cost for victims to take their

cases to the courts reinforces the community tendency to solve cases of violence against women through traditional justice systems.

68. The practice of customary reconciliation and compensation is of particular concern in cases involving women victims of violence, due to the traditional and patriarchal nature of traditional systems, which rarely provide real justice to women victims. It was made clear to the Special Rapporteur that in most cases, compensation benefits the male members of a victim's family and not the victim herself. In the case of young women and girls, negotiations are carried out between the victim's parents or guardians, and the adults involved rarely take into consideration the specific needs or wishes of the victim. One of the main challenges of reconciliation in cases of domestic violence is that it rarely takes into consideration the unequal societal positions of women and men, or factors such as the economic dependence of women, the cultural and societal pressure they face to maintain the family unity, or the fears women may have of losing their children or harming them by separating them from their father.⁵⁹ Furthermore, this system allows for perpetrators to remain unaccountable for the harms they have inflicted, as cases do not reach the Magistrate court.

69. The Special Rapporteur met with some faith based organisations that try to raise awareness about the human rights of women and build upon the strong influence that church leaders have. Initiatives include the training and sensitization of religious leaders, to encourage them to use and promote a human rights discourse and use their sermons to challenge the traditions and practices that are harmful or violent to women in their communities.

70. Local courts are statutory courts that usually deal with land issues. Enabling legislation includes provisions that allow for customary procedures through the village chiefs. Litigants usually go to the local courts only when there are disagreements as regards compensation. The adjudicators in local courts are not lawyers, and can include educated persons with some experience of solving problems, such as church pastors, priests, or retired officials. The Special Rapporteur was informed that they do not receive any training or induction when selected. It is reported that people are slowly starting to bring cases to the Magistrate Courts especially as they fear that compensation cases will not be successfully litigated in the local courts.

71. Domestic violence cases are not seen as a priority by lawyers, as they prefer to take on cases that might be heard in the High Court. The Special Rapporteur was told that lawyers in the Public Solicitor's Office (PSO) often refuse to represent victims of domestic violence if there are no visible injuries on their bodies. Women reaching out for legal assistance are often requested by the PSO to come back when they have a black eye or a broken bone, in order to apply for a protection order. Even women who had received death threats by their spouses will often not receive the support of the PSO due the absence of physical injuries.

72. The cases of violence against women and girls that reach the Magistrate's Court mainly involve sexual abuse, rape, "defilement" and indecent assault. No cases of sexual harassment have been addressed to date. The majority of cases brought to the courts involve young girls, as these cases are more easily condemned by society. At the time of the Special Rapporteur's visit, there were 32 active cases regarding sexual offences in the Magistrates Court and the High Court. Domestic violence cases involving adult women rarely reach the courts, even if they involve physical violence. The exceptions are cases that result in very

⁵⁹ Goodenough, Nick, "Reconciliation and the criminal process in the Solomon Islands", *Journal of South Pacific Law*, Volume 10 2006 - Issue 1.

severe and visible injuries. However, these cases are not addressed as “domestic violence” cases but as general assault cases.

73. Even though marital rape is not criminalized, the Special Rapporteur was informed of one case of marital rape that was pending before the High Court. The prosecution initiated this case by focusing on article 136 of the Penal Code that defines rape and refers to “any person” who has sexual intercourse with a woman without her consent, and this was used to persecute the victim’s husband. The Special Rapporteur was also informed of another case in which a victim’s husband was accused of being “witness” to a rape. These are encouraging examples of attempts to achieve justice which reflect how the criminal justice system could work creatively to overcome the deficiencies of the law. .

74. However, judges explained that many of the reported cases do not reach them because of the failure of the police to act according to the law, the failure to conduct proper investigations and to collect the necessary evidence. There are weaknesses in the prosecution of such cases. Another obstacle is the time factor for victims coming forward, particularly in the case of young girls who experience sexual violence. The consequence is that such cases prescribe, due to the current legal provisions. Victims also face the traumatic experience of conveying to the police what happened to them, given that in many cases they do not recognize such abuse as a crime.

75. Judges may grant protection orders for domestic violence, but these are only available to married women and can only be obtained from a court. Once the protection order is obtained, it is not necessarily respected or enforced by the police.

76. Interviewees reported lack of training and sensitivity by police officers dealing with cases of domestic violence, who often allow their own personal and traditional views to influence their decisions on whether to enforce protection orders. Other policing challenges conveyed to the Special Rapporteur included the following: the Family Violence Support Unit being currently staffed with just one person, who is constantly overwhelmed; having 6 officers working in the sexual assault unit, but who also work on other cases; the unavailability of police escorts, due to lack of vehicles or fuel; and the non-operation of the 999 emergency number. Furthermore, police officers themselves are sometimes perpetrators of domestic violence. The Special Rapporteur was informed that a Family Violence Policy and Standard Operating Procedures was established by the Police Force to guide their interventions in cases of domestic violence. According to this policy, family violence is to be treated as a crime, offenders are to be held accountable for their actions and victims are to be kept safe, including when perpetrators are members of the police force.⁶⁰

77. The lack of specialized court services which screen cases of domestic violence and assist in preparing victims to undergo a court process is also a challenge. Judges and prosecutors are not sensitized to the specific needs of women victims of violence, victims are exposed to long waiting periods, lack of privacy, lack of adequate legal counsel or psycho-social support, and cases are not treated with the necessary priority or urgency, as priority is reportedly given to trials associated with ‘the tensions’. It is noted that the few cases of violence against women brought to court, do result in a conviction in 60% of the cases, but usually with very low sentences. Sentences do not adequately reflect the long term social and psychological consequences of violence, nor a commitment to holding perpetrators accountable. The introduction of victim impact statements, or mandatory minimal sentencing was discussed with several stakeholders, as possible alternatives that could help ensure substantive justice.

⁶⁰ Policy P/2010/CI/002

78. The issue of compensation also limits the number of cases that are brought to the courts. In many cases parents of victimized girls refer the situation to local chiefs who negotiate the punitive measures for perpetrators. The Special Rapporteur was informed of a case in Malatia in which a group of juveniles had been accused of rape. The case was discussed locally and it was only because the issue of compensation was not agreed to by the victim's parents, that they referred the case to the police, and the young men were prosecuted and eventually convicted. There is a lack of knowledge among families that accountability for the crimes committed against them or their daughters can be sought in different ways other than just through compensation.

79. Customary reconciliation and payment of compensation are considered mitigating factors in Solomon Islands when sentencing. In the 1990 case of *R v Asuana*, the High court judge stated that "[...] compensation is an important means of restoring peace and harmony in the communities. Thus the courts should always give some credit for such payment and encourage it in an appropriate case. [...] any custom compensation must be considered by the court in assessing sentence as a mitigating factor but it is limited in its value. The court must avoid attaching such weight to it that it appears to be a means of subsequently buying yourself out of trouble [...]. The true value of such payments in terms of mitigation is that it may show genuine contrition and the scale of payment may give some indication of the degree of contrition".

80. The Special Rapporteur was also referred to the case of *N. v Regina*, which was heard before the Court of Appeal of Solomon Islands in 2009. A young man convicted for rape and sentenced to 6.5 years in prison appealed the decision arguing that mitigating circumstances were not adequately taken into consideration by the sentencing judge, including the fact that his family had participated in a customary reconciliation ceremony in which compensation had been paid to the victim's family.⁶¹ Nevertheless, in this case, the appeal judge decided that the mitigating factors did not outweigh the aggravating circumstances and dismissed the appeal. Furthermore, the judge highlighted how subsequent to the traditional reconciliation the accused had continued to plead "not guilty" and suggested that the victim had consented to sexual intercourse. In his view this showed that the perpetrator did not show "any contrition for his offending" even after reconciliation and compensation had taken place.

81. While the abovementioned decision by the Court of Appeals has provided a guideline as regards compensation in cases of violence against women, judges are reportedly still not following such guideline. Cases that do come to court continue to allow for the consideration of any compensation received as a mitigating factor in the sentencing process, which results in low sentences being imposed in many instances.

VI. Conclusions and recommendations

82. Solomon Islands faces on-going challenges to overcome poverty and underdevelopment, and is making some efforts, together with its development partners, to overcome such challenges. The country is also undergoing a process of healing and reconciliation following the five years of tensions that took place between 1998 and 2003. The Government of Solomon Islands has taken some positive steps to promote women's human rights and develop policies towards the elimination of violence against them, including through the development of the National Policy on Gender Equality and Women's Development and the National Policy on Eliminating Violence against Women;

⁶¹ See *Nickson v Regina* [2009] SBICA 17; Criminal Appeal 11 of 2008 (26 March 2009)

the review of the Penal Code and Criminal Procedure Code; the promulgation of the Evidence Act; and the proposed review of laws relating to marriage and divorce.

83. However the limited avenues for justice available to women victims of violence remain an important challenge. There is currently no specific legislation addressing the issue of violence against women; marital rape is still not criminalized by law; and the implementation of available legislation and protection mechanisms by the police and other authorities, is deficient. Structural obstacles also limit women's access to the formal justice system. In remote regions, women victims of violence face generalised impunity, lack of access to services and shelters, lack of legal representation and limited awareness of their rights. This is coupled with the increasing risks faced by women and girls as economic activities such as logging or fishing continue to develop without adequate oversight from governmental authorities.

84. In light of the above, the Special Rapporteur would like to make the following recommendations:

A. Law and policy reforms

85. The Special Rapporteur recommends that the Government:

- a) Make the necessary constitutional amendments to explicitly define and prohibit discrimination, including on the grounds of sex, in the Constitution of Solomon Islands, in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
- b) Adopt affirmative action measures to increase the participation of women in political life, including temporary special measures to allow for reserved parliamentary seats for women in the next national elections.
- c) Provide for temporary special measures, including quotas and preferential treatment, to advance women's integration into education and the economy, and provide incentives to increase the employment of women within the public and private sector;
- d) Consider as a matter of priority the enactment of a specific law on violence against women. Such a law should contain provisions regarding domestic violence (providing for civil and criminal remedies), sexual violence and sexual harassment. A specialized law should be holistic and provide victims with preventive and educational measures, as well as protection and assistance measures, and provide for sanctions against perpetrators. The elaboration and adoption of such a law requires a process that is consultative and incorporates the opinions of civil society and victims/survivors. Such a law should also be accompanied by dedicated budget allocations for its effective implementation, and by action plans to build the capacity of all relevant actors, including civil society organizations.
- e) Complete, as a matter of urgency, the reform of the Penal Code to ensure:
 - i) the criminalization of any form of sexual violence and abuse, including the crime of marital rape;
 - ii) the inclusion of a broad and comprehensive definition of rape that takes into consideration anal and oral penetration, as well as rape that is committed with objects;
 - iii) the elimination of any classification of sexual violence or abuse as an "offence against morality";

- iv) the establishment of minimum sentences for cases of sexual violence or abuse;
 - v) eliminate any statute of limitations for cases of rape and sexual abuse; and
 - vi) establish more appropriate sentences for the crime of incest, and remove any penalties against victims who are over 15 years old.
- f) Make the necessary amendments to the Islanders Marriage Act of 1945 to establish the age of 18 as the legal minimum age for marriage for both men and women.
- g) Make the necessary amendments to the Islander's Divorce Act to ensure that women victims of domestic violence do not need to produce evidence as a condition prior to filing for divorce, and eliminate any discriminatory provision as regards the payment of damages for adultery, women's entitlements to matrimonial property, and the allocation of maintenance payments.
- h) Strengthen the institutional framework for the protection and promotion of women's human rights, including through the provision of increased financial and human resources to the Ministry of Women, Youth, Children and Family Affairs. The Ministry and the EAW Policy Officer should be provided with the necessary authority, visibility and support to adequately implement the Gender Equality and Women Development Policy and the National Policy on Eliminating Violence. Other relevant ministries and authorities, in particular those participating in the five National Taskforces, should be encouraged to hold periodic meetings, open to women's rights organizations, to discuss women's human rights challenges and solutions that could inform the formulation and implementation of these policies and programmes.
- i) Establish as one of the country's development priorities, and as matter of urgency, the reactivation of circuit courts, in order to facilitate access to judicial services for women victims of violence living outside the capital. This should include the provision of infrastructure, human and financial resources, including providing an adequate number of judges, magistrates and lawyers in the provinces.
- j) Allow for the provision of protection orders for unmarried women victims of violence, and establish suitable procedures for women living in the provinces and who have no access to the courts.
- k) Strengthen the role of the Family Violence Support Unit of the police, including by providing adequate human, financial and material resources, and extend their presence in all provinces. The Royal Solomon Islands Police Force should take the necessary steps to ensure the adequate application of the Family Violence Policy and Standard Operating Procedures including among its members.
- l) Continue and strengthen any capacity building activities for medical staff in hospitals and clinics, as regards forensic training, the use of standardized medical forms, and the adequate and timely referral of cases of gender based violence to the relevant authorities.
- m) Support the strengthening and formalization of the SafeNet referral system for victims of violence, in particular the initiative to develop a national database on gender based violence that will capture the information collected by different service providers in a coherent manner. Develop, to this end, the necessary regulations, protocols and instructions to provide clear guidance to the participating health, police, legal, social and welfare service providers.

n) In cooperation with women's organisations and development partners, and as a matter of urgency, develop a project for the establishment of a government-run shelter for women victims of violence. The shelter should not only provide temporary refuge, but also legal and medical support, and vocational or skills training to help women engage in productive activities to foster independence after leaving the shelter.

o) Engage with civil society organisations, donor agencies and development partners to develop and execute the establishment of women's resource centres in each constituency of the country. Ensure that information regarding the budget and planning of such centres is available to the public, and that such processes are not used for political ends by parliamentarians.

p) Cooperate with and provide support to non-governmental organizations, particularly those operating in remote regions, to ensure their full participation in all efforts aimed at eliminating violence against women.

q) Establish a monitoring system that ensures the investigation, prosecution and punishment of any cases of violence against women and girls committed by national and foreign employees of logging and fishing companies in the remote regions. This should reflect the international human rights standards as per the Guiding Principles on Business and Human Rights (A/HRC/17/31).

B. Statistics and data collection

86. The Special Rapporteur recommends that the Government:

a) Establish a standardized system for the collection and analysis of data, disaggregated by sex, race, age and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women in the country.

b) In cooperation with development partners and donor agencies, develop monitoring and evaluation tools to evaluate progress made in responding to violence against women in a clear systematic way, and integrate such tools in the country's periodic demographic and health surveys.

C. Societal change and awareness-raising

87. The Special Rapporteur recommends that the Government:

a) Design and launch targeted awareness-raising campaigns to educate and change societal attitudes, particularly those that place women in a lower social status than men. Support, strengthen and replicate awareness raising and sensitisation programmes on women's human rights and violence against women for local community authorities.

b) In collaboration with development partners and donor agencies, develop, systematize and tailor capacity-building and training activities for all those involved in providing services to women who have been subjected to violence, including policymakers, judicial officers, health-care professionals and other service providers.

* * * RAPPORT DE RESULTAT DE LA COMMUNICATION (26. NOV. 2012 14:33) * * *

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TÉLÉCOPIE - FACSIMILE TRANSMISSION

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OBJET/SUBJECT: Letter from the Special Rapporteur on violence against women, its causes and consequences

Excellency,

Please find attached a letter and the advance unedited copy of the report of the visit that the Special Rapporteur on violence against women, its causes and consequences, undertook to Solomon Islands from 11 to 16 March 2012.

Please accept, Excellency, the assurances of my highest consideration.