NGO SHADOW REPORT ON THE STATUS OF WOMEN IN SOLOMON ISLANDS

**This report was prepared by the following NGOs:**

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People with Disabilities Solomon Islands

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Solomon Islands National Council of Women

Solomon Islands Planned Parenthood Association

YWCA Solomon Islands

Vois Blo Mere

Women’s Rights Action Movement (WRAM)

Western Provincial Council of Women, Gizo

World Vision Solomon Islands
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, young 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 lack of availability of sex and age disaggregated data across the multiple issues affecting the ability of women, young women and girls to fully enjoy their human rights.

Through the process, we realized just how many women, young women and girls in Solomon Islands who have not heard of CEDAW and do not know (and therefore do not claim) their human rights. Several of the NGOs that participated in the development of this report have committed to further advocacy and awareness-raising on CEDAW specifically and on human rights more generally.

The Solomon Islands government has developed some good policies and initiatives to mainstream gender, but this has largely been concentrated within the Government Women’s Machinery. Implementation of these policies is yet to be realised. The government women’s machinery itself is lacking in capacity. There is a dire need for whole of government to take active steps towards gender equality and undertake law and policy reform and effective measures to stop discrimination faced by women and girls in the country. Civil society organisations encourage government to take action to support service providers through funding.

There are certain groups of women who more vulnerable and need targeted intervention by government. This includes young women, women in rural areas, women and girls with disabilities and women who are victims of violence. Support from government needs to be more than just policy support. Active steps need to be taken to ensure that vulnerable groups are able to enjoy their rights.

Civil Society in Solomon Islands have a duty to seek accountability from government and seek for government to consider issues raised by CSO organisations. This report highlights the following critical issues and recommendations:

- **CEDAW** – Adopt CEDAW provisions into the national legislation;

- 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, including reinstating section 54(1) of the Draft Constitution and amending it to read: “Women have the right to full and substantive equality.”
• Prioritize reform of comprehensive family law and employment law.

• *Gender-Inclusive Legislation* – Ensure inclusive language in all legislation in order to protect women’s rights to substantive equality and non-discrimination.

• *Disaggregated Data* – Regularly collect comprehensive sex, age and disability-disaggregated data and use this data to reform laws and develop programs that aim to achieve women’s equality.

• *Universal Periodic Report* – Implement recommendations from UPR to advance the situation of women 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).

• *National Human Rights Institution* – Create a National Human Rights Institution, at arms-length 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.

• *Gender equality* – Draft a Gender Equality Law which is based upon and includes 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.”

• *Monitoring and Evaluation* – 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.

• *Ministry for Women, Youth, Children and Family Affairs* – 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. Ensure that this budget allows the Ministry for Women to hire the staff needed to achieve its outcomes.

- **Rural Women** – 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.

- **Gender Roles and Stereotypes** – 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. Gender-based violence is severely damaging women’s ability to fulfil their human rights. The Government must take active steps to combat cultural and religious beliefs that endorse violence and domination over women.
Table of Contents

Executive Summary ............................................. Page 3

Part 1: Critical Issues

aniece Against Women .......................................... Page 8
Violence Against Women Recommendations Page 9
Corruption and Women .......................................... Page 10
Corruption and Women Recommendation Page 10
Women with Disabilities ........................................ Page 11
Women with Disabilities Recommendations Page 12

Part 2: Articles of CEDAW

Article 1 and 2: Non-Discrimination and
Obligation to Eliminate Discrimination Page 14
Rape and Rape in Marriage .................................... Page 14
Same Sex Relationships ........................................ Page 15
Same Sex Relationships Recommendations Page 15

Article 4: Temporary Special Measures
Recommendations ............................................... Page 16

Article 5: Modification of Social and Cultural Patterns of Conduct Page 17
Bride Price ....................................................... Page 17
Age of Marriage ............................................... Page 17
Unpaid Work in the Home and Child-rearing ............... Page 17
Attitudes Impacting Equality ................................. Page 17
Attitudes Impacting Equality Recommendations Page 18

Article 6: Trafficking and Prostitution Page 18
Trafficking of Women and Girls ............................... Page 18
Prostitution ..................................................... Page 19
Prostitution Recommendations ................................ Page 19

Article 7: Political and Public Life
Recommendations ............................................... Page 19

Article 8: Participation at the International Level
Recommendations ............................................... Page 20

Article 9: Nationality
Recommendations ............................................... Page 20

Article 10: Education
Recommendations ............................................... Page 21
Violence Against Girls .......................................... Page 21
Literacy Rates .................................................... Page 21
Comprehensive Sexuality Education ......................... Page 21
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solomon Islands Government Scholarships for Education</td>
<td>21</td>
</tr>
<tr>
<td>Sex Roles and Stereotypes in Education</td>
<td>21</td>
</tr>
<tr>
<td>Human Rights Education</td>
<td>22</td>
</tr>
<tr>
<td>Civic Education</td>
<td>22</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>23</td>
</tr>
<tr>
<td><strong>Article 11: Employment</strong></td>
<td>24</td>
</tr>
<tr>
<td>Maternity Leave</td>
<td>24</td>
</tr>
<tr>
<td>Social Norms that Economically Disadvantage Women</td>
<td>25</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>25</td>
</tr>
<tr>
<td><strong>Article 12: Health</strong></td>
<td>26</td>
</tr>
<tr>
<td>Social Norms Inhibiting Access</td>
<td>26</td>
</tr>
<tr>
<td>Early Termination of Pregnancy (Abortion)</td>
<td>26</td>
</tr>
<tr>
<td>Limited Capacity of Health System</td>
<td>26</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>27</td>
</tr>
<tr>
<td><strong>Article 13: Economic and Social Benefits</strong></td>
<td>28</td>
</tr>
<tr>
<td>Lack of Access to Household Income</td>
<td>28</td>
</tr>
<tr>
<td>National Provident Fund</td>
<td>28</td>
</tr>
<tr>
<td>Banking</td>
<td>28</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>29</td>
</tr>
<tr>
<td><strong>Article 14: Rural Women</strong></td>
<td>29</td>
</tr>
<tr>
<td>The Mid-Term Development Strategy</td>
<td>30</td>
</tr>
<tr>
<td>Provincial Agricultural Officers</td>
<td>30</td>
</tr>
<tr>
<td>Women and Agricultural Income</td>
<td>30</td>
</tr>
<tr>
<td>Provincial Women Officers</td>
<td>30</td>
</tr>
<tr>
<td>Access to Health Care</td>
<td>31</td>
</tr>
<tr>
<td>Access to Education</td>
<td>31</td>
</tr>
<tr>
<td>Access to Justice</td>
<td>31</td>
</tr>
<tr>
<td>Access to NGOs</td>
<td>31</td>
</tr>
<tr>
<td>Access to Roads</td>
<td>32</td>
</tr>
<tr>
<td>Clean Water and Sanitation</td>
<td>32</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>32</td>
</tr>
<tr>
<td><strong>Article 16: Marriage and Family Life</strong></td>
<td>33</td>
</tr>
<tr>
<td>Divorce and Matrimonial Property Legislation</td>
<td>34</td>
</tr>
<tr>
<td>Land Ownership and Inheritance</td>
<td>35</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td>36</td>
</tr>
</tbody>
</table>
Part 1: Critical Issues

**Violence against Women**

Reports on violence against women appear in the main newspaper the Solomon Star almost on a daily basis. These cases which come before the courts are the few cases of domestic violence are reported to the Police and other service providers. There is very low reporting of domestic violence cases because society sees violence against women not as a crime, but as a private domestic matter.

There is no trust that the justice system will work to protect victims. Many members of the Police force were militants during the tensions, making public trust in the Police a problematic issue. 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 lack of transport or staff shortage as an excuse not to provide prompt service or not responding to calls at all.¹

Attempts to deal with this problem of accessibility by NGOs include YWCA in Munda buying the Police a mobile phone which was never activated by the Police. The Solomon Islands Christian Association Women’s Desk has previously trained Provincial focal points who could advise women on where to seek assistance when they face violence. However, due to lack of funding and government not supporting this initiative, this initiative is not working for women in the Provinces.

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 goes to the family, not the actual victim. This means what while compensation is often claimed on a woman’s behalf she is not able to exercise decision-making over how that money is spent.

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. Both are located in Honiara, which makes them inaccessible to the majority of women in Solomon Islands. Government does not provide any support for these NGOs. Further, there is a complete lack of affordable housing in Solomon Islands, including for women fleeing violence. This severely limits the number of women who have the possibility to leave violent situations.

¹ World Visions, *Community Vision for Change Baseline Report 2012*
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) has been pending for several years. Meanwhile, doctors and health care workers report that they desperately need to be trained on a system for referral to service providers for victims of violence. This training remains to be achieved.

In recent years the Courts have become less tolerant of gender based violence. In October 2012, a Judge gave the highest rape sentence to date of 10 years. The maximum penalty for rape is lifetime. New legislation 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 lie\(^2\). 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 Police have a Domestic Violence and Sexual Assault Unit which has done great work. However, the whole Police Force must have the capacity to respond effectively to gender based violence within the family.

**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. Although there are many cultural taboos against women talking about sexual violence, the *Women’s Submission to the Solomon Islands Truth and Reconciliation Commission* reports that a high number 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.

Domestic violence also increased during the tension, with women reporting regular physical abuse resulting in fractured arms, legs and bodies and the destruction of personal belongings and clothing. Violence against children, including girls, also increased. Other women were forcibly detained. The levels of violence against women and girls have remained high following the tensions.

Although the Government created the Solomon Islands Truth and Reconciliation Commission, the report of the Commission has never been released. There is still significant tension just under the surface in communities in Guadalcanal province and other provinces, and the almost monthly attempts to pass motions of No Confidence in Parliament are evidence of just how close Solomon Islands is to another conflict. 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, will leave Solomon Islands in the

next eighteen months. Women are afraid of what will happen when RAMSI leaves. One woman said, “The police we have now were all militants in the tension. We don’t trust them. When RAMSI leaves we are afraid it will go back like before.”

**Recommendations:**

- Hasten the *Penal Code* Review and ensure that it is in line with 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.
- Hasten the development and implementation of the Family Protection Bill. The Bill must be comprehensive and cover all forms of domestic violence, including all civil and criminal aspects such as protection orders, evidence laws, health, education, social welfare, and community support services.
- Legislate mandatory prosecution for domestic violence, standardize gender-responsive procedures for prosecution, and ensure mandatory and prompt response by Police into every complaint of violence against women including domestic violence.
- Ensure that the victim’s testimony is sufficient basis of credibility without need for corroboration of crimes of violence against women, just as the victim’s testimony is sufficient for all other crimes, with no extra burden of evidence.
- 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.
- Facilitate the immediate signing and implementation of the SafeNet Referral System for service providers.
- Implement the GEWD and EVAW 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 EVAW Policy. NGOs should be involved in these programs as well as monitoring and evaluation.
- Urgently provide technical and 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 violence against women services to be fully accessible to women with disabilities.
- Develop, implement, finance and support quality affordable housing that prioritizes women and their children fleeing violence and is 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.
- Release the report of the Solomon Islands Truth and Reconciliation Commission.
- Develop and implement programs to reduce tensions between communities/ethnic groups.

**Corruption and Women**
Corruption is prevalent in the Solomon Islands, disproportionately favours men, and maintains male dominance of politics, business and social realms. It also wastes valuable national income needed to provide services to improve women’s rights and lives.

**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.

**Women with Disabilities**

A first ever national disability survey was held in 2005. This survey found that 45% of the disability population are women with disabilities. In 2009, the Solomon Islands Census recorded a total of 30,114 persons with disabilities. Based on World Health Organization estimates, the number should be over 60,000.

Sections 4-15 in the Constitution provides for the protection and rights of individuals. People with Disabilities Solomon Islands would like to make a blanket statement that women with disabilities are not protected under these sections. There is no protection of women with disabilities in all the individual rights stated in the constitution. The rights of women with disabilities are often not addressed at all. National mechanisms to promote and protect the rights of women with disabilities have not been able to mainstream disability into their programs.

In Solomon Islands, women with disabilities have no or little access to many basic services and are:

- 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/AIDS

In Solomon Islands women with disabilities are discriminated against based on gender, disability and economic status. Women with disabilities are usually the poorest of the poor. 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 disability girl, you stay at home and do the washing. They didn’t want me to leave the house.”

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3 Solomon Islands National Disability Survey 2005, SIG/EU

Women with disabilities are often excluded from government policy, including gender policies. For example, the EVAW Policy has captured important thematic areas; however, it has failed to mention 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 country.

**Access to Education**

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. In Solomon Islands, 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. In Solomon Islands, the total population of girls attending school is twice the rate of girls with disabilities (37% compared to 18%). Ministry of Education and Human Resource Development data suggests that only 2% of the total enrolments in schools are children with disabilities.

**Violence against Women with Disabilities**

Women with disabilities are also vulnerable to all forms of violence. However, the Family Health and Safety Study did not include any data on women with disabilities. According to the World Report on Disability, people with disabilities are at a greater risk of violence. Women with disabilities who are most vulnerable no doubt experience violence and sexual abuses. 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. Lack of accessibility to shelters (if any) and economic dependence on the perpetrator makes it difficult for a girl or women with disability to report abuse or protect her children from abuse.

**Recommendations:**

- Include in the Solomon Islands Constitution an anti-discrimination clause protecting from direct or indirect discrimination against all persons with disabilities.
- Include in the Solomon Islands Constitution, an amendment to ensure that “…any legislation for the advancement of women, girls or persons with disabilities shall not be discriminatory” and instead shall be considered part of the state obligation to ensure substantive equality and non-discrimination.
- Ratify, domesticate and fully implement the Convention of the Rights of Persons with Disabilities and the Optional Protocol.
- Develop and fully implement a national action plan on disability and ensure consultation with People with Disabilities Solomon Islands at all stages.

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5 Sexual and Reproductive Health Needs of Women Living with a Disability in the Solomon Islands, UNFPA, 2011
6 Pacific Sisters With Disabilities: at the intersection of discrimination, Stubbs and Tawake, UNDP, 2009
8 World Report on Disability P59, 2010
9 Pacific Sisters With Disabilities: at the intersection of discrimination, Stubbs and Tawake, UNDP 2009
• Ensure that all legislation has specific provisions to protect women with disabilities.
• Ensure that all public services are accessible to women with disabilities.
• Develop and implement incentives to ensure representation of women with disabilities across all sectors.
• Mainstream disability in all legislation, policy, program and activities.
Article 1 and 2: Non-Discrimination and Obligation to Eliminate Discrimination

Solomon Islands Constitution Section 15 provides protection to the citizens of the country from discrimination. However, it does not provide protection for indirect discrimination and fails to provide for reasonable accommodation. It also has a number of problematic exemptions including several that have a serious impact on the realisation of the right to non-discrimination for women. These include the exclusion of personal laws, customary law and law to do with land ownership in Article 37(5) (c), (d), and (e) respectively. Other problematic exemptions include the exclusion of non-citizens from protection and the exclusion of laws relating to taxation or other government appropriation of revenue.

There are currently consultations on a Draft Federal Constitution. In the most recent draft, a proposed comprehensive provision on discrimination was replaced with the text of Article 15 from the current Constitution.

Government tends to allocate gender equality responsibilities to the Ministry of Women. However, the responsibility to mainstream gender and stop gender discrimination should be a combined multi-sectoral government responsibility and not just that of the Ministry of Women. As the Ministry of Women has the smallest budget of all Ministries, it seems obvious that the government is not serious about gender equality.

It must also be noted that religion or religious faith has a great influence on the status of women and girls in Solomon Islands society. Raising awareness among, and working with, religious, faith and Church leaders and faith-based NGOs on gender equality and women’s rights must be a critical part of the government’s strategy in Solomon Islands.

Rape and Rape in Marriage

On October 8, 2012 the High Court of Solomon Islands issued a ruling in the case of Regina –v- Macberth Gua[10] that stated, “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.

Another promising step forward is the creation of a Family Protection Unit in the Public Prosecutor’s Office, headed by a young woman, with dedicated lawyers to deal with sexual offences.

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 10 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.

Same Sex Relationships:

Women, young 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. 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.

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 are at increased risk of: (1) women and their children not being legally eligible to receive their partner’s National Pension Fund income when their partner dies, and (2) women and their children being denied rights to property ownership and inheritance when their relationship ends due to separation or death of their partner.

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.

**Recommendations: Article 1 and 2**

- Include in the Solomon Islands Constitution an anti-discrimination clause protecting against direct or 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.
• 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 legally recognizing and protect 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 religious, faith and Church leaders and groups and NGOs, including through SICA, and provide gender equality training with Biblical references that support women’s rights (e.g. Channels of Hope).\textsuperscript{11}

\textbf{Article 4: Temporary Special Measures}

There should be more awareness on the relevancy for Temporary Special Measures for Women in Parliament proposition as a measure to address needs of disadvantaged specialised or interest groups and those with special needs, for example Temporary Special Measures for Reserved Seats for Women.

\textbf{Recommendation: Article 4}

• Adequately budget for and implement the policy on Gender Equality and Women in Development, particularly outcome 3 (Equal participation of women and men in decision making and leadership) which falls under CEDAW Article 4 on Temporary Special Measures.
• Finance awareness programmes on Temporary Special Measures in rural communities.

\textsuperscript{11} For more information, see the Channels of Hope Honiara Baseline, available from World Vision Solomon Islands.
Article 5: Modification of Social and Cultural Patterns of Conduct

Bride Price

In a recent survey conducted in the capital city of Honiara, 90.1% of respondents reported that their community practices bride price.\(^\text{12}\) 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 and young 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 and 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 and young women report that when they request that their husbands or partners 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.\(^\text{13}\) These statistics underscore the fact that distortions

\(^{12}\) World Vision: *Community Vision for Change Baseline Report 2012*

\(^{13}\) World Vision, *Community Vision for Change Baseline Report 2012*
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.”
- Create awareness that bride price does not lead to ownership of a person.
- 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.
- 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:
  a. Ensure that staffing is commensurate with mandate and responsibilities;
  b. Fund income-generation and other economic options for women to ensure that women who want to leave violent situations have economic security; and
  c. Implement public awareness programs designed to eliminate violence against women and sex role and stereotypes that prevent women, young women and girls from full enjoyment of their human rights.

**Article 6: Trafficking and Prostitution**

*Trafficking in Persons*\(^{14}\)

Although formal statistics are unavailable, we have anecdotal evidence 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. Forced labour as domestic workers and/or sexual slavery sometimes results. In 2010 the Department of Social Welfare documented 3 cases of girls being “sold” by their mothers in return for both money and goods.

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 in unavailable.

In addition, increasingly foreign men are trafficked into Solomon Islands to do forced labour with little or no wages and forced to live in appalling conditions. There are 33 such cases documented to date in 2012. Women and girls in Solomon Islands are impacted because

\(^{14}\) 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.
some of these men have paid local families (under the guides of bride price) in exchange for marriages to local women or girls.

**Prostitution**

Prostitution is illegal, 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 refusing to listen her report of her being rape because she is a sex worker.

**Recommendations: Article 6**

- Decriminalize sex work while at the same time developing and implementing, in partnership with women’s and sex workers’ organizations, policies and programs that safeguard the human rights of sex workers, protect them from exploitation, and promote their health, safety and welfare.
- Amend the Penal Code to include anti-trafficking legislation that includes as an offence trafficking into the Solomon Islands, within the Solomon Islands and out of the Solomon Islands, and includes a comprehensive definition, mandatory minimum sentences, protects and assists all victims of trafficking, 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, young women and girls who are survivors of trafficking including safe affordable housing, health care, psychological support, education and vocational training, and legal aid.

**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.

Further while government has a national policy on Gender Equality and Women’s Development with a goal on equality in leadership and decision-making, there have been official statements from government that condemn any form of measures that will assist women’s election to 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 is running in the upcoming
provincial elections. 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 it looks like she will be unable to attend. Currently only two federal Members of Parliament are women.

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 reserving at least 30% of seats for women in Parliament.
- Encourage women to vote and run for election at all levels.

Article 8: Participation at the International Level

There are no women Ambassadors or equivalent since Independence. Solomon Islands only has one woman representative participating in international policy as part of the UN Gender Equality Executive in New York.

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 9: Nationality

Women do not enjoy the same citizenship rights as men. One woman born in Solomon Islands was married to a foreign national and gave up her national identity (passport) to meet the requirement of the foreign country. She found herself Stateless when there was a divorce.

Mothers make hard decisions about their children’s identity and country of origin because there is no legal provision for Dual Citizenship.

Recommendations:

- Legislate provisions to allow Dual Citizenship for Solomon Islands Citizens and that enable both men and women of Solomon Islands to have equal rights to citizenship.
- Address the rights of children’s access to both parents and protect national women who are married to foreign nationals from becoming Stateless in the event of a divorce.
- Gender language in relevant Acts to be consistent to include both mother and father where only father is mentioned.
- The Citizenship Act, section 7 is discriminatory against women and should be revoked.
**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. As a result, girls with disabilities in rural areas do not go to school.

**Literacy Rates**

According to the 2009 census, adult literacy rates in Solomon Islands are 79.2% for women and 88.9% for men. While this is an improvement compared to the literacy rate reported in the 1999 census (for women was 69% and for men was 83.7%), women and girls continue to experience lower levels of literacy and associated barriers to employment and economic security. Moreover, in some provinces the gap is much larger than the national average. For example, in Temotu province the literacy rate for women is 61.1% while for men it is 82.8%. This huge discrepancy underscores the reality that young women and girls face discrimination in access to education at all levels.

However, it must be noted that 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 – Malaita and Honiara, by the Asian South Pacific Bureau of Adult Education (ASBAE) with Coalition for Education Solomon Islands (COESI) in 2007 conducted a study in two provinces which highlighted that the government census data is a proxy indicator which relied on self-declaration rather than individual assessment. The study used simple tests to access 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 and 39.8% females), and 40.2% are non-literate (29.3% and 45.7% females).

**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.

Failure to provide comprehensive sexual and reproduction health education discriminates against women, young women and girls who experience high rates of unwanted pregnancy and are disproportionately infected with STIs, including HIV.

**Solomon Islands Government Scholarships for Education**

Solomon Islands Government awards a limited number of scholarships to tertiary students to attend school in both Solomon Islands and abroad. Data on the number and percentage of scholarships going to women and young women are not available, and it is unclear whether the data is not being collected or not being shared.
Solomon Islands Government scholarship programs do not provide funding for young women to bring their children with them when they travel for tertiary education (although scholarships from the Government of Australia do). 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**

King George Secondary School, the number 1 ranked secondary school in Solomon Islands, has many more dormitories for boys than for girls. This is the same for all secondary schools in the country. Girls from rural areas outside Honiara (80% of the population) have extremely limited access to attend. At the same time, girls who attend boarding school are locked into their dormitories at night. If there was an emergency, the girls would be extremely vulnerable. Boys are not locked into their dormitories and are allowed freedom of movement.

The higher the level of education, the smaller the percentage of girls in the class. While according to 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 whom 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. The ASBAE and COESI 2007 study noted that parents put more pressure on females (54%) to help at home.; (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. 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. Girls who become pregnant are also expelled and prevented from returning to any publically-funded school, severely limiting their economic options to support themselves and their children.

**Human Rights Education**

While the United Nations has declared Human Rights Education a priority for all countries, in the Solomon Islands human rights education is not offered in the primary or secondary school curricula. Unless students participate in a human rights workshop offered by an NGO such as YWCA, they have little access to information about 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).

*Civic Education*

Many women, young 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:**

- Include in the Solomon Islands Constitution a guarantee of equal access to education for both girls and boys and enforce that 50% of all places in secondary schools go to girls.
- Amend the Education Act [Cap 69] to include a section making both primary and secondary education compulsory for all children aged 5-18. Ensure that primary and secondary education is free and accessible to all girls and boys in Solomon Islands.
- 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.
- Invest in training more teachers, proportional to the current population.
- Collect age and sex disaggregated data 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 Savve* model, designed to improve economic opportunities and parenting, can inform this process.
- 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;
  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.

- Introduce girl-only schools to provide more places and safe learning environments for girls and to encourage girls to achieve.
- Implement awareness campaigns that girls and young women have the same right to education as boys and young men.
- Develop a national literacy policy and funding to address the literacy needs of women and girls.

Article 11: Employment

The Labour Act does not include 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 and in precarious employment. Without protection, women’s employment is often exploitative and insecure.

Women’s lack of access to education, and lower educational attainment, results 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. For example, one NGO employee reported that she earns less than 50% of what her male colleagues earn for the same job. 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. Low salaries also contribute to the high rates of transactional sex in Solomon Islands.

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 and are not recognized by most employers as valid educational qualifications.

More young women drop out of school than young men. Young women are however disproportionately affected by laws regarding entering formal employment. This pushes young women into illegal employment, unemployment and poverty. For example, many young women engage in transactional sex and/or prostitution because they have low literacy skills, low educational attainment and few vocational skills. Even seemingly easy-to-access employment, such as cleaning positions, requires literacy.

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 $4 SBD = $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 lose their jobs. 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:

- 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 informal workers, domestic workers and outworkers including women who are pregnant and women with children.
- Raise the minimum wage to $150SBD 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 protection from harassment and sexual harassment, including complaint mechanisms.
- Protect women who engage in prostitution, 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 awareness among employers about legitimacy of vocational training and the benefits of hiring workers who have completed vocational training.
• Develop and finance services that provide employment/career counselling and support.
• 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 very difficult.

The overwhelming majority of doctors in the Solomon Islands are male. Women may choose not to access health care, or only to access health care for emergencies, because of taboos around discussing sexual/reproductive issues as well as taboos around being assertive (about the right to health-care) to a man.

Social taboos around sexual activity before marriage mean that young women do not access much needed health care for sexual/reproductive health issues. A YWCA staff member reports that many women are too embarrassed to visit sexual health clinics because of the stigma associated with everyone sitting outside knowing why they are there.

*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 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. When women become ill they are unable to make this journey and so are unable to access health care.

Another example is one 15-month old girl needs cardiac surgery that could easily be performed in Australia. However, in Solomon Islands there are no facilities in which to perform this operation even if a doctor from Australia volunteered to come. The Solomon Islands government will not pay for this girl child to travel to Australia to have the operation. As a result, this girl’s life is in danger.

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. Recently, a woman who had suffered cardiac arrest at night died after arriving in the Emergency Room at National Referral hospital because there was no nurse or doctor available to treat her.

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

**Recommendations:**

- 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.\(^\text{15}\)
- 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.
- Ensure comprehensive condom programming is available at all times to prevent unwanted pregnancies and transmission of STIs including HIV.

\(^{15}\) 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.
• 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.
• Ensure the safety and security of staff and patients at all public health facilities.
• Finance travel overseas to obtain medical care not available in Solomon Islands.

### Article 13: Social and Economic Benefits

#### Lack of Access to Household Income

Men consider all household income as belonging to them exclusively and assert full decision-making rights over the income. This happens regardless of who earns the income or to whom the land from which the income is derived belongs. Many women report that when men make decisions household income is not prioritized according to family needs. For example, one woman in Western Province who has six children has to work a second job without her husband’s knowledge in order to earn enough money to send her daughters to school because her husband does not think it is a priority to educate girls. This puts both the woman and her daughters at increased risk of violence since the husband was abusive for many years.

#### 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-kind.\(^\text{16}\)\(^\text{16}\)

#### 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.\(^\text{17}\)\(^\text{17}\) 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. Most senior women rely on family to provide food and other basic necessities, with the result that most senior women experience chronic hunger and malnutrition.

#### Banking

\(^\text{16}\) 2007 Demographic Health Survey of Solomon Islands.
\(^\text{17}\) 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.
Women have lower rates of literacy, and as such often do not have the knowledge necessary to get the identification (driver’s license, passport, etc.) the bank requires to open bank accounts.

Women also do not have the opportunity to benefit from bank loans because the criteria for securing a loan is well above what most women can afford or produce in terms of collateral.

Existing banking services are closing their provincial branches, making banking even more limited and inconvenient for rural communities. Transportation to get to a bank in rural communities is very expensive and dangerous. For example, the cost of fuel to get from the islands in Marovo Lagoon to the bank in Seghe in Western Province prohibits the majority of both women and men from banking.

The majority of rural dwellers do not have a bank account. 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.

**Recommendations:**

- 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.
- Increase awareness of social benefits such as the NPF, and make sure people understand how they work.
- Develop and implement a financial child support system that would provide financial support from the government to single mothers and mothers unable to get support from their spouse.
- 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.

**Article 14: Rural Women**

There are no legal provisions for special measures to advance substantive equality for rural women. Across all 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**

The 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, 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.

**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 Officers**

There is no Women’s Development Division officer in Gizo (Western Province). Since the Officer resigned in late 1990s, the office has been left vacant. The Women’s Development Division is severely under-funded, and as a result is unable to provide services and supports
to women in Western Province that would allow women to enjoy their human rights. This is also true in other areas outside Honiara, especially rural areas.

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

One positive approach is being taken by the Solomon Islands Planned Parenthood Association through which young people are raising awareness on sexual and reproductive health in rural communities.

**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 and men 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 at the moment difficult and this must be made accessible to enable victims to report violence of any shape or form.

Advocacy on the elimination of violence against women must be strengthened and must be inclusive of 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 no 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 government has been limited, especially in terms of acquiring land to build.

Road and transport 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 an ongoing 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:

- 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 and secondary 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 through partnership with Commodities Export Marketing Authority (CEMA).
- 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 is accessible for persons with disabilities.
- Train rural women on laws protecting women’s rights.
- Close court proceedings for sexual violence crimes to the public. Offer victims the option to sit behind screens.
- Hire more women lawyers in the Public Solicitors Office.
- Provide safe houses in rural communities and support NGOs who have initiated safe houses by providing land and financing for facilities and ongoing costs.
- Fund women’s organisations to offer programs that empower rural women.
- Ensure that roads are built and well-maintained to allow women and girl’s access to health care, primary and secondary schools, markets and other services.
- Renationalize 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 women must obey their husbands. In daily life in rural areas (where 80% of the population lives), women are responsible for gardening and all unpaid work in the home including child-rearing. While traditionally men were responsible for fighting to protect their families, this role no longer exists. However, 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. Women feel that they need permission from their husbands to work in the formal employment sector, and 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 women experiencing violence. 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.

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 and young 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:**

- 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 in a democratic manner.
- 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.