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### Совет по правам человека

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

### **Доклад Специального докладчика по вопросу о насилии в отношении женщин, его причинах и последствиях Рашиды Манджу**

Добавление

**Миссия на Соломоновы Острова\***

#### *Резюме*

В настоящем докладе Специальный докладчик по вопросу о насилии в отношении женщин, его причинах и последствиях изучает положение с насилием в отношении женщин на Соломоновых Островах, включая насилие, совершаемое в семье, насилие, совершавшееся в период 1998–2003 годов (в период "трений"), и насилие, связанное с развитием добывающей промышленности. Она также рассматривает законодательные и институциональные меры реагирования на такое насилие, а также выносит по этому поводу свои рекомендации.

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## Annex

[English only]

### **Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Solomon Islands (12 - 16 March 2012)**

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## **I. Introduction**

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

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

3. The Special Rapporteur also met with organizations of the Solomon Islands NetSafe Referral Initiative, which includes such civil society organizations and State institutions as the Public Solicitor’s Office, the Social Welfare Division, the Family Violence Support Unit of the Police and the Department of Public Prosecution.

4. The Special Rapporteur held meetings with representatives of civil society, including women’s organizations, and of United Nations agencies, funds and programmes. She had the opportunity to visit the Women’s Correctional Facility at the Rove Prison Headquarters, as well as the country’s only shelter operated by a non-governmental organization, where she heard testimonies from a number of women.

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

## **II. National context and implications for women**

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

resorting to physical violence to “discipline” women who do not conform to their expected roles.<sup>1</sup>

7. Women’s participation in public and political life is extremely limited; none of the 50 seats in Parliament is currently occupied by a woman. In the national elections of August 2010, 25 women stood for election but none won a seat.<sup>2</sup> De facto barriers to women’s participation in political life include the view that women are not qualified to take on such positions, lack of support from families and communities, and the lack of resources for successful campaigning.<sup>3</sup> There are currently no legal provisions for minimum quotas or reserved seats for women in Parliament or Government. While some high-level posts at the ministerial level are occupied by women, no women currently hold a ministerial post. The lack of female role models in positions of authority reinforces the country’s traditional and dominant views regarding the status and value of women.

8. Solomon Islands is among the least developed countries in the world, and is ranked 142 out of 187 countries in the human development index of the United Nations Development Programme (UNDP). Maternal mortality is high, accounting for estimated 100 deaths per 100,000 live births. According to the statistics shared with the Special Rapporteur by the Ministry of Health, Solomon Islands is not on track to achieve the Millennium Development Goal of universal access to reproductive health services. The contraceptive prevalence rate is 27 per cent, compared with Goal target rate of 40 per cent for 2015; the adolescent fertility rate is of 12 per cent, against the Goal target level of 6 per cent.

9. With regard to access to education, the gender gap in primary school enrolment narrowed in the past decade; in 2006, an average of 95 girls were enrolled in primary school for every 100 boys.<sup>4</sup> Gender disparities continue, however, to exist, with families prioritizing male education, particularly when they have trouble paying school fees.<sup>5</sup> Dropout rates at the secondary level are also high, with girls being the most affected.<sup>6</sup> Current legislation does not guarantee women and girls equal access to education nor creates special measures to encourage it.

10. With regard to women’s participation in the labour force, women working in the formal sector are often relegated to junior positions with low wages, lack of opportunities for promotions and at risk of dismissal due to pregnancy.<sup>7</sup> Women assume the largest share of unpaid work, including household and domestic duties, caring for other people, and agriculture and fishing. In agricultural work, while traditionally women were engaged in farming and gardening activities for subsistence purposes only, the country’s economic situation has prompted many of them to also become involved in marketing on a larger

<sup>1</sup> United Nations Entity for the Gender Equality and the Empowerment of Women, “Ending Violence against Women and Girls: Evidence, Data and Knowledge in Pacific Island Countries”, July 2011 (available from <http://unwomenpacific.org/resources/uploads/attachments/documents/UN%20Women%20Ending%20VAW%20Literature%20Review%202nd%20Edition.pdf>), pp. 9-10.

<sup>2</sup> Amnesty International, submission for the universal periodic review of Solomon Islands, eleventh session.

<sup>3</sup> United Nations Development Fund for Women (UNIFEM), Pacific Regional Office and Ministry of Women, Youth, and Children's Affairs, *Protecting women's human rights in Solomon Islands law*, Suva, 2009, pp. 61-62.

<sup>4</sup> UNDP and Ministry of Development, Planning and Aid Coordination, Millennium Development Goals Progress Report for Solomon Islands 2010 (available from [www.undp.org.fj/pdf/Final\\_SI\\_MDG.pdf](http://www.undp.org.fj/pdf/Final_SI_MDG.pdf)), p. 70.

<sup>5</sup> UNIFEM, *Protecting Women’s Human Rights* (see footnote 3), p. 65.

<sup>6</sup> *Ibid.*, p. 64.

<sup>7</sup> *Ibid.*, pp. 68-69.

scale. Some 66 per cent of women work in informal trade, with 30 per cent of them being the family's sole provider.<sup>8</sup>

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

12. "The tensions" had an impact on the lives of women in many ways. Women were victims of sexual abuse, increased domestic violence, killing and torture. Many of them also suffered displacement, loss of property and of access to such services as education and health. Women experienced the loss of loved ones and saw their capacity to fulfil their traditional roles limited by the fear and trauma they had experienced during the conflict.<sup>9</sup>

13. It is reported that the tensions also pushed many women to expand their traditional role as homemakers and to undertake roles as peacemakers, counsellors and community leaders. Many women reportedly resorted to innovative methods of surviving and of helping to bring the conflict to an end.<sup>10</sup> Women's church organizations in Honiara were crucial in meeting and mediating with warring factions, such as militant groups, the police and Government officials; they visited rural communities and facilitated the return of child militants.<sup>11</sup> Nevertheless, women were excluded from the peace agreements of Townsville in 2000, as well as from following transitional justice initiatives. It is reported that none of the trials relating to "the tensions" led to any prosecutions for cases of violence against women.<sup>12</sup>

14. National reconciliation since "the tensions" has been a priority for the Government. A truth and reconciliation commission was established by Parliament in August 2008 and began work in January 2010. In an attempt to encourage women's participation in the process, a joint submission to the commission was developed to represent the views and recommendations of the women affected by "the tensions". The process included regional consultations and workshops. By this process, women's groups documented their experiences during "the tensions", thus ensuring that the commission had necessary information on the gender impact of the ethnic tensions and that appropriate reparations and recommendations were included in the final report. It remains to be seen the extent to which women's contributions will be included in the final report of the commission. At the time of the Special Rapporteur's visit, a national plan of action on women, peace and security to implement Security Council resolution 1325 (2000) was also being finalized. The plan, which is based on the national peacebuilding policy framework, the gender equality and women development policy and the national policy on eliminating violence against women, will include the findings and recommendations from the women's chapter of the commission report.<sup>13</sup>

<sup>8</sup> Ibid., p. 76.

<sup>9</sup> Stori Blong Mere Workshop, Women's Submission to the Solomon Islands Truth and Reconciliation Commission, 2011 (available from [www.ictj.org/sites/default/files/Solomon-Islands-TRC-Submission-Sept-2011.pdf](http://www.ictj.org/sites/default/files/Solomon-Islands-TRC-Submission-Sept-2011.pdf)), p. 1.

<sup>10</sup> International Center for Transitional Justice, submission to the universal periodic review of Solomon Islands, eleventh session, para. 10.

<sup>11</sup> Helen Leslie and Selina Boso, "Gender-related violence in the Solomon Islands: The work of local women's organisations", *Asia Pacific Viewpoint*, vol. 44, No. 3 (December 2003), p. 329.

<sup>12</sup> International Center for Transitional Justice, submission (see footnote 10), para. 10.

<sup>13</sup> The commission finalized the report and officially submitted it to the Prime Minister in February 2012, immediately prior to the arrival of the Special Rapporteur. The report is still under review at the Cabinet level, after which it will be forwarded to Parliament for review and debate. The Special Rapporteur was not informed of when the report would be made public.

### III. Main manifestations of violence and its prevalence

#### A. Violence in the family

15. In 2009, the Ministry of Women's, Youth and Children's Affairs published a study on violence against women and children in Solomon Islands. According to the study, women were much more likely to experience such severe violence as punching, kicking or having a weapon used against them than "moderate violence".<sup>14</sup>

16. The study indicated a prevalence of violence against women in the family. Approximately 64 per cent of women aged between 15 and 49 years and who had been in a relationship reported having experienced physical and/or sexual violence by an intimate partner.<sup>15</sup> It also found a significant overlap of emotional, physical and sexual violence against women perpetrated by intimate partners, with 58 per cent of respondents having experienced both physical and sexual violence, 14 per cent physical violence only, and 28 per cent sexual violence only.<sup>16</sup> Another important finding was that 90 per cent of women who reported having experienced violence had experienced it at the hands of an intimate partner, 30 per cent of both intimate and non-partners, and only 10 per cent of women aged between 15 and 49 years exclusively at the hands of a non-partner. In addition, 14.9 per cent of women were found to have been subjected to violence with the use of a weapon.<sup>17</sup>

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

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

19. Emotional and psychological abuse was also found to be a prevalent form of intimate partner violence, with women being insulted or made to feel bad about themselves, belittled or humiliated in front of other people, intimidated or scared and/or threatened with harm.<sup>19</sup>

<sup>14</sup> Ministry of Women, Youth, and Children Affairs and National Statistics Office, *Solomon Islands Family Health and Safety Study: A study on violence against women and children*, 2009 (available from [www.spc.int/hdp/index.php?option=com\\_docman&task=cat\\_view&gid=39&dir=ASC&order=name&Itemid=44&limit=5&limitstart=5](http://www.spc.int/hdp/index.php?option=com_docman&task=cat_view&gid=39&dir=ASC&order=name&Itemid=44&limit=5&limitstart=5)), p. 69.

<sup>15</sup> *Ibid.*, pp. 61-62.

<sup>16</sup> *Ibid.*, p. 68.

<sup>17</sup> *Ibid.*, p. 82.

<sup>18</sup> *Ibid.*, p. 63.

<sup>19</sup> *Ibid.*, p. 64.

20. With regard to economic violence against women, reported instances included partners causing women to give up or turn down a job (5.9 per cent), taking their earnings and/or savings (14 per cent) and/ or refusing to provide money for household expenses (14.9 per cent).<sup>20</sup> While economic violence was reported at a lower level than physical and sexual violence, the study found a clear correlation between them. For example, 19 per cent of women who had experienced intimate partner violence had had their earnings or savings taken from them by their partners, against only 5 per cent of women who had not experienced physical or sexual violence by their partners.<sup>21</sup>

21. Intimate partner violence was found to be fuelled by a range of structural causes, although women's low social status was the main underlying factor. Such violence is largely underreported owing to women's fear of reprisals, whether against them or their children; women being isolated in remote communities and with no knowledge of where to seek help; and those being economically dependent on their abusers and fearing not being able to provide for their children. Often, women feel ashamed or responsible for the abuse, or may be encouraged by village or church leaders to return to their husbands and to keep the family together.

22. Many interlocutors referred to the practice of bride price as an aggravating factor that fuels situations of violence against women in the home and limits the avenues for women to escape abusive relationships. Families who received such payment were reluctant to provide support or receive back abused women in the family home, as this would entail paying compensation or returning the goods or money received for the marriage.

23. There was a strong correlation between women experiencing intimate partner violence and controlling behaviour by their partners. Abusive men often restricted women's contact with family or friends, insisted on knowing their whereabouts, constantly accuse them of being unfaithful, and/or become angry if they speak with other men.<sup>22</sup> For example, the Special Rapporteur met with a victim of domestic violence who had been in a shelter for three months after having fled her household after 17 years of an abusive marriage. She explained that the main source of conflict with her husband was his extreme jealousy and the fact that he would not allow her to leave the house, or would beat her severely when or if she ever had to go out to shop or run errands.

24. The Special Rapporteur was informed that the levels of intimate partner violence were generally higher in Honiara than in the provinces. It is argued that the greater availability of alcohol coupled with social problems associated with living in the capital city, such as unemployment or overcrowding, put women at a greater risk of abuse. The 2009 study found that women in Honiara were generally more financially dependent on their partners than those living in villages, and also had fewer family or traditional sources of protection, so were therefore less likely to leave abusive relationships.<sup>23</sup>

25. With regard to incest and sexual violence, 37 per cent of women aged between 15 and 49 years reported that they had been sexually abused when they were under the age of 15. Approximately two thirds said that they had been abused by someone they knew (family member, friend of the family, boyfriend or acquaintance), while 24 per cent reported that they had been abused by a stranger. The boyfriend was the most commonly identified perpetrator of sexual abuse of girls under 15.<sup>24</sup> The high level of sexual abuse among very young girls is particularly worrisome. It confirms information shared with the Special Rapporteur by activists and women's groups indicating that women are exposed to

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<sup>20</sup> Ibid., p. 67.

<sup>21</sup> Ibid., p. 66.

<sup>22</sup> Ibid., p. 64.

<sup>23</sup> Ibid., p. 78.

<sup>24</sup> Ibid., p. 89.

sexual violence at a very young age, grow up seeing it as a normal part of their lives, and therefore expect it to take place when they are adults and married. It was clear in interviews that both individual women and their communities did not recognize these abuses as crimes and human rights violations that should be addressed by the authorities.

## **B. Violence against women in the community**

### **1. Violence against women and “the tensions”**

26. Women in Solomon Islands carry the legacy of the crimes committed against them during what is known as “the tensions”. With regard to gender-based violence, rape was a common form of violence used by both militants and the police, particularly as a way to extract information from women and girls regarding the whereabouts of male family or community members.<sup>25</sup> Sexual violence was also used as a means to humiliate the enemy, with men sometimes forced to watch as their wives were raped by militants. Some of these rapes resulted in pregnancies.<sup>26</sup> In addition, women and girls experienced heightened levels of insecurity and were exposed to sexual harassment by armed men, whether from their own communities or from opposing factions.

27. The Special Rapporteur was also informed of the suffering endured during “the tensions” by women indirectly, as mothers or spouses of men who were killed, starved, tortured or ill-treated. Other challenges such as the lack of access to medical and educational services had particular effects on women, who were sometimes forced to give birth in the bush or were prevented from vaccinating their children, taking them to a doctor when ill or registering their births.<sup>26</sup>

28. Interviewees explained how the rate of domestic violence also substantively rose during “the tensions”, as did family and marital break-ups. The crisis reportedly legitimized the use of violence, as the number of men in arms increased and a belligerent atmosphere became pervasive.<sup>27</sup>

29. It is estimated that the number of cases of violence against women relating to the conflict has been largely underreported. A study conducted in 2004 found that 85 per cent of men and women in Solomon Islands reported that their families had been directly affected by the conflict and that 75 per cent of women had suffered direct personal trauma, including rape, the death of family members, and threats of violence and intimidation, among others.<sup>28</sup> Perpetrators, including police, armed militants or individuals, were rarely brought to justice. Fear of reprisal and the lack of legal avenues deterred witnesses and victims from coming forward.<sup>29</sup> Furthermore, fear of stigmatization and being rejected by their families pushed both married and unmarried women to remain silent about the abuse they had experienced.<sup>30</sup>

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<sup>25</sup> Leslie and Boso, “Gender-related violence” (see footnote 11), p. 328.

<sup>26</sup> Stori Blong Mere Workshop (see footnote 9), pp. 20-21.

<sup>27</sup> Stori Blong Mere Workshop (see footnote 9), p. 21.

<sup>28</sup> Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands, Suva, 2004, available from

[www.forumsec.org.fj/resources/uploads/attachments/documents/Social%20Impact%20of%20Peace%20Restoration%20Initiatives%20in%20Solomon%20Islands%202004.pdf](http://www.forumsec.org.fj/resources/uploads/attachments/documents/Social%20Impact%20of%20Peace%20Restoration%20Initiatives%20in%20Solomon%20Islands%202004.pdf), p. 35.

<sup>29</sup> AusAid, *Violence against women in Melanesia and East Timor: Building on Global and Promising Approaches*, 2008 (available from [www.ode.usaid.gov.au/news/news08.html](http://www.ode.usaid.gov.au/news/news08.html)), p. 134.

<sup>30</sup> Amnesty International, *Solomon Islands: Women confronting violence*, 2004 (available from [www.amnesty.org/en/library/info/ASA43/001/2004](http://www.amnesty.org/en/library/info/ASA43/001/2004)), p. 13.



## 2. Sexual violence in informal settlements and remote communities

30. The Special Rapporteur noted that no official data or statistics to establish prevalence rates of sexual violence against children were available, although she did receive anecdotal information regarding cases of commercial sexual exploitation of children, particularly in fishing communities and logging camps. Girls are reportedly taken to fishing boats, where they exchange sex for fish, which is then sold in local markets. Other incidents involve young women and girls exchanging sex for goods or money in remote logging areas. The Special Rapporteur was also informed of how young women were often “married off” by their families to men who would pay the families a bride price but then abuse the women and/or later abandon the women and children born of the union. A study carried out in remote logging areas of the country in 2007 revealed that young boys are often used to facilitate meetings with young girls in exchange for money or alcohol, and that children are exposed to or used in pornography.<sup>31</sup> Of the 25 cases of child prostitution identified in the study, 19 involved foreign loggers as perpetrators.<sup>32</sup>

31. The Special Rapporteur received allegations of incest, gang rape and sexual exploitation by foreign workers in the logging and fishing industries. The increasing influx into poor and isolated communities of men who are employed by logging and fishing companies and who have access to money, and other goods that are inaccessible to locals, has created a “market” for sexual services, and has also resulted in cases of sexual exploitation and abuse. The lack of opportunities and poor living conditions for many of the victims and their families is another triggering factor. This is coupled with a lack of awareness regarding commercial and sexual exploitation among the communities and the lack of monitoring of these camp sites by labour and environmental authorities.<sup>33</sup>

32. Another source of risk with regard to violence against women in communities is the lack of access to water and sanitation. Women are at a high risk of physical and sexual violence when they are collecting water, bathing or using toilets, particularly after dark, and especially in and around the informal settlements in Honiara. Most settlements do not have a regular source of clean water; women and girls therefore have to walk long distances either to fetch water or to use toilet amenities. Settlements are also poorly lit owing to the lack of electric power, and women are often physically and/or sexually abused by young men from neighbouring settlements who gather to drink close to the roads. It is reported that women do not report these incidents out of shame or fear of retaliation.<sup>34</sup>

## IV. Legislative framework

### A. Non-discrimination and equality

33. The Constitution states that “every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual [...] whatever his race, place of origin, political opinions, colour, creed or sex”. It also provides for protection from discrimination, specifying that no law may make any provision that is discriminatory, and that no person

<sup>31</sup> Tania Herbert, *Commercial Sexual Exploitation of Children in the Solomon Islands*, July 2007 (available from [www.pacifichealthvoices.org/files/Commercial%20Sex%20%20Exp%20in%20Solomon.pdf](http://www.pacifichealthvoices.org/files/Commercial%20Sex%20%20Exp%20in%20Solomon.pdf)), pp. 26 and 28.

<sup>32</sup> *Ibid.*, p. 24.

<sup>33</sup> AusAid, *Violence against women in Melanesia and East Timor* (see footnote 29), p. 132.

<sup>34</sup> Amnesty International, *Where is the dignity in that? Women in Solomon Islands slums denied sanitation and safety*, 2011 (available from [www.amnesty.org/es/library/info/ASA43/001/2011/en](http://www.amnesty.org/es/library/info/ASA43/001/2011/en)), pp. 7 and 10.

may be treated in a discriminatory manner by any public office or public authority, or in respect of access to premises or public spaces.

34. The above-mentioned constitutional provisions have not necessarily translated into specific legislation that upholds the human right of women to equality and non-discrimination. There is currently no law prohibiting sex discrimination or providing for measures of affirmative action, such as temporary special measures, to improve women's standing in society and their access to education and the labour market, or their participation in public and political life. Furthermore, some of the current national laws are outright discriminatory towards women, such as the Penal Code, and laws regulating marriage and divorce.

35. Solomon Islands has taken steps towards a constitutional reform process that would create a federal Constitution and transform the country's political system into a democratic federal republic. A draft federal Constitution was drafted in 2004, and subsequent amendments were made in 2009 and 2011. The draft of 2009 included a specific provision stating that women had the right to full equality, including the right to equal opportunities in political, economic and social activities, and reaffirming the country's commitment to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.<sup>35</sup> It also indicated that, when the Constitution came into force, 10 out of 50 candidates elected to the Federal Parliament would be women.<sup>36</sup> This provision was amended in the draft of 2011, which now specifies that each State (today nine provinces) and Honiara City will ensure the presence of at least one women representative in the Federal Parliament, and proposes a rotation system.<sup>37</sup> The inclusion of these specificities is a positive development. Unfortunately, provisions on equality and non-discrimination, and a commitment to the above-mentioned Convention, as stated in previous versions, have been excluded in the most recent draft.

## **B. Domestic and sexual violence**

36. There is currently no domestic violence legislation in Solomon Islands. Cases of physical violence against women are addressed by the Penal Code as "common assault", with a penalty of up to one year in prison; "intimidation or molestation", with a penalty of up to three years imprisonment; "assault causing bodily harm" with a maximum penalty of five years in prison; or "causing grievous harm", which can result in 14 years of imprisonment.<sup>38</sup>

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

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<sup>35</sup> Draft federal Constitution of Solomon Islands, 2009 (available from [www.sicr.gov.sb/Draft%202009%20Fed\\_Const%20WebVersion%20\[Completed\].pdf](http://www.sicr.gov.sb/Draft%202009%20Fed_Const%20WebVersion%20[Completed].pdf)), art. 54.

<sup>36</sup> *Ibid.*, art. 88.

<sup>37</sup> Draft federal Constitution of Solomon Islands, 2011 (available from [www.sicr.gov.sb/2011%20Draft%20Fed%20Const%20of%20SI.pdf](http://www.sicr.gov.sb/2011%20Draft%20Fed%20Const%20of%20SI.pdf)), art. 69.

<sup>38</sup> UNIFEM, (see footnote 3), p. 22.

38. With regard to sexual violence, part XVI of the Penal Code covers such offences as “defilement” and indecent assault and rape, which are classified as “offences against morality”. Currently, marital rape is not a criminal offence. The Penal Code is an outdated document that is currently being reviewed by the Law Reform Commission. One of its main shortcomings is its definition of rape as “unlawful sexual intercourse with a woman or girl, without her consent, or with her consent if obtained by force, threats or intimidation”. The definition is limited to vaginal penetration and does not include rape with objects or other forms of rape. The latter acts are classified as indecent assault and result in lighter sentences for perpetrators.<sup>39</sup>

39. Other limitations of the Penal Code include the lack of minimum sentences for cases of sexual violence, and the differentiation made when punishing child sexual abuse, depending on the age of the victim. According to sections 142 and 143, the “defilement” of girls less than 12 years of age may carry a penalty of life imprisonment; if the victim is between 12 and 15 years of age, the maximum penalty is five years in prison. Furthermore, the Code also sets a statute of limitations, specifying that no prosecution is to be initiated for cases involving victims who are 15 years of age or older if more than 12 months have passed since the alleged rape incident. This results in impunity for the perpetrator, as victims may take much longer to report the incident, which is particularly the case when the perpetrator is a relative or family friend.<sup>40</sup>

40. With regard to incest, the maximum penalty is lower than for the crime of rape. Furthermore, sections 163 and 164 of the Penal Code state that women and girls over 15 years of age may also be charged with incest if they “permit” a grandfather, father, brother or son to have sexual intercourse with them.

41. The Penal Code also includes other discriminatory provisions, such as the penalization of female sex workers, but not of their clients; and a maximum penalty for the trafficking of women and girls of two years in prison (sect. 153).

### C. Legislative reform initiatives

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

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

44. The Law Reform Commission has also received requests to review and amend the laws relating to marriage and divorce.<sup>41</sup> The Islanders’ Marriages Act of 1945 prohibits the marriage of children younger than 15 years of age, while children aged between 15 and 18 years require the written consent of their father to be married. Under customary law,

<sup>39</sup> UNIFEM (see footnote 3), p. 28.

<sup>40</sup> UNIFEM (see footnote 3), pp. 26-27.

<sup>41</sup> In 2003, the Committee on the Rights of the Child also made a recommendation for Solomon Islands to increase the age of consent for marriage. See A/HRC/WG.6/11/SLB/1, paras. 60 and 65.

however, girls may be married when they reach puberty (namely, sometimes as young as 12 or 13 years of age). Given that customary law has constitutional status, that many births are not officially registered and that the registration of a marriage is voluntary, enforcing the legal minimum age for marriage is currently very difficult.<sup>42</sup>

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

46. The Islanders's Divorce Act also includes discriminatory provisions, such as an entitlement to claim damages for adultery for men, but not for women. This reinforces the idea of men "losing their property" to another man.<sup>43</sup> Another challenge is the lack of provisions regarding a woman's entitlement to the matrimonial property after divorce, which puts them at risk of being left destitute, especially considering that their contribution to the household is usually through non-remunerated domestic work and child care.<sup>44</sup> Women are also at risk owing to the lack of specific criteria in the Act regarding the allocation of maintenance payments for divorced women and their children. This is left to the discretion of judges, who might not adequately consider the extent of the burden that a woman will have to carry when caring for her family alone.

## V. Institutional framework

### A. Policy framework

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

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

49. The Ministry also coordinates the implementation of the Gender Equality and Women Development Policy and the National Policy on Eliminating Violence against Women, as well as national policies focused on children and young persons.

50. The Gender Equality and Women Development Policy was launched in 2010 following a review of the National Policy for Women of 1998. The 2010 policy shifted the focus from women's development towards a gender mainstreaming and multi-sectoral

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<sup>42</sup> UNIFEM (see footnote 3), p. 80.

<sup>43</sup> UNIFEM (see footnote 3), p. 81.

<sup>44</sup> *Ibid.*, p. 83.

approach, and established as priority outcomes (a) improved and equitable health and education; (b) improved economic status for women; (c) equal participation of women and men in decision-making and leadership; (d) the elimination of violence against women; and (e) a greater capacity for gender mainstreaming.

51. The coordination of the policy is largely led by the National Women's Machinery, comprising the Ministry of Women, Youth, Children and Family Affairs in partnership with the Solomon Islands National Council for Women, an umbrella organization for all women's organizations in the country. The policy establishes clear and specific performance outputs and measures, according to each of the above-mentioned priority outcomes.

52. The National Policy on Eliminating Violence against Women was launched in March 2010. It is guided by four main principles: (a) a zero tolerance policy for violence against women; (b) the recognition of women's rights as established by the Convention on the Elimination of All Forms of Discrimination against Women and other international instruments; (c) the shared responsibility of the Government at all levels, non-governmental organizations, churches and the general public in eliminating violence against women; and (d) the achievement of gender equality between men and women.

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

54. When established, the National Policy on Eliminating Violence against Women envisaged the allocation of sufficient Government resources for the implementation of the policy, including the appointment of a Policy coordinator within the Ministry of Women, Youth, Children and Family Affairs. At the time of the mission, a Policy officer was being recruited, with the financial support of Law and Justice Programme of the Regional Assistance Mission to the Solomon Islands, for an initial period of 15 months.

55. To promote the implementation of the above two policies, as well as their ownership by governmental and non-governmental stakeholders, the Ministry of Women, Youth, Children and Family Affairs established five national task forces, each to cover one of five cross-cutting issues: (a) health and education; (b) the economic status of women; (c) decision-making and leadership; (d) eliminating violence against women; and (e) gender mainstreaming. The task forces are chaired by high-ranking officials from relevant ministries, and report to a national steering committee on gender equality and women's development, which is the main oversight mechanism for the policies and reports directly to Cabinet.<sup>45</sup>

56. The Ministry of Women, Youth, Children and Family Affairs has held orientation meetings with the chairpersons and co-chairpersons of each of the task forces in order to introduce gender-related concepts and terminology. The ministries involved in each task force are also required to report on the work they have undertaken to implement the policies

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<sup>45</sup> Information obtained from representatives of the Pacific Islands Forum Reference Group to Address Sexual and Gender-Based Violence. See also the National Policy on Eliminating Violence against Women, annex 1.

and to identify how the Ministry of Women, Youth, Children and Family Affairs can assist them. This has allowed the Ministry to assess the role that the other ministries have played in the implementation of both women's policies. Participating ministries are still responsible for internalizing the implementation of task force objectives, ensuring that their ministries are adequately involved and have a clear idea of the relevance of their work to gender issues.<sup>46</sup>

57. The task force on the elimination of violence against women comprises representatives from the Ministry of Women, Youth, Children and Family Affairs and other Government agencies (police, health and medical services and education agencies), together with civil society organizations, media organizations and donor partners. The Special Rapporteur met with Government officials in several ministries participating in the above-mentioned task force, who discussed the steps that had been taken to implement the National Policy on Eliminating Violence against Women.

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

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

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

## **B. Shelters and services**

61. At the current time, only two non-governmental organizations provide shelter and other services for women victims of violence; both are based in Honiara. The Family Support Centre provides legal information and facilitates referrals to the police and other

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<sup>46</sup> Information obtained from representatives of the Pacific Islands Forum Reference Group to Address Sexual and Gender-Based Violence.

authorities. It also carries out awareness-raising programmes and skills training at the community level. In 2011, the Centre assisted 304 clients, 62 of whom were victims of domestic violence. The Centre handled cases of sexual harassment (two), child sexual and/or physical abuse (47), as well as 68 clients who required assistance regarding divorce, child custody and maintenance issues. Of all clients, 63 were “repeat” clients.

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

63. One of the main issues that arose during the above-mentioned visit was the inability of women to leave the shelter owing to lack of employment, family support or any means to support themselves and their children. While the shelter is only supposed to receive women for a few weeks, the Special Rapporteur met women that had been there for up to seven months. The shelter provided activities that are considered beneficial and soothing, such as sports, prayer groups and bible study. The women did not receive any vocational or skills training, nor did they engage in any productive activities, such as gardening or marketing, to prepare them for living autonomously outside the shelter.

64. The few organizations providing counselling and shelter services for women victims of violence operate with insufficient resources, which are received exclusively from donors. There is no funding by the Government, despite the obligation of the State to provide measures of redress, including counselling and shelter services. In the provinces, such services are largely non-existent.

65. The Special Rapporteur was informed about a Government pledge to devote SI\$ 5 million to the establishment of women’s resource centres in each constituency. According to the Ministry of Women, Youth, Children and Family Affairs, the centres would not be managed by the provincial governments, but directly by Members of Parliaments in their constituencies. One of the main challenges envisaged for the establishment of such centres would be the need to allocate land for their construction. Concerns were also raised regarding the lack of information about the budget allocation, planning and model that would be used to establish these centres, as well as the staffing provided. Such a lack of clarity raised the concern that the use of these funds could be politicized or mishandled by parliamentarians and would not be used for their original purpose of establishing a women’s resource centre in each constituency.

### **C. Formal justice system**

66. The current centralization of the legal system prevents cases of violence against women from reaching the courts. Women do not have access to court facilities, because circuit courts are not operational owing to financial constraints. Only 10 magistrates currently serve in Solomon Islands: seven local and three foreigners provided by the Regional Assistance Mission (see paragraph 2 above), and all based in Honiara. There is also a shortage of lawyers at the provincial level. The Special Rapporteur was informed of a case of domestic violence in which the victim had to be assisted and prepared for court by a social welfare officer.

67. There is a clear disconnect between the capital and the rest of the country with regard to access to justice. This is reflected in the lack of infrastructure, and human and financial resources, and the lack of sufficient judges, magistrates and lawyers in the provinces. The Special Rapporteur met with representatives of civil society organizations that strived to raise awareness and bring cases of violence against women to the formal

justice system in the capital. However, the remoteness of certain locations and the cost for victims to take their cases to the courts reinforces the tendency in communities to solve cases of violence against women through traditional justice systems.

68. The practice of customary reconciliation and compensation is of special concern in cases involving women victims of violence, particularly in the light of the traditional and patriarchal nature of traditional systems, which rarely provide real justice to women victims. It was made clear to the Special Rapporteur that, in most cases, compensation benefitted the male members of a victim's family, not the victim herself. In the case of young women and girls, negotiations are carried out between the victim's parents or guardians, and the adults involved rarely take into consideration the specific needs or wishes of the victim. One of the main challenges of reconciliation in cases of domestic violence is that it rarely takes into consideration the unequal social positions of women and men or factors such as the economic dependence of women, the cultural and social pressure they face to maintain the family unity, or the fears that women may have of losing their children or harming them by separating them from their father.<sup>47</sup> Furthermore, the system allows for perpetrators to remain unaccountable for the harm that they have inflicted, given that cases do not reach the magistrate's court.

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

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

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

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

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<sup>47</sup> Nick Goodenough, "Reconciliation and the criminal process in the Solomon Islands", *Journal of South Pacific Law*, vol. 10, No. 1 (2006).



result in very severe and visible injuries. Such cases are not, however, addressed as cases of “domestic violence” but as cases of general assault.

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

74. Judges, however, explained that many of the cases reported do not reach them because of the failure of the police to act in accordance with to the law, to conduct proper investigations and to collect the necessary evidence. There are weaknesses in the prosecution of such cases. Another obstacle is the period of time in which victims should come forward, particularly in the case of young girls who experience sexual violence, with such cases prescribing due to the current legal provisions. Victims also face the traumatic experience of reporting cases to the police, given that, in many cases, the police do not recognize such abuse as a crime.

75. Judges may grant protection orders for domestic violence, but only for married women and only from a court. Even when a protection order has been obtained, it is not necessarily respected or enforced by the police.

76. Interviewees reported a lack of training and sensitivity on the part of police officers dealing with cases of domestic violence, who often allow their own personal and traditional views to influence their decisions on whether to enforce protection orders. Other policing challenges conveyed to the Special Rapporteur included the Family Violence Support Unit, which is currently staffed by just one person, who is constantly overwhelmed; having six officers working in the sexual assault unit, but who also work on other cases; the lack of police escorts, owing to a shortage of vehicles or fuel; and the fact that 999 emergency number was often not operative. Furthermore, police officers are sometimes themselves perpetrators of domestic violence. The Special Rapporteur was informed that a family violence policy (policy P/2010/CI/002) and a set of standard operating procedures had been established by the police force to guide their interventions in cases of domestic violence. According to the policy, family violence is to be treated as a crime, offenders are to be held accountable for their actions and victims are to be kept safe, including when perpetrators are members of the police force.

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

78. The issue of compensation also limits the number of cases brought to the courts. In many cases, the parents of victimized girls refer the situation to local chiefs, who negotiate the punitive measures for perpetrators. The Special Rapporteur was informed of a case in

Malatia in which a group of juveniles had been accused of rape. The case was discussed locally and it was only because the issue of compensation was not agreed to by the victim's parents that they referred the case to the police, and the young men were prosecuted and eventually convicted. There is a lack of knowledge among families that accountability for the crimes committed against them or their daughters may be sought in other ways than just through compensation.

79. Customary reconciliation and payment of compensation are considered mitigating factors in Solomon Islands when sentencing. In 1990, in the case of *R v Asuana*, the High Court judge stated that:

Compensation is an important means of restoring peace and harmony in the communities. Thus the courts should always give some credit for such payment and encourage it in an appropriate case. [A]ny custom compensation must be considered by the court in assessing sentence as a mitigating factor but it is limited in its value. The court must avoid attaching such weight to it that it appears to be a means of subsequently buying yourself out of trouble [.] The true value of such payments in terms of mitigation is that it may show genuine contrition and the scale of payment may give some indication of the degree of contrition.

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

81. While the above-mentioned decision by the Court of Appeals has provided a guideline with regard to compensation in cases of violence against women, judges are reportedly not following the guideline. Cases that come to court continue to allow for the consideration of any compensation received as a mitigating factor in the sentencing process, which results, in many instances, in small sentences being handed down.

## **VI. Conclusions and recommendations**

82. **Solomon Islands faces ongoing challenges to overcome poverty and underdevelopment, and, together with its development partners, is making some efforts to tackle them. The country is also undergoing a process of healing and reconciliation following the five years of "the tensions" between 1998 and 2003. The Government of Solomon Islands has taken some positive steps to promote women's human rights and develop policies towards the elimination of violence against them, including through the development of a national policy on gender equality and women's development and the national policy on eliminating violence against women; the review of the Penal Code and the Criminal Procedure Code; the promulgation of the Evidence Act; and the proposed review of laws relating to marriage and divorce.**

83. **The limited avenues for justice available to women victims of violence, however, remains an important challenge. There is currently no specific legislation addressing the issue of violence against women; marital rape is still not criminalized;**

and the implementation of available legislation and protection mechanisms by the police and other authorities is deficient. Structural obstacles also limit women's access to the formal justice system. In remote regions, women victims of violence face generalized impunity, lack of access to services and shelters, lack of legal representation and limited awareness of their rights. This is coupled with the increasing risks faced by women and girls as economic activities, such as logging or fishing, continue to develop without adequate oversight from governmental authorities.

84. In the light of the above, the Special Rapporteur makes the recommendations set out below.

## A. Law and policy reforms

85. The Special Rapporteur recommends that the Government of Solomon Islands:

(a) Make the necessary constitutional amendments to define explicitly and prohibit discrimination, including on the grounds of sex, in the Constitution of Solomon Islands, in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women;

(b) Take affirmative action measures to increase the participation of women in political life, including temporary special measures to allow for parliamentary seats reserved for women in the next national elections;

(c) Provide for temporary special measures, including quotas and preferential treatment, to advance women's integration into education and the economy, and provide incentives to increase the employment of women in both the public and the private sectors;

(d) Consider as a matter of priority the enactment of a specific law on violence against women. Such a law should contain provisions regarding domestic violence (providing for civil and criminal remedies), sexual violence and sexual harassment. A special law should be holistic and provide victims with preventive and educational measures, as well as protection and assistance measures, and provide for sanctions against perpetrators. The elaboration and adoption of such a law requires a process that is consultative and that incorporates the opinions of civil society and victims/survivors. Such a law should also be accompanied by dedicated budget allocations for its effective implementation, and by plans of action to build the capacity of all relevant actors, including civil society organizations;

(e) Complete, as a matter of urgency, the reform of the Penal Code to ensure:

(i) The criminalization of any form of sexual violence and abuse, including the crime of marital rape;

(ii) The inclusion of a broad and comprehensive definition of rape that takes into consideration anal and oral penetration, as well as rape that is committed with objects;

(iii) The elimination of any classification of sexual violence or abuse as an "offence against morality";

(iv) The establishment of minimum sentences for cases of sexual violence or abuse;

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

run shelter for women victims of violence. The shelter should not only provide temporary refuge but also legal and medical support, and vocational or skills training to help women engage in productive activities to foster independence after leaving the shelter;

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

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

(q) Establish a monitoring system that ensures the investigation, prosecution and punishment of any cases of violence against women and girls committed by national and foreign employees of logging and fishing companies in remote regions. This should reflect the international human rights standards outlined in the Guiding Principles on Business and Human Rights.<sup>48</sup>

## **B. Statistics and data collection**

86. The Special Rapporteur also recommends that the Government:

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

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

## **C. Social change and awareness-raising**

87. The Special Rapporteur further recommends that the Government:

(a) Design and launch targeted awareness-raising campaigns to educate and change social attitudes, particularly those that attribute women with a lower social status than that of men; and support, strengthen and replicate awareness-raising and sensitization programmes on women's human rights and violence against women for local community authorities;

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

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<sup>48</sup> A/HRC/17/31, annex.