



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**List of issues and questions in relation to the combined
initial to third periodic reports of Solomon Islands**

Addendum

Replies of Solomon Islands*

[Date received: 30 May 2014]

* The present document is being issued without formal editing.



1. The Ministry of Women, Youth, Children and Family Affairs (MWYCFA) with the assistance of the Honiara and Suva based UN Women established the Solomon Islands National Advisory Committee on CEDAW (SINACC) with a Terms of Reference that was endorsed in 2013. SINACC represents a coalition of Government and Civil Society Organisation's (CSO's) including Churches and development partners concerned and involved in CEDAW related areas at national level. It will act as an advisory and consultation group whose main role is to oversee the implementation of CEDAW in Solomon Islands. Under its Terms of Reference, part of its stated responsibilities is to assist the government to prepare the State CEDAW report for submission to the UN CEDAW Committee as and when it is due. In addition the SINACC is expected to provide oversight to the report writing and ensures transparency of process and factual information is provided.¹

2. The SINACC, chaired by the Permanent Secretary of MWYCFA, has a wide representation at executive and senior management level from the following organisations:

- (1) Ministry of Development, Planning & Aid Coordination
- (2) Ministry of Justice & Legal Affairs
- (3) Ministry of Foreign Affairs & External Trade
- (4) Ministry of Health & Medical Services
- (5) Ministry of Home Affairs
- (6) Ministry of Education & Human Resources Development
- (7) Ministry of Rural Development
- (8) Ministry of Police, National Security & Correctional Services
- (9) Ministry of Public Service
- (10) Ministry of Commerce and Trade
- (11) Attorney General's Chambers
- (12) Law Reform Commission
- (13) Solomon Islands Christian Association
- (14) Young Women Parliamentary Group
- (15) National Council of Women
- (16) UN Women National Office
- (17) Oxfam
- (18) Family Support Centre
- (19) Media Association of Solomon Islands
- (20) SPC Regional Rights Resource Team

3. While SINACC is the advisory body, there is the Working Group established as the technical body of SINACC with representatives from key Ministries, agencies

¹ MWYCFA, *SINACC Terms of Reference*, 2013.

and CSOs with mandated, programmes and activities relate to the CEDAW Articles and Optional Protocols including the MWCFA. The main task of the Technical Working Group (TWG) is to support MWYCFA in collecting and collating information and data to assist towards CEDAW Reporting. This was the Group that was responsible for ensuring necessary information was collected from relevant stakeholders from government, private and CSO agencies, including women's organizations, for the CEDAW report write up. Besides this process of collecting information, the Women's Development Division (WDD) of the MWYCFA and the report writer made follow-up consultations with most of the stakeholders to confirm and verify initial information collected by the SINACC TWG. The TWG met as and when necessary to oversight report write up progress and its contents while the SINACC met to provide the initial, progress and final review of the Report before it went to Cabinet.

4. The first submission of the SI State Report to the Cabinet did not get approval. Instead the Cabinet mandated the establishment of a Special Select Committee (SSC) to review the CEDAW Report with the aim to incorporate more legal, religious and custom/tradition perspectives. The SSC comprised representatives of churches, traditional leaders, women's groups, children's groups, legal representatives and chaired by the Minister for MWYCFA. The SSC met for over three weeks and thoroughly discussed each and every paragraph of the report. The SINACC TWG supported the review process and facilitated the changes to the report. Apart from some changes there were no serious objections to any part of the Report. The SSC concluded that the report was an accurate situational analysis of women in Solomon Islands even from the legal, religious and tradition perspectives. The reviewed report was submitted to SINACC and got its approval for final submission to Cabinet. The Cabinet finally approved the SI CEDAW Combined Initial, Second and Third Periodic Report in January 2013.

B. Women, peace and security

National Action Plan for Women, Peace and Security (NAP WPS)

5. The NAP WPS is the first tool created by the Solomon Islands Government to bring about formal recognition of the role women played in brokering peace during 'the tensions', the vital role they have and continue to play as peacemakers in the country despite barriers to inclusion and redress for the harms they suffer and continue to suffer.² The NAP WPS has been aligned with the national policy frameworks on Peace Building and Reconciliation and on Eliminating Violence Against Women (EVAW), respectively. The current development of the National Peace Building Policy Framework (NPPF) is led and coordinated by the Ministry of National Unity, Reconciliation and Peace (first established in response to the consequences of the social unrest) with relevant stakeholders is close to being finalised and submitted to Cabinet for approval by 2014. This is again the first of its kind for Solomon Islands. The aim of the policy framework is to coordinate all the peace initiatives being organised and auctioned in the country after the social unrest.

² Ministry of Women, Youth, Children & Family Affairs (MWYCFA), *NAP WPS Consultancy Report*, 2011, p. 2.

6. Thus, the NAP WPS draws upon these already existing policies and plans as it creates a unique framework that begins to address women, peace and security. It is aligned to the principles that guided the NPPF and EAW policies namely: inclusive participation; pursuit of fairness; local ownership; blending traditional and modern worlds; and long-term orientation and exchange.³ Furthermore, it will also comply with the principles set forth in the EAW Policy, namely: zero tolerance of violence, recognition of women's rights, sharing responsibility for elimination of violence against women, and achieving gender equality.⁴ The NAP will sit within NPPF and will complement the EAW and GEWD national policies and will help guide their implementation processes in peace and security areas. The NAP will help to develop a shared platform of understanding gender and development in post conflict Solomon Islands. It is a process through which the key stakeholders can together diagnose the gender-related issues in post conflict situations and identify strategies to address those issues.⁵

7. Development of the NAP WPS is overseen by an Interagency Taskforce which guided the planning activities, including selection of stakeholders and approach, and which reviewed and approved draft versions of the NAP document. The draft NAP has been developed through desk reviews and extensive local consultations with members and representatives of the local civil society organisations, government agencies, church representatives, international organisations, donors, UN agencies, and local activists. Consultations were primarily conducted in national capital of Honiara; however some consultations were undertaken in Malaita province. Further information was sourced from other provinces by organisations such as Voice Blo Mere Solomon (VBMS) and the International Center for Transitional Justice during their work with women on a women's submission to the TRC. This information was also included in the development of the NAP.⁶ A regional reference group was also established to provide comments on early drafts under the auspices of UN Women, UNFPA, OHCHR and UNDP in Suva. A national validation workshop was held for WPS stakeholders to consider the draft NAP.⁷

8. The draft NAP however has been subjected to a review since its validation. The outcomes of this review reported that the NAP development process suffered from a lack of robust data/evidence — particularly in the peace and security sector; a gender analysis of the security sector in Solomon Islands; a strategic perspective in the security sector; political will for gender responsive reform; effective multi-sectoral coordination of the response to women, peace and security priorities, in the form of a NAP; strong civil society, including women's rights' advocates, with capacity to influence in the security sector; donor commitment to supporting the WPS agenda; sufficient preparation (training and awareness) among stakeholders to enable effective contributions, commitment and advocacy for WPS NAP implementation. Furthermore, the review process also identified that the NAP was overly ambitious and was quite limited in a number of areas necessary for effective

³ Note, the NPPF was still in draft form at the time of completion of the NAP WPS but should there be any change of emphasis in the final version of the NPPF, the NAP WPS will be amended to align accordingly. For further elaboration of the principles set out above, see DRAFT NPPF Framework.

⁴ For further elaboration of these principles see the EAW NAP.

⁵ Ibid.

⁶ MWYCFA, *Detailed Report: NAP WPS*, 2011.

⁷ Ibid.

implementation including the lack of any accountability mechanism or an M&E framework which may make implementation difficult. In general, the review recommended that the finalization of the NAP should involve a process that would encourage dialogue and coordination among ministries and with civil society; ensure accountability and effective implementation of UNSCR 1325 through the NAP; and empower women and civil society through opportunities for participation, providing a platform for action, and tools for accountability (monitoring and evaluation). The review process recommended that a gender analysis of Solomon Islands' peace and security context (and the security sector more broadly) and an analytical mapping of actors and institutions is essential to assess strategic priorities and actions in a National Action Plan on Women, Peace and Security. Work to engage a consultant to carry forward the review recommendations and revise the draft NAP is underway. The inter-agency Task Force will be responsible for providing the coordination of the revision of the draft NAP.

C. Legal Status of the CEDAW Convention

Draft Federal Constitution of Solomon Islands

9. The latest draft (Draft 2014) for the proposed Constitution of the Federal Democratic Republic of Solomon Islands enshrines under its Chapter 3 rights and freedoms and entitled "Our Human Rights with Part A — Bill of Rights, Part B — Elaboration of Rights and Freedoms and Part C — Applying the Bill of Rights. These rights and freedoms are also based on those that commonly are recognised in other similar Bill of Rights internationally.⁸

10. The draft states that each right is to be recognised as an unrestricted statement, but clearly outlines that the rights set out in the Constitution are "subject to any necessary limitation or qualification to accommodate a custom or customary practice that is: (a) traditionally observed and currently practiced in a particular locality of the Republic; (b) is not harsh, or repugnant to general humanity; and is reasonably justifiable in a democratic society".⁹ Section 19 of the draft expresses the right to equality and freedom from discrimination. The draft also provides for Section 43 specifically for women, men and families to have rights to equal treatment and to equal opportunities in all spheres of development.

11. Rights may be limited only by legislation, which may restrict a right, or authorise executive action that restricts a right, so long as the restriction is reasonable, and justifiable in the context of Solomon Islands constitutional principles generally, and particularly in the context of both Solomon Islands customary traditions, and its democratic social structures.¹⁰

12. The proposed design for limitation of rights allows greater flexibility for Parliament and State governments to tailor legislations, and restrictions of rights to meet emerging circumstances over the years, and to refine the balance between

⁸ This section was designed and drafted by International Human Rights and Constitutional Expert Advisers.

⁹ Solomon Islands Joint Constitutional Congress And Eminent Persons Advisory Council, *Draft For Proposed Constitutional Democratic Republic of Solomon Islands, 2014*.

¹⁰ Solomon Islands Joint Constitutional Congress And Eminent Persons Advisory Council, *Draft For Proposed Constitutional Democratic Republic of Solomon Islands, 2014*.

customary traditions and other constitutional principles within the circumstances of each draft bill.¹¹ In this regard, designers and makers of such restrictive legislations will have to ensure that women and other disadvantage groups are not discriminated against or subjected to discrimination to give way to especially discriminatory customary traditions and practices.

13. The draft provides for the establishment of a Human Rights Commission as an Independent Commission and whose responsibilities include ...” promoting the protection and observance of, and respect for, human rights in public and private institutions, and to develop a culture of human rights in Solomon Islands; monitoring, investigating and reporting on the observance of human rights”.¹² This provision reinforces the commitment of SIG to the Pacific discussion and plans to establish a Regional Human Rights Institution. This commitment is also reflected in SIG’s mandated scoping exercise in 2012 to assess the feasibility of establishing a national independent human rights institute. Due to other pressing commitments, Cabinet, as an initial measure, opted to strengthen and adequately resource existing institutions that promote and protect human rights before deciding on establishing a new human rights institution.

14. Work on the Draft Federal Constitution is progressing towards its final stages, the next draft being planned to be the final draft. The timeframe for the final draft is scheduled for October/November 2014 after which a Constitutional amendment will be proposed to enable the establishment of a ‘Constituent Assembly’ to consider and approve the final draft. The Constituent Assembly will comprise all members of parliament, all members of Provincial Assemblies and other key stakeholders and gatekeepers of Solomon Islands society.

Penal Code, Criminal Procedure Code and other laws

15. The Ministry of Justice and Legal Affairs has established a legislative program to progressively update the legal sector legislation. In relation to gender, the Ministry has ensured that all reviewed legislation is drafted in gender neutral language and that discriminatory practices have been removed. Women have equal access to all positions in the public sector. For example, the Correctional Services Act 2007 and Regulations and the new Police Act 2013 and Regulations now allow women to work in all areas of corrections and the police force and no longer have discriminatory provisions or policies relating to marriage, pregnancy or gender. Since the passing of the Police Act 2013, there has been a female officer acting as the Commissioner of the RSIPF to date.

16. SIG through the implementation and coordination of the GEWD national policy will continue to ensure that gender is considered as a mainstream issue in every project and that all Ministry and Government documents, including public consultation papers, briefs and Cabinet Papers all specifically address the gender impact of the proposed policy initiative.

Work of the Law Reform Commission

17. The LRC is currently reviewing the Penal Code and the Criminal Procedure Code, the Law Reform Commission has been given a reference to review those Acts.

¹¹ Ibid.

¹² Ibid.

The LRC has made recommendations on various parts including the parts relating to sexual offences. The Ministry of Justice has committed to progressing those recommendations and updating the sexual offence provisions to provide greater protection to women victims of violence and to ensure perpetrators are prosecuted.

18. Actions on the recommendations are planned to be carried out in phases. Table 1 is a summary of the various LRC work on the legislative reforms that have been undertaken at different phases/stages: LRC has an increasing trend for its annual recurrent budget from SBD1,017,953 in 2010 to 2,032,271 in 2013. This increase had enabled the LRC to carry out some of the consultation and research into reforming some of the existing laws to cater to the present and future contexts as well as incorporating gender perspectives.

Table 1

Summary of Penal Code, Criminal Procedure Code phases and projects

<i>Released in 2008. Contains an analysis of all of the Penal Code (save for sentencing provisions), identifies issues for reform, asks questions to support consultation and submissions</i>	
<i>Penal Code Issues Paper</i>	
Community consultation	Consultation is ongoing throughout the provinces as well as with specific stakeholder groups
The following projects use the results of consultation as well as more detailed research to develop recommendations for reform	
Corruption offences	Completed Report/Recommendations forwarded to Minister for Justice and Legal Affairs in June 2011. See www.gov.sb/index http://www.lawreform.php/publications/other-reports
Sexual offences	Report/Recommendations completed and already send to the Minister for Justice and Legal. This Report contains recommendations on rape, sexual abuse of person with significant disability, indecent assault, incest, sexual intercourse with a child, indecent touching of a child, sexual abuse of child age 15 to 18, persistent abuse of a child, commercial sexual exploitation of children, and child sexual exploitation material. See http://www.lawreform.gov.sb/index.php/publications/other-reports
Personal harm offences	Currently on drafting stage (consultation paper). This project will cover domestic violence and abortion issues. This project involves the review of the personal harm offences which among others include unlawful wounding, assault causing bodily harm, cruelty to children under 15 years, trafficking, slavery, abortion, violence against women.

The scope of the personal harm offences project also includes, looking at the current law dealing with each offence, the penalties for each offence, issues with the current law, how other jurisdiction have dealt with these offences and options for reform.

Homicide

Currently on drafting stage (consultation paper)

Dishonesty and property offences

Consultation paper completed — Consultation stage — In progress. This project involves review of the property offences such as stealing, burglary, robbery, unlawful use and other offences related to theft, fraud, forgery, extortion, currency offences, and property damages and arson.

See <http://www.lawreform.gov.sb/index.php/publications/other-reports>

The following projects specifically address the Criminal Procedure Code

Mental impairment, fitness to plead and criminal responsibility

Report/Recommendations completed

This Report contains recommendations for reform of the law and procedure contained in the Criminal Procedure Code and Penal Code that apply to people with mental health problems who committed crimes and come into contact with the criminal justice system. The Report contains 25 recommendations. The underlying principles used to formulate the recommendations include

- To ensure that the balance between the interests of people with a mental impairment and those who cannot plead or stand trial and the interests and the safety of the public is maintained;
- To ensure that the constitutional protections afforded to people with a mental impairment charged with a criminal offence are not violated;
- To ensure that all people are treated equally before the law;
- To eliminate discrimination on the basis of a disability; and
- To meet the obligations of Solomon Islands under United Nations conventions such as the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child;

– The report should be uploaded via <http://www.lawreform.gov.sb/index.php/publications/other-reports>.

Sentencing

Report write up and targeted consultation stage — This Report focuses on addressing problems with sentencing which includes inconsistency of sentences given by courts on similar factual situations and whether the available sentencing options suit Solomon Islands. It focuses on among other things purposes of sentencing, principles of sentencing, factors that affects sentencing and sentencing options.

Source: Ministry of Justice and Legal Services, LRC Response to CEDAW questions, May 2014.

Application of Customary laws

19. Since Solomon Islands ratified CEDAW there have not been cases in which customary laws have been applied on the grounds of gender. So far cases that had been brought up to the attention of courts have been withdrawn even before court proceedings largely due to customary settlements and compensations being done outside of courts. However, past cases in which the application of customary laws has been considered relate to land below high water mark and low water mark and resulted in two conflicting Solomon Islands High Court decisions. In terms of elimination of discrimination against women in customary practices or in customary law, the LRC in its recommendation on the Land Below water mark and low water mark Report makes reference to Gender, especially the recognition of women in decision making about tribal land.¹³

20. The Customary Recognition Act 2000 has not commenced and this poses challenges to setting out standard procedures for the application of customary laws. There is currently no framework in place to look into this matter; however the SILRC is currently working on a reference regarding the law (state and customary) that governs ownership and use of land below high water mark.¹⁴

D. Access to justice

High Court decision in regards to discrimination against Women

21. The Ministry of Justice and Legal Affairs, in response to the question states that it is not aware of Constitutional cases that have been decided in relation to violation of the rights of women. However, the Women In Law Solomon Islands Association (WILASI) provided anecdotal evidence of a female applicant who commenced a case after being denied a scholarship to study law. The case was

¹³ See *Land below High Water Mark and Low Water Mark Report*, also look at *Sexual Offences Report which recommends to put a stop to certain behaviours that might be normally acceptable in custom*. Both reports see <http://www.lawreform.gov.sb/index.php/publications/other-reports>.

¹⁴ Ibid.

withdrawn when the scholarship was awarded to the woman after a review by the responsible authority. Since that time, there has been greater gender equity in the awarding of scholarships.¹⁵

Implementation of TRC recommendations

22. Women made oral as well as documented submission to the TRC following a nation-wide consultation and convention that recorded stories about their struggles and the violation they suffered during ‘the tension’. Their submission included recommendations to SIG on steps necessary to take to bring about justice, healing and closure to their sufferings including loss of family members.¹⁶

23. Although it has been a very slow process in taking actions on the recommendations, including those submitted by women that embrace actions required to address gender based violence committed against women and girls during the ethnic tensions, SIG has mandated to develop a Framework for Implementation of the TRC recommendations. Work on the mandate has started however, other pressing commitments of SIG in terms of time and resources, including commitment to properly close and begin on the recovery phase from the disaster caused by the cyclone in April 2014. Despite these other commitments the timeline set to complete the Implementation Framework is by end of 2014.

E. National machinery for advancement of women

Specific Programmes and Projects in the GEWD implemented at the Provincial level

24. All programmes/Plan of Actions under all the five GEWD Policy Priority Outcomes are intended to involve and benefit all stakeholders across the country. The programmes are planned for results to trickle down and across to communities and village people. However, because of the wide geographical spread of the country with limited and poor infrastructure, programme impacts and benefits are always slow in reaching out to the provinces. Logistics to get programmes and projects out to the provinces are mostly exorbitant thus the most cost effective way to coordinate and implement programmes in provinces is to build the capacity of community based representatives who are intended to reach out further to wider community members.

25. This delivery method however, does not quickly produce immediate tangible results hence obscure intended results for provincial communities. The national capital of Honiara is usually seen as the only location and population that benefits most from the programmes and the reason being that it has and hosts better communication and infrastructure amenities as well as better resources to coordinate and implement programmes. Nevertheless, there are programmes that specifically target provinces as reflected in MWYCFA the Corporate Plan, 2011-2014 and Annual Plan 2013 and include developing Provincial policies on Gender and Women’s Development to suit individual contexts and priority needs. Currently, this work is undertaken in Malaita, Guadalcanal, Choiseul and Western provinces.¹⁷ Other programmes targeting women at provincial level include the following: Conduct a nation-wide civic

¹⁵ MJLS, *Response to Questions on CEDAW State Report*, May 2014.

¹⁶ Ibid.

¹⁷ MWYCFA, *MWYCFCA Annual Work Plan 2013*.

education and consultation on TSM 2014; carry out WISDM 2014 Election Preparatory Plan; Provide grants for women's income generating projects; Develop training programme on Financial Literacy & Enterprise & business development for women and girls; Provide funding due to members of Parliament to assist constituency projects for women, youth and children; Grants to provincial women's offices and women's groups. All these together have a total budget allocation of SBD10,000,365 in 2013.¹⁸

26. The National GEWD policy and its accompanying Plan of Action are designed for the whole of Solomon Islands and speak to all levels — national, provincial and community/village levels. They embrace both present and future situation of women and gender advancement based on past lessons and emerging issues. As such, programme/project interventions at all levels are planned around these priority areas and have and being undertaken in the context of situation in each province.

27. The MWYCFA Annual Work Plans since 2012 mandated the development of provincial gender and women's development policies to contextualize the GEWD policy in different provinces taking into account provincial priority areas. So far work on developing the policies is progressing in Malaita, Guadalcanal and Choiseul provinces. Delay in carrying out this programme in other provinces is due largely to limited resource personnel in the Women's Development Division (WDD) in the MWYCFA. In the meantime the GEWD Plan of Action programmes have been taken down to provinces as and when resources are available province based on joint provincial work plans with provincial focal points for women. However, implementation of these plans has also been challenged by available resources by MWYCFA as well as competing priorities at provincial level.

28. Similarly, the national policy on Elimination of Violence Against Women (EVAW) and the CEDAW have been part of the WDD promotion, advocacy and awareness programme in the provinces. CEDAW advocacy programme has had budget allocation since the SIG Ratified it in 2002 and ever since has been a core part of MWYCFA Annual Work Plans with annual budget allocation. In 2013 and 2014 CEDAW-related programme activities and report writing received allocation of SBD500,000 for each year. This is one of the largest single allocations in the Ministry.

Assessing Impact of the GEWD Policy

29. Assessment of impact of the GEWD Policy has been weak due to capacity constraints at the MWYCFA to undertake or afford the task although priority outcome 6 of the GEWD requires an effective monitoring and evaluation of its policy outcomes. A review of the GEWD will be undertaken in 2014. It is expected that the review will provide some information on impact of the GEWD policy since its inception. In addition, a significant steps is being taken towards training of the MWYCFA staff to develop a Monitoring and Evaluation System for the GEWD and specifically for Outcome 2 of the GEWD which is on Improved Economic Status of Women.

30. Currently the GEWD national policy has an established mechanism comprising of a National Steering Committee (NSC) and GEWD Policy National Task Forces (NTFs) for each Policy Priority Outcome Area. The NSC oversees the

¹⁸ Ibid.

implementation process of the GEWD policy and comprises Permanent Secretaries (PSs) of key stakeholder Ministries including the Prime Minister's Office, Development Planning and Aid Coordination, Finance, Health and Education and Rural Development. Other members include the Solomon Islands National Council of Women (representing NGOs/CSO stakeholders) and Development Partner representative. The NSC is required by the policy to report to the Cabinet through the MWYCFA as the lead coordinating authority.¹⁹ Under the GEWD Policy, there is also an established mechanism for participation of Development partners to provide support to the implementation of the GEWD Policy. Development partners with a particular focus on gender equality meet quarterly to monitor progress made in relation to the GEWD priority outcomes and consider ways to improve support to policy implementation.

31. Besides the key Government Ministries representation in the NSC, one of the milestones achieved in 2013 with the support of the Public Service Commission is the initiative to integrate gender mainstreaming through the Performance Agreement of Permanent Secretaries (PS'). Under their performance agreements, all PS' are tasked with the responsibility to develop gender profiles through collection of data or statistics related to a particular sector and to ensure monthly and annual reports are gender sensitive. A key milestone achieved under the PS' Performance Agreement is the establishment of Gender Focal Points (GFPs) in all Ministries. Currently, there are 24 gender focal points in all. While establishment of gender focal points is purposely to ensure that the needs and interests of women and men are taken into account systematically across all government sector policies, programmes and activities, this significant step taken in the establishment of GFPs has not only enabled a more coordinated implementation and monitoring of the GEWD policy within the Public Service but has also ensured direct engagement of government sectors in progressing implementation and monitoring of the GEWD policy including CEDAW.

32. At the provincial level, the MWYCFA and the GFPs also have provincial desks or focal points which further complement the implementation, monitoring and reporting process of the GEWD policy. However, in view of the ongoing concerns about the need for improved capacity, collaboration and reporting on progress made through implementation of programmes and activities at both the national and provincial levels based on the national policies for women, youth and children, significant steps have been taken by MWYCFA to address these issues as a result of a joint planning workshop which was held in 2013 for MWYCFA staff and relevant provincial desk officers. In the list of priorities is the need to establish a Management Information System and the need to ensure that there are clear processes in places for monitoring and reporting.

Participation of Women and their organisations in Implementation of GEWD and EAW Policies

33. In relation to participation by women and women's organisations in the implementation of the GEWD and EAW Policies, the GEWD Policy NTFs comprise of both government and CSO (including NGOs and FBO) representations under their relevant and respective GEWD policy priority areas. In recognition of the important role women's organisations play, the Government provides annual subventions to the

¹⁹ SIG, *National Policy of GEWD*.

National Council of Women, the Family Support Centre (FSC) and the Christian Care Centre (CCC). Annual grants are also made accessible by the Government to women's organisations to run their programmes and activities. Table 2 below shows GEWD NTF and Women's Organisations in the NTF.

Table 2
GEWD NTF and Women's Organisations in the NTF

<i>GEWD Policy Priority Outcome</i>	<i>GEWD NTF</i>	<i>Women's Organisation/ organisations for women</i>
Improved & Equitable Health & Education for Girls & Boys, Women and Men	Health & Education	Women Teachers Association. First Lady's Charitable Group
Improved Economic Status of Women	Economic Status	SIWIBA YWCA — Sista Savve Market Vendors Association Rokotanikeni Women's Association
Equal participation of Women & Men in Decision Making & Leadership	Decision Making & Leadership	– VBMS NCW WISDM Coalition YWCA — Young Women's Leadership Program Young Women Parliamentary Group
Elimination of Violence against Women	Eliminate VAW	– FSC CCC VBMS Women's Rights Action Movement Stages of Change Women's Drama Group Channels of Hope
Increased Capacity for Gender Mainstreaming	Gender Mainstreaming	WDD

Note: Work of some of these organizations cuts across all the above areas.

34. The Solomon Islands National Council of Women (NCW) is a key implementation and coordination partner with the MWYCFA of the GEWD policy. As such, the structural mechanism and networks of the NCW that spreads out throughout the country in provinces and communities are utilized to implement the GEWD policy and its activities outside of the Government public service. NCW through the Women in Shared Decision Making Coalition (WISDM) is responsible for advancing Priority Policy Outcome 3 of the GEWD Policy which promotes equal participation of women and men in decision making and leadership. The NCW currently leads the WISDM civic education programme at the provincial level in preparation for the 2014 National General Elections.

35. Implementation and monitoring of the national policy on ERAW use the same GEWD Policy mechanisms and networks but specifically focusing engagement with stakeholders of Violence Against Women (VAW) and Gender Based Violence (GBV). At the service delivery level, implementation of the ERAW Policy has been actively supported by the CCC & FSC both of which play a significant role in the long established Violence against Women Referral Network. This network has since been transformed to a formal referral system called SAFENET. Made up of Government and Non-Government Women's Organisations, and established under a Memorandum of Understanding, the SAFENET consists of five partners namely the Royal Solomon Islands Police Force, The Public Solicitors Office, the Social Welfare Division, Ministry of Health & Medical Services, the FSC (Women NGO) and the CCC (women NGO). The key role of SAFENET is to provide coordinated, frontline services and support to victims/survivors of gender based violence (GBV)/ violence against women (VAW). Capacity to respond in a safe, non-judgemental, survivor centred way continues to be a challenge within SAFENET to effectively coordinate the referral system. However steps have been taken to identify the gaps and to recommend priority areas for improvement which has resulted in the development and adoption of a SAFENET Action Plan (2014-2016).

Women's Development Division (WDD), MWYCFA and its resources

36. The WDD currently has seven (7) staff headed by The Director of Women's Development. Since 2012, the Division has been able to secure additional positions that are strategic and aligned to the need to implement the GEWD and ERAW Policy. For example, the GEWD/CEDAW Coordinator, ERAW posts were secured and successfully filled by end of 2013. Negotiations with AusAID have successfully secured the establishment and funding of the Women's Economic Empowerment position, which will soon be filled. Apart from these officers, the Division has also been assisted by externally funded personnel to assist in GEWD implementation process.

37. There has been an increasing trend in the WDD budget over the years. Table 3 indicates this increase from 2008-2013. In 2008 WDD recurrent budget represented 11% of the MWYCFA total budget. In 2010, 17% and in 2013, 22%. The trend has also been that bulk of the budget is allocated to annual prioritized priorities. The affordability of SIG determines priorities including the human and financial capacity to carry out programmes at any one year.. Figure 1 shows the 2013 MWYCFA budget by sector/Division and WDD accounted for 22% of the total Ministry budget, which may be relatively less, however, the Division has also been receiving funding assistance from development partners to implement its GEWD policy programmes. 2013 also records a strong budget execution rate of 85% at year end despite SIG's

cash flow problem encountered in December 2013. See Figure 2. The under-spent identified under the Other Charges component (apart from payroll) is due mainly to unpaid vouchers under Headquarter/Administration, YDD and WDD at close of year end.

Table 3
WDD Recurrent Budget 2008-2013

	2008		2010		2012		2013
	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Women's Development	747 738	772 100	1 460 202	1 096 956	2 200 998	2 146 068	2 632 469
MWYCFA (Total)	6 887 539	5 513 431	8 449 678	6 887 539	12 173 622	11 092 455	12 173 622

Source: MWYCFA, *Trend of Recurrent Budget, 2014*.

Figure 1
MWYCFA 2013 budget by sector — 2013 Recurrent Budget Performance for period ending 31st December 2013

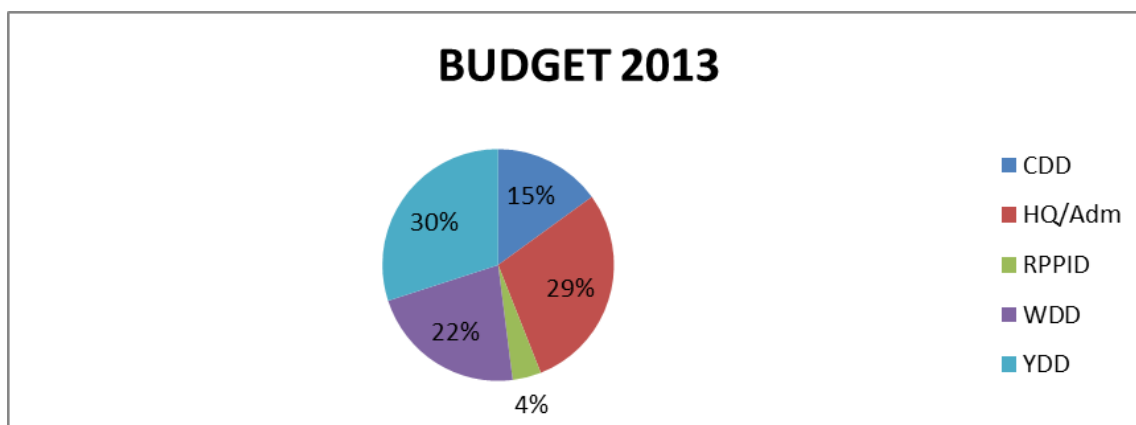
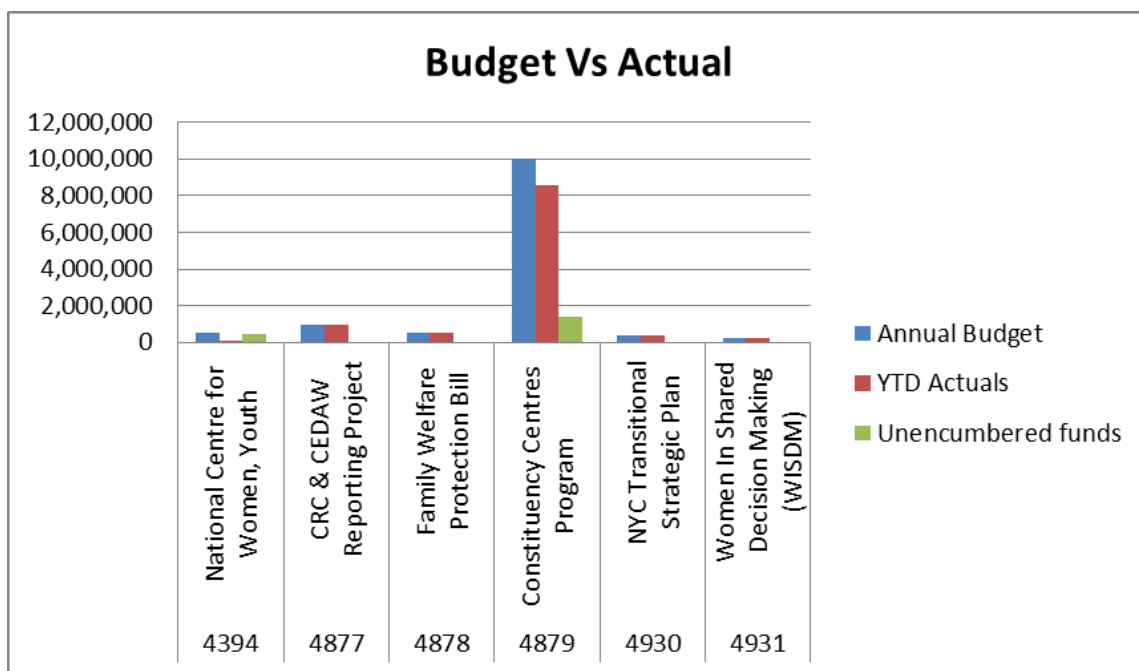


Figure 2
MWYCFA 2013 Development Budget by Programmes/Project



38. The Constituency Centres programme (CCP) under MWCFA is executed by Constituency offices of Members of Parliament for small programmes for women, youth and children in respective constituencies including income generating projects. Figure 2 Shows that the CCP budget has the highest allocation under MWYCFA. In view of the majority of constituencies and their constituents are in the provincial and rural communities, this big slice of the budget for the programme speaks volume about the SIG commitment to rural development. However, the success rate of this programme is yet to be evaluated and the risk of leaving the discretion to Parliament members’ offices to decide on how the money is allotted and spent has been a major area of concern. However, to address the issue of accountability, transparency and equitable delivery of funds, a new legislation to properly manage the Constituency Development Fund (CDF) was passed by the parliament in early 2014.

F. Stereotypes and harmful practices

Efforts to eliminate discriminatory traditional stereotypes

39. Changes to stereotyping attitudes and cultures take longer time than necessary. Although such attitudes and culture have also been attributable to impediments to women’s full enjoyment of their human rights in social, economic and political spheres as well as in family relations, changes are beginning to occur largely due to education, access to business skills and finance, active participation in cash economic activities such as in market produce sales, participation in all levels of church structures, and changing women aspirations.

40. In relation to customary land ownership, the Ministry of Justice is proposing law reform by producing a draft consultation Tribal Lands Dispute Resolution Panels Bill. This is a method of resolving land usage and ownership disputes using traditional chiefs and tribal elders that live on the disputed land. The Bill proposes that panels of chiefs and leaders be set up to determine the cases. The draft Bill proposes that women be part of the panels. Consultation has indicated strong support for the compulsory inclusion of women on the Tribal Lands Dispute Panels.

41. Article 10 on Education in the State CEDAW Combined Report outlines some measures taken by SIG such as the implementation of the Free Fee basic education policy since 2009 covering Year 1 to Year 9, to address education access issues including for girls, although parents still have to meet other costs for their children schooling.

42. Since the Cabinet approval of the Policy statement and guidelines for tertiary education in 2010 to “provide access to high quality tertiary education and to close the opportunity gap in tertiary participation for marginalised groups”, the Solomon Islands College of Higher Education (SICHE) established in 1985 has been turned into Solomon Islands National University in 2013. This will go a long way to assist SIG and parents to send students to acquire tertiary education at more affordable rates including girl students.

43. There is currently a Gender Equality in Education policy being developed to ensure the disparity between girls and boys in primary, secondary and further education is closed. Timeline to complete the policy is by end of 2014.

44. The current review of the national Education Act 1982 has included a recommendation for pregnant female students to be taken back into mainstream education system after giving birth to their babies. This gives some more opportunities for such students to further their education as their rights.

45. The current Constitutional reform exercise has adopted into its latest draft equal freedom and rights for men and women in all spheres of welfare and development including rights to land and property ownership, rights to inherit and have access to property and to manage property, rights to equal pay for work of equal value, rights to paid maternity leave. The draft states under Section 42 subsection 7 that “women and men have the right to be free from any law, culture, custom or tradition that undermines their dignity, health, welfare, interests or status”. It also states that “the parties to a *de facto* relationship have the same rights, responsibilities and status as the parties to a marriage”.²⁰

46. In terms of elimination of discrimination against women in customary practices or in customary law, the Law Reform Commission in its recommendation of the Land below high water mark and low water mark Report makes reference to gender, especially the recognition of women in decision making about tribal land. The Family Protection Bill 2014 has as one of its key features a provision for compensation, and orders for financial and in-kind support for domestic violence survivors.²¹

²⁰ SI Joint Constitutional Congress and Eminent Persons Advisory Council, *Draft For Proposed Constitution of the Federal Development Republic of Solomon Islands, 2014*, p. 42.

²¹ See paragraph 48.

G. Violence against Women

Family Protection Bill

47. After a lengthy process of developing the Family Protection Bill which ensured that the law fits the local context, the Cabinet finally approved it on 15th May 2014 and which will go into legal drafting for tabling in parliament in the its next sitting in July 2014. The proposed legislation creates mechanisms to provide protection for victims of violence — while also facilitating prevention of violence. This is meant to improve the response of the justice system and communities to combat domestic violence.

48. The Family Protection Bill outlines what the Solomon Islands will do to promote the wellbeing, safety and health of persons and their dependents who are the subject/s of domestic violence. The key features of the Bill are:

- Provides a clear definition of domestic violence in as far as applying for a protection order is concerned.²²
- It creates domestic violence offence per se under the Penal Code.
- Provides a criminal sanction for failing to comply with a protection order.
- Spells out the domestic relationships that will be caught by this proposed law.
- Provides for two types of protection orders: a temporary protection order and a final protection order.
- Sets out the conditions that can be included in a protection order.
- Provides for compensation, and orders for financial and in-kind support for domestic violence survivors.
- Clearly sets out the criteria that the court must consider when deciding whether to grant or decline an application for a protection order.
- It creates the Family Protection Council which will be charged with monitoring the implementation of this law. This structure will feed into and aid the review of the Bill which is set for 3 years from the day it is enacted.
- It places a statutory duty of care on healthcare and service providers when dealing with domestic violence survivors.²³

49. The Bill is relevant to the protection and sanctity of family units in Solomon Islands while reflecting on our values, cultures and traditions of the Solomon Islands as well bearing in mind existing resources and infrastructure. In this regard the legislation is designed to criminalise all forms of violence against women. The Bill stipulates that domestic violence offence is committed by any person who:

- (a) assaults the claimant or person at risk (whether or not there is evidence of a physical injury);

²² FPB, Meaning of domestic violence “For the purposes of this Act, any act, omission or conduct of the respondent or any threats to the claimant or person at risk in a domestic relationship shall constitute domestic violence if it harms, or there is a likelihood of harm to, the safety, health or wellbeing of the claimant”.

²³ MWYCFA/MJLS, *Cabinet paper on Family Protection Bill, 2014*.

- (b) psychologically abuses, harasses or intimidates complainant or person at risk;
- (c) sexually abuses the claimant or person at risk;
- (d) stalks the complainant or person at risk so as to cause him or her apprehension fear;
- (e) behaves in an indecent or offensive manner to the claimant or person at risk; or
- (f) damages or causes damage to the claimant or person at risk's property;
- (g) threatens to do any of the acts in paragraphs (a), (c) or (f);
- (h) breaches a protection order;
- (i) threatens, intimidates, stalks or assaults a healthcare professional or service provider who is acting in pursuance of a duty of care under section 29 of this Act.

Penal Code — sexual violence, marital rape and sexual harassment have been included as specific criminal offences

50. In relation to the review of the Penal Code, the LRC has made some recommendations for updating the sexual violence provisions. These interim recommendations have been submitted to the Ministry of Justice and Legal Affairs and have been given priority on the legislative program. The recommendations include clarifying that marital rape is an offence and creating new offences for sexual assault, sexual harassment, incest and child sexual abuse, commercial sexual exploitation of children, and child sexual exploitation material.²⁴ Refer to Table 1 for the status of actions on the recommendations.

Implementation of the EVAW Policy/referral networks etc.

51. The National Policy on Elimination of Violence Against Women stemmed out of the findings of the Solomon Islands Family Health and Safety Study done in 2009. Since the adoption of the policy, great efforts measures have been made to implement the accompanying Strategic Action of the policy. One key Strategic Action of the policy is to eliminate and prevent VAW through public awareness and advocacy. Several stakeholders including service providers and development partners have undertaken awareness and advocacy programmes on VAW and GBV.

52. Table 4 shows an expanding landscape of players in efforts to eliminate VAW as a result of the initial awareness and advocacy programmes. These various organisations and players have invaluablely undertaken further advocacy programmes throughout the country.²⁵ One such result is the recently signed agreement between SIG/MWYCFA and the World Bank with grant of USD130,000 over three (3) years by the latter. The project fund is to support SIG to improve access to services for victims of VAW/GBV by convening a consultative forum to identify gaps and priority actions to help frontline service providers to effectively serve victims of domestic and GBV. All services provided by the Referral networks are accessible by all women regardless of their physical, mental or emotional abilities. Table 6 shows

²⁴ See <http://www.lawreform.gov.sb/index.php/publications/other-reports>.

²⁵ MWYCFA, *EVAW Capacity Stock-take, 2013*, p. 2.

the different agencies carrying out awareness programmes on VAW/GBV throughout the country.

Table 4
Public Awareness and advocacy on VAW/GBV by Agencies

<i>Strategy</i>	<i>Organisation/Agency</i>	<i>Programme</i>
Eliminate and prevent VAW through public awareness and advocacy	Save the Children	Child protection & participation Programs
	Mothers Union	Positive parenting program based on Christian principles
	Oxfam	Standing against Violence (STAV) Program
	FSC	Service provider, referral including legal, counselling including legal, shelter, advocacy for male, training (Training Of Trainers & communities)
	CCC	Service provider, referral including legal, counselling including legal, shelter, advocacy and training for males, advocacy in schools and weekly radio programmes, drama, training (Training Of Trainers & communities)
	SIBC	VAW/GBV Media & advocacy
	One News Television	VAW/GBV Advocacy
	MWYCFA	Coordinating role, GM, advocacy/training, external assistance from development partners such as World Bank, SPC, AusAID to increase institutional capacity
	UNDP, UNWomen, UNFPA, UNICEF, WHO	UN-Joint Program on Evaw

<i>Strategy</i>	<i>Organisation/Agency</i>	<i>Programme</i>
	HCC	Advocacy & training
	Vois Blong Mere	Advocacy & training, SIDT drama
	Bahai, UCWF	Advocacy & training
	Police	Community awareness with Referral network members

Source: MWCFA, VAW Programmes, 2013.

53. The SAFENET Referral has gained substantial awareness especially in Honiara over time as reflected in the FSC client statistics at Table 5.²⁶ Table 6 shows increase in the number of referrals among the GBV Safenet members reflecting the need for and effectiveness of the safenet.²⁷ Legal services accessible to clients had been provided by the Public Solicitors Office and upon individual choice, private solicitors also provide legal counsel. Since the set up of the Legal Unit in FSC, there has been enhanced access to legal service as reflected in the increase of clients as at Table 7. Tables 8 and 9 indicate clients' statistics by province and age group with increasing trend over years.

Table 5
FSC Client Statistics from January 2013 to December 2013 — Honiara City

<i>Case Category</i>	<i>Months</i>												<i>Year</i>	
	<i>Jan</i>	<i>Feb</i>	<i>Ma</i>	<i>Apr</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>2012</i>	<i>2013</i>
Domestic violence	8	11	14	8	10	13	11	21	12	12	8	7	111	135
Rape	0	0	0	1	0	3	0	0	0	0	0	0	0	4
Sexual Harassment	0	0	0	0	1	0	0	0	0	0	0	0	1	1
Child abuse (physical and negligence)	6	16	7	20	5	2	3	15	8	1	4	1	63	88
Child Sexual abuse	2	1	0	2	1	0	0	0	0	0	0	0	10	6
Others: Legal separation, Divorce, Child custody and access, affiliation and maintenance, matrimonial property and legal adoption	16	8	7	8	12	16	17	4	23	6	10	10	129	137
Monthly Total	32	36	28	39	29	34	31	40	43	19	22	18		
Grand Total													314	371

²⁶ Family Support Centre, *FSC Annual Report 2013*.

²⁷ Ibid.

Table 6
Internal and External Referrals of Clients — January-December 2013

	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Subtotal Referrals</i>	
Internal referrals													2013	2012
FSC legal clinic	18	16	16	23	8	7	12	13	11	3	5	3	135	33
External referrals														
PSO	0	5	4	3	2	1	4	11	6	4	4	3	47	76
CCC	0	1	0	1	2	2	3	1	1	0	1	2	14	11
Health clinics	2	1	1	1	0	0	0	2	1	1	0	0	9	1
Police	4	3	2	2	3	3	0	1	1	2	0	2	23	15
S/Welfare	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Monthly Total	24	10	7	7	7	6	7	15	9	7	5	7		
Grand Total													228	137

Table 7
Legal Unit Client Statistic's — January 2013 to December 2013

<i>Category</i>	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	2013	2012
Domestic Violence	4	4	7	8	4	3	7	7	2	4	1	0	51	54
Child Maintenance	3	7	5	7	1	5	6	2	4	2	2	1	45	18
Family Maintenance	1	1	1	2	0	1	3	1	0	0	0	0	10	12
Custody	2	8	2	8	2	1	4	4	4	1	0	0	36	7
Matrimonial Property	1	3	0	0	0	1	1	0	0	0	0	0	6	7
Divorce	1	2	1	0	0	0	1	3	1	1	0	0	10	1
Legal Separation	0	1	0	1	0	0	1	1	0	1	0	0	5	2
Trafficking	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Incest	0	0	0	1	0	0	0	1	0	0	0	0	2	1
Other	3	1	8	2	5	1	3	0	0	0	0	1	24	1
Repeated Clients	15	0	0	15	0	7	4	10	12	8	10	2	83	0
Total Monthly Visits	30	27	24	44	12	19	30	29	23	17	13	4		
Grand Total													272	104

Source: FSC Statistics.

Table 8
Clients by provinces

<i>Ethnic Groups</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Guadalcanal	38	48	69
Malaita	103	127	144
Temotu	20	36	23
Isabel	12	17	10
Western	27	41	38
Choiseul	11	13	14
Makira	10	8	14
Renbel	12	11	9
Central	6	9	32
Others	2	2	4

Table 9
Categories in age group for the 3 years

<i>Categories</i>	<i>Year 2011</i>	<i>Year 2012</i>	<i>Year 2013</i>
Age groups			
Under 13	1	2	2
13-19	7	9	17
20-29	69	74	78
30-39	104	87	111
40-49	64	29	46
50+	10	9	12

Source: FSC statistics.

54. From the FHS Study, 75% of women victim respondents reported never leaving home and the most common reasons for staying are “Forgave him” and “Love him”. The most common reasons for returning are “violence is normal/not serious” and “Forgave him”. The study also identified agencies that the respondents went to for support when they experienced violence from intimate partners and the most common agency/individuals are the religious leaders.²⁸ This reflects why the most common reason for staying and returning is forgive and love him. This is the usual scenario with women victims in the communities in the country and the impact being that violence is taken as normal and not serious enough to them to warrant neither leaving nor reporting for criminal charges. Table 7 shows this scenario as part of the findings of the study.²⁹

²⁸ MWYCFA, *FHSS presentation to Cabinet Ministers, 2013.*

²⁹ MWYCFA.

Table 10
Agencies that respondent went to for support, reported by women who have been physically or sexually abused by a partner (N=1663)

	<i>Number</i>	<i>%</i>
Ever sought formal help	297	17.9
Religious leader	129	7.8
Hospital/health center	100	6.0
Police	84	5.1
Shelter/women's organisation/Social services	47	2.8
Legal advice/court	40	2.4
Local leader	11	0.6
Elsewhere	52	3.1

Source: MWYCFA Accounts records.

H. Trafficking in women and exploitation of prostitution

Current status of Immigration Act/Bill — in relation to trafficking

55. Initially the intention was for three separate legislations to be made to make up a package and tabled to the Parliament. The bills were an Immigration Bill, a revised Passports Bill, and a Refugees Bill. The Immigration Act was passed by Parliament in 2012, however, the other two legislations are still being developed. The Immigration Act will be launched and commence in 2014.

56. The Law Reform Commission Personal Harm Project which looks at the current laws dealing with personal harm offences, penalties, issues with current laws, how other jurisdictions have dealt with these offences and options for reform. The Project also addresses human trafficking in legislation. Currently there is a drafting Consultation Paper which reviews personal harm offences including cruelty to children under 15 years and human trafficking. A legal review exercise which put together all relevant laws relating to trafficking for easy reference for police prosecutors, prosecutors, immigration and customs officers, lawyers and civil society organisations. Trainings have also been carried out for legal services providers on prosecution protocols for alleged human traffickers. There is a Legal Unit established within the Family Support Centre to provide support for victims of human trafficking. There is a training manual on human trafficking developed by the Solomon Islands Christian Association (SICA). Surveys have also been carried out on human trafficking by SICA in 2013.

57. Soliciting and living off the earnings of Prostitution is a criminal offence under the Penal Code Section 153 (Cap 126]. Section 154 provides that persons residing in and those who frequent any house or part of house suspected to be used for prostitution may be arrested. Any person who keeps, manages, acts or assists in the management of a brothel commits a misdemeanour under Section 155 of the Penal Code. These provisions will be reviewed under the Personal Harm Project and the Sexual Offences Project.

58. There have been incidents where foreign nationals have been deported for commercial sex related acts. There is a Trafficking In Persons Advisory Committee (TIPAC) that is set up under the Ministry of Commerce, Industries, Labour and Immigration to deal with human trafficking cases and provide information on human trafficking. The Committee is made up of the government legal agencies including the Ministry of Women, Youth, Children and Family Affairs and NGOs.

I. Participation in political and public life

TSM consultation

59. A national consultation and two community consultations were conducted in 2013 on appropriate measures and women's participation in decision making bodies. These consultations are part of a nation-wide consultation which is ongoing. Reserved seats will not be available for 2014, but there are 23 women who have indicated their intention to contest the 2014 national general elections. This number is likely to increase.

60. The Political Parties Integrity Act 2014 provides for 10% quota for women in all registered political parties. Further, there is a \$10,000.00 incentive for parties whose women candidates are elected to office. The draft Federal Constitution also provides for this 10% quota in political parties.

61. The Women in Shared Decision Making (WISDM) has developed and launched in May 2014 the 'Election Preparation Strategy' to support intending women candidates. The Strategy components are: Component 1 — Strengthen WISDM Working Group/coalition, Fund raising and Resource pooling Component 2 — Communication of election preparation information, Election/Campaign Platforms and Winning new votes for women candidates Component 3 — Aspiring/intending women candidates and Election Cycle. A total budget of \$400,000 has been allocated by the SIG in 2014 for this preparatory work& civic education including on TSM.

Women appointed to public offices, judiciary including high court (compared to men)

62. The incumbent Acting Commissioner for Police is a woman. Solomon Islands has had a female Deputy Chief Magistrate and a female High Court Judge. All appointments to positions in the National Judiciary are by merit recruitment and selection and there is no direct or indirect discrimination in the selection process. Although the presence of women employees and representation in executive levels are still relatively low the trend in women getting such executive posts is gaining momentum.

J. Nationality and citizenship

63. The Citizenship Act for the past years had amendments made to it. However, there are some sections of the Act that have not been amended, including those having gender issues relating to spouses' consent for citizenship applications and adoption of children and currently there are no immediate planned steps to make amendment to the Act on those issues. However, the draft Federal Constitution provides for dual citizenship, which could help alleviate some of the gender issues.

Table 7 shows sex-disaggregated information on the number of applicants for nationality in Solomon Islands and the percentages of foreign spouses (women and men) granted nationality in 2009.

Table 7
Total Applicants by gender and nationality granted citizenship, 2000 to 2013

<i>Year</i>	<i>Total applicants granted citizenship</i>	<i>Nationality</i>	<i>Male</i>	<i>Female</i>
2000	21	China, Korea, Australia, British, PNG	16	5
2001	48	China, Vietnam, USA, Malaysia, Philippine	35	13
2002	11	Australia, Malaysia, Philippine, Germany, China, PNG, Fiji	8	3
2003	8	British, Philippine, Taiwan, PNG	6	2
2004	6	China, Philippine, Malaysia, New Zealand, Australia, Vanuatu	5	1
2005	13	China, USA, Kiribati, Indonesia, New Zealand, Japan, Philippine, Taiwan, British, Australia	9	4
2006	15	Philippine, Tuvalu, China, British, Korea, Sri Lanka, Indonesia, PNG	11	4
2007	17	China, PNG, Malaysia, Philippine, Sri Lanka, Australia	13	4
2008	4	China	3	1
2009	6	China, Philippine, Fiji, Congo	4	2
2010	6	Switzerland, China	4	2
2011	26	Philippine, Kiribati, China, Malaysia, Indonesia, PNG, British, Fiji	16	10
2012	7	Philippine, Fiji, Tonga, China, Malaysia	6	1
2013	17	China, Philippines	11	6

Source: Ministry of Home Affairs Statistics.

K. Education

Statistics on enrolment of girls and the impact of the National Development Strategy

64. Education access by girls is relatively equal from Early Childhood Education (ECE) to junior secondary level, which is very positive progress for Solomon Islands as both girls and boys have at least basic education to gain numeracy and literacy skills. Table 8 shows this positive trend and the increased rate of participation of girls in education.

Table 8
Enrolment of girls and boys at various levels of schools

	2007			2009			2011			2013		
	F	M	GPI	F	M	GPI	F	M	GPI	F	M	GPI
ECE GER	46.4%	44.5%	1.0	45.5%	45.4%	1.0	47.6%	47.8%	1.0	43.7%	43.8%	1.0
Primary GER	107.7%	113.7%	1.00	115.2%	120.1%	0.96	114.6%	119.3%	0.96	111.6%	113.9%	0.98
Junior Secondary	53.4%	60.8%	0.88	66.2%	72.2%	0.92	68.3%	71.1%	0.96	67.7%	69.0%	0.98
Senior Secondary	16.9%	24.8%	0.68	22.8%	27.6%	0.83	24.6%	31.7%	0.78	28.0%	32.0%	0.88

Source: MEHRD Statistics.

65. While the GPI for GER, NER and ASER has indicated more female children participation than boys at the ECE level, there are still more boys enrolled at the ECE level as reflected in the proportion of girls to boys and percentage of female enrolment. Though the total enrolment of male pupils in primary is still the highest over the years compared to female, out of the total increase of 21.1% enrolment in 2013 compared with 2006, the female enrolment has increased at a higher rate, of 23.8% compared with the male rate of 18.8%. All gender parity indexes for the participation indicators are also in favour of female except for the disabled children in 2013. This has indicated that there are more female going to school compared to male as indicated in the increase of the proportion of girls to boys and the proportion of girls enrolment.³⁰

66. The NER for Junior Secondary (year 7-9) increased by 31.9% with female (44.1%) and male (19.9%) in 2013 compared to 2006 with more female of the official age attending relatively to male from 2006-2013 except for 2006 and 2008. The GER for the whole reporting period also denotes that there is not enough space available to absorb all the statutory age 13-15 at the Junior Secondary and the 16-19 years of age in the Senior Secondary respectively. The GER for the Senior Secondary level also increase by 50.8% in 2013 compared to 2006 with an increase of 65.1% female and 36.5% male. This is also reflected in the increase of 30.8% in the NER with the most increase on female (47.1%) and male (14.6%). The total enrolment for the JS increases by 59.6% with an increase of 70.8% female and 50.5% male. The SS total student enrolment also greatly increase over this reporting period by 77.5% with an increase of 97.2% female and 64.0% male.³¹

67. Most of the participation indicators have shown that there are more female students attending secondary schools than boys. This has been reflected in the improvement of the GPI over this reporting period and the proportion of girls to boys and to the total enrolment. The low NER in JS and SS also indicates that there are many students not of the statutory age attending these two education levels, especially over aged children. The ASER for age 16 to 19 clearly illustrates this overage age issue.³²

68. There is an Inclusive Education Policy which has a component for children with disabilities. The National Learning and Research Support Centre is researching

³⁰ MEHRD Statistics.

³¹ Ibid.

³² Ibid.

the needs of children with disabilities. The Review of the Education Act (1978) will address inclusive education for children with disabilities.

Mainstreaming gender in curricula

69. The Ministry of Education and Human Resource Development (MEHRD) is currently developing gender equality in education to ensure all education systems and management including curricula are gender mainstreamed.

70. The FPB obligates the State and civil society groups to ensure the introduction of preventative measures, which include sensitization and public awareness programmes, human rights, gender training and training on the causes and consequences of domestic violence. These are long term measures. Emphasis has been placed on human rights and gender equality in education curricula at all levels of education; and also on promotion of studies, research and the collection of data on the causes, consequences and frequencies of violence, especially violence against women and children.

71. One of the criteria adopted for selection of scholarship awards is gender and in non-traditional areas for females — girls get selected even with lower scores than boys as a measure to encourage girls. However, this criteria need to be incorporated in policies and just practices.

L. Employment

Measures on paid maternity leave. Dismissal in case of pregnancy etc.

72. The Public Service Act provides, for female public servants, for paid maternity leave — six weeks prior to giving birth and six week after birth for the welfare purposes of the child. However, in recognition of the responsibility of the both parents to care for the infant the Public Service Amendment Act 2013/2014 historically provides for paid paternity leave.³³ Other State owned enterprises and private companies also provide for paid maternity leave but not paternity leave.

73. The government is looking into developing policies and legislation to address equal employment opportunity for males and females. Section 43 5b & c of the Draft Federal Constitution provide for paid maternity leave and the right not to be dismissed from work during pregnancy or maternity leave. Under the same Section 43 6a & b, are equal provisions for paid paternity leave and the right not to be dismissed from work during the leave. This implies that every worker in both public and private sector employment is entitled maternity and paternity leave and has the right not to be dismissed during those leave.

Mechanisms for technical cooperation with international organizations such as ILO in area of employment

74. Solomon Islands is a member of the International Labour Organization (ILO) and benefits from the organisation's programmes and assistance including technical assistance. The Solomon Islands Ministry of Foreign Affairs with the Ministry responsible for labour oversights development partnership with ILO. The ILO Decent Work Country Program through the Ministry of Commerce, Industries, Labour and

³³ Ministry of Public Service, *Public Service Amendment Act, 2013*.

Immigration deals with social protection and child protection, specifically related to commercial and sexual exploitation of children. ILO is also developing a 5 year project on social protection focusing on Solomon Islands and Vanuatu.

75. The Solomon Islands Government is party to the Pacific Forum Island Countries agreement on seasonal work schemes in Australia and New Zealand. To date a good number of women have gone on these schemes and are benefitting their children and families. Anecdotal information establishes that one woman had built four residential quarters and purchased three vehicles from her earnings under the seasonal work scheme in New Zealand in 2012.³⁴

Public Service Human Resource Management Strategy

76. The Institute of Public Administration Management (IPAM) has incorporated gender in its training module since 2012. Thus all trainings carried out by IPAM for any group of public officers include gender awareness and mainstreaming to apply at their work places. The Permanent Secretary's contractual Performance Agreements included, for the first time in the history of the Solomon Islands Public service, gender mainstreaming as one of the key Result Areas (KRAs). Under this KRA, all Ministries are required to establish a Gender Focal Point to ensure gender is mainstreamed in respective development sectors. Other Performance indicators have incorporated aspects of the HRM strategy and include — each Ministry has a gender implementation strategy in its Corporate Plan; Selection and recruitment policy and procedures in place; public service policy on Zero tolerance of Sexual Harassment in Place' each Ministry incorporates gender in its monthly and annual reporting.³⁵ A preliminary evaluation of the PSs' performances undertaken in early 2014 indicated that overall most all Ministries have been doing fairly well. All Ministries have established gender focal points, some have developed gender strategies and are beginning to engender legislations and policies.

M. Health

National health Strategic Plan

77. As part of implementing the National Health Strategic Plan (NHSP) 2011-2015 to improve health services throughout the country the MHMS developed a statistics report with the assistance of the World health Organisation (WHO) and is the first of its kind. It also created a Core Indicator Report in early 2013 and which can be regarded as an accompanying document of the Statistics Report. While the Core Indicator Report provides mostly country-level comparisons of indicators the statistics report breaks this further down in order to provide provincial and facility level information and focuses on equalizing care down to the facility level. This allows for the Core Indicator Report to be used as a high-level monitoring tool at the executive level, while this statistics report can be used to make decisions at both the provincial and facility level for delivery of services.

78. The first edition of the MHMS Statistics report that was compiled through the Health Information System, DHIS2 with support from WHO broadly covers the following seven areas:

³⁴ Woman's story telling with SINCW.

³⁵ MPS, *PSs' Performance Agreement Indicators, 2013*.

1. Maternal Health: Antenatal Care Visits, Birth Totals, and Supervised Deliveries
2. Acute Respiratory Infection
3. Child Nutritional Status
4. Immunization: Hepatitis B1, BCG, Measles, Pentavalent and Polio
5. Infant and Under-5 Mortality
6. Non-Communicable Disease: Asthma and Chronic Chest Infection, Diabetes, Heart Disease and Hypertension
7. Outreach and Supervision Activities: Satellite, School and Village Health Activities; Medical Outreach and Supervisory Tours

79. There have been measures taken to address Sexual and Reproductive Health and Family Planning and these include the establishment of. Reproductive Health Integrated Guideline for nurses and health workers, which is currently being developed by the Reproductive & Child Health Unit within the MHMS. Trainings on maternal Health Care specifically family planning, emergency obstetric and new born care are continuing for nurses both in Honiara and the provinces. Information and Education communication materials have also been developed and distributes to health facilities in Honiara and the provinces. Simultaneously supervisory tours are undertaken throughout the country.

80. In collaboration with the Ministry of Education awareness programmes aimed at reducing pregnancies among girls is on-going through the Family life Education program. Sexual and reproductive health is now a compulsory curriculum for primary and secondary schools from level 4 (grade 4) to level 9 (Form 3). Information and services on reproductive health and family planning are available and accessible at the Solomon Islands Planned Parenthood Association in Honiara while awareness programmes at the provincial level are integrated into the reproductive health clinics (where there are no specific clinics for young people) and where materials and services can be accessed. Specific clinics for youth called 'Youth Centres' attached to hospitals are established only in Temotu and Western provinces.

81. As the core indicator report discusses, births not attended by a skilled health worker serve as an important proxy indicator for maternal mortality and also line-up well with MDG 5 — Improve Maternal Health. Figure 2 demonstrates that the percentage of deliveries attended by skilled health personnel is not uniform across the country. Though Honiara tends to have nearly all of its births attended by skilled health personnel due to the presence of NRH, we can see the wide variation that is otherwise present at the provincial level. Table 1 shows the amount of births occurring outside of a health facility (born before arrival and village births) which would not have been attended by a skilled health worker. Though we may consider that Figure 2 skews the perception of health service delivery due to population size, Table 1 also demonstrates the absolute number of births occurring outside of health facilities remains high in areas including Malaita, Guadalcanal and Central Islands when compared to their health facility birth total. Annex 1 present's detailed tables similar to Table 1 outlining this variation down to the facility level.

82. In the area of maternal health and child health, the NHSP indicates a reduction in mortality due to neonatal causes attributed to the improved status of maternal/motherhood programmes and services conducted by the MHMS and by much improved paediatric care and current focus on the integrated management of childhood illness approach.³⁶ Table In this regard, Solomon Islands has met the MDG target for Goal 5 as set out in the NHSP 2011-2015.

Table 9
2012 Solomon Islands Maternal Health Summary

<i>Solomon Islands</i>	<i>FirstVisit AntCare</i>	<i>BornBefArrivalBirths</i>	<i>HealthFacilityBirths</i>	<i>VillageBirths</i>	<i>Births-Live %</i>	<i>Unsupervised deliveries</i>
	15 307	388	12 366	1 308	13 742	12.1

Source: MHMS, *MHMS 2012 Statistics Report*, p. 10.

83. The NHSP 2011-2015 outlines the priority strategies of Solomon Islands. Table 10 extracts the ones related to women.

Table 10
National Health Strategies/Activities/Indicators and Resources

<i>Strategy</i>	<i>Objectives</i>	<i>Activities</i>	<i>Indicators</i>	<i>Resources</i>
The health sector and health-related sectors will improve the health status of the age and gender population groups, especially women and children, to be the highest priorities				
Do better EPI operations	Improve the coverage of EPI operations and services	Revision of the supportive supervision checklist; supervisory follow-up on priority AHCs by the Provincial EPI Coordinator; Update cold chain inventory annually; Improve & monitor stock management at provincial and AHC levels	By 2015 average coverage of all vaccination varies but most at or close to 90% by 2015 (MDG 4.3) By 2014 average coverage of all vaccinations is above 90% and above 80% for low performing provinces	SBD8.8 million or 1.5% of total to increase to 2.5%
Do Better reproductive health	Provide expanded family planning & other services, particularly for adolescents	Procure & deliver contraceptives & other supplies; train staff in counselling; provide & monitor clients; expand essential obstetric care	20% increase in CPR by 2015 to 41.5 Maternal mortality reduced by 75% from 1990 (550) to 2015 (last know at 100/100,000 in	SBD17 million or 3% budget to increase to 4% by 2015 (includes mother and child nutrition inputs

³⁶ MWYCFA, *Report Solomon Islands National Review*, Beijing+20 10 years review, 2014.

Strategy	Objectives	Activities	Indicators	Resources
			2009) (MDG 5.1 is already achieved)	
			Increase % of births attended by skilled health personnel from 86% in 2009 to 92% by 2015 (MDG 5.2)	
Do More or Better domestic violence prevention, enforcement and protection	Reduce domestic violence and increase child protection	Define up-dated protocols & carry out staff training; work with justices system to reform practices	Social Welfare Officers, police, health care workers follow operational procedures 90+ % of the time ensuring immediate and professional handling of child protection cases	

Source: MWYCFA, Report Solomon Islands National Review, Beijing+20 10 years review, 2014.

Abortion

84. Abortion, remains as it is in the Penal Code [Cap 26] Section 157,

Any person who, with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, shall be guilty of a felony, and shall be liable to imprisonment for life.

Abortion or unlawfully causing a miscarriage is an offence in the Penal Code and carries a maximum penalty of life imprisonment.³⁷ Abortion is an offence for both pregnant woman to cause her own miscarriage and for another person to cause miscarriage to a pregnant woman. The offence can be committed by giving a drug or using force to cause a miscarriage. An abortion that involves a surgical procedure can be lawfully performed to save life of the woman.³⁸ Issue to be considered is “should the Penal Code specify when an abortion can be lawfully done to avoid harm, or risk of harm, to the physical or mental health of a woman or girl?”

85. As abortion is one of the offence in the personal harm project which is currently at its draft stage for consultation, one of the suggested option in amending the current law dealing with the offence of abortion is to “Amend Penal Code to specify when an abortion can be lawfully conducted”, To date there are no cases where women or girls have been convicted and sentenced for life for abortion.

³⁷ LRC, *Penal Code s.157-158.*

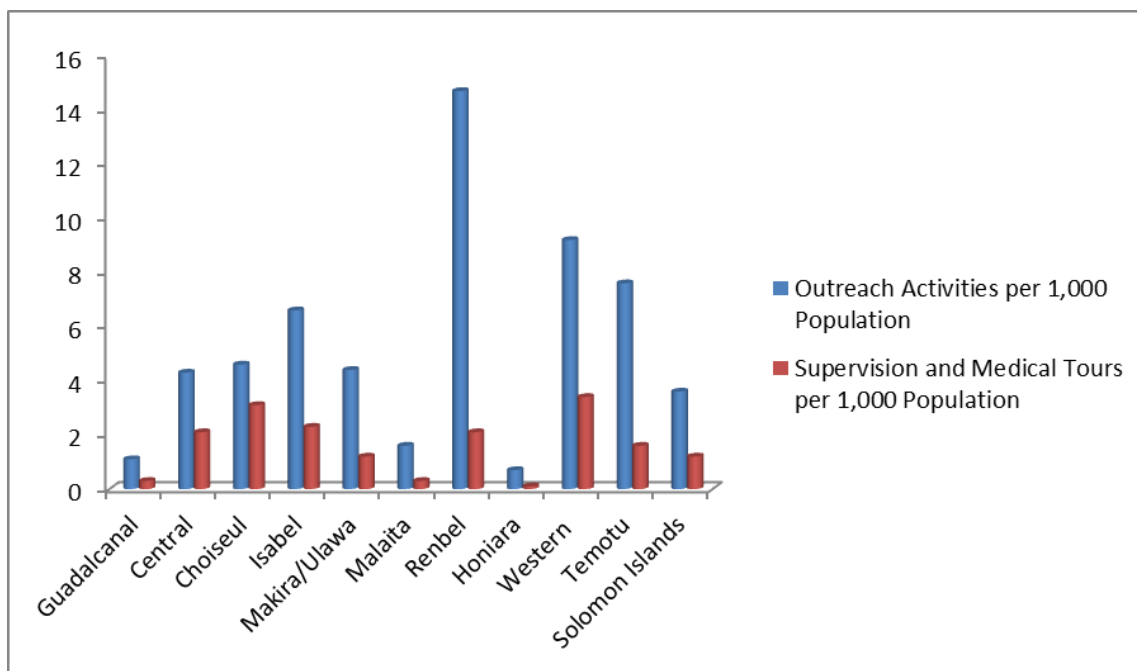
³⁸ LRC, *Penal Code s.234.*

Health outreach and supervision

86. The Outreach activities include: Satellite clinics, Village meeting or action, and School health visits. Supervision activities include: Supervisory tours and Medical outreach tours. Figure 8 demonstrates there is a wide spread within all of the provinces in relation to these activities. Figure 8 shows that supervisory activities are significantly less than outreach activities. This is true at the national level as well as within all provinces. These visits allow for follow up with individuals outside of the health facility setting and should be considered important as they can have a direct impact on the health of a community.³⁹

Figure 8

Outreach and Supervision Activities per 1,000 Population by Province



N. Rural women

Rural development Programme

87. The total rural beneficiary population under Rural Development Programme (RDP) is 259,993 and of that 92,164 are women. This represents 35.45% of the beneficiary population but only 17.9% of the total population. This will be reviewed because the census ratio of women to men is about 1 (2009 Census) so the numbers of men and women should be about equal. It is also important to point out here that since RDP projects benefit the entire village/communities women, children and youth are always beneficiaries and in most cases active participants in implementation. This is manifested in the fact that RDP has always ensure women to

³⁹ MHMS, *MHMS 2012 Statistics Report*.

be included in the Provincial, ward and community helper committees. The RDP covers the entire country and is currently in its third phase (component 3).

88. Although there is currently no explicit legal barrier to women's access to ownership of land and resources, opportunities are more available to men who are often the ones getting more and quick access to information about such opportunities.

Women's access to ownership of land and resources

89. Part of the review process of the Solomon Islands Penal Code (Cap 26) is the that on Property Offences. The Issue paper on the subject included consideration on Shared ownership of property in relation liability of husbands and wives. The current law reflects traditional view of marital relationship where all property is either the property of the husband or shared between both spouses and therefore not capable of being stolen by one spouse. However realities nowadays are that a spouse can own property in his or her own right, independent of the relationship and the other spouse. Three questions have been designed for the consultation on this matter and are as follows:

(1) Does Solomon Islands wish to exclude provisions that limit the application of theft in relation to husbands and wives? Excluding this provision would mean that the offence of theft would apply to thefts of property between spouses and persons in a de facto relationship at the time of the theft.

(2) Does Solomon Islands wish to include a provision to clarify that spouses can be held criminally responsible for any acts of larceny with respect to the property of their spouse?

(3) Does Solomon Islands wish to include a provision to state that collective ownership of property is not a defense to stealing?

Feedbacks from consultation on these considerations are yet to be completed. The feedbacks will then help inform revised legislations and policies on this matter. See

90. Review of the Solomon Islands Penal Code Property Offences — Chapter 4 — Unlawful Use and other offences related to theft, also look into review laws on the shared ownership of property and the liability of husband and wives after and during marriage.⁴⁰

O. Marriage and family relations

91. The Islanders Divorce Act is applicable to both non-Solomon Islanders and citizens, as set out in the *Goodhew v Goodhew 2007* case.⁴¹ In court practice nowadays, parties can cite breakdown of marriage for divorce, but they must cite a ground for divorce as the cause for separation. This is a significant step away from a pure fault based system. Currently, there is no legal barrier to women accessing legal advice to request divorce upon the grounds adopted in law.

⁴⁰ See *Review of the Solomon Islands Penal Code Property Offences- Chapter 4*.

⁴¹ MJLS, *Goodhew vs Goodhew case*.

92. A Terms of Reference has been developed for a review framework of family related laws, however this is yet to be implemented as current focus has been on the review of the Solomon Islands Penal Code.

93. The Draft Federal Constitution also provides under section 43 (2) equal rights for women and men to land, land ownership, land occupation and land use. However, these are also subject to customary law and ownership. Similar subjection to customary laws and ownership is provided for equal rights for women and men to inherit, to have access to property and to manage property.
