

2017 Follow up Report to CEDAW

**A response to Solomon Island's progress in addressing the four (4) recommendations
from the Committee on the Elimination of Discrimination against Women**

1. Introduction

1.1 This report was compiled by the Women's Rights Action Movement (WRAM) and the following women's organizations and NGOs in Solomon Islands ;Guadalcanal Provincial Council of Women (GPCW), People with Disabilities Solomon Islands (PWDSI), Solomon Islands National Council of Women (SINCW), Vois Blong Mere Solomon (VBMS) and the Young Women Christian Association (YWCASI).

1.2 Solomon Islands presented its initial, second and third periodic report to the Committee in October 2014 at the 59th session. The CEDAW committee's Concluding Observations requested that Solomon Islands provides, "within two years, written information on the steps taken to implement the recommendation contained in paragraphs 11(b), 25(b), and 33(g) and (h)."

1.3 The Solomon Islands Government has progressed in terms of legislative and policy reform; however there is a need for continued efforts to ensure access to and equal participation by women in plans and programmes for legislative and institutional change. Solomon Islands will benefit from continued efforts to ensure that the human rights and gender approach is entrenched in services to protect women for discrimination based on sex and gender, and information dissemination.

Recommendation 11(b) Accelerate the process of adopting the new federal constitution and include in it provisions on equality between women with men, the prohibition of direct and indirect discrimination against women and multiple and intersecting discrimination in both the public and private spheres as well as sanctions, in line with articles 1 and 2 of the Convention and the Committees General Recommendation No.28 (2010) The Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women

1.4. Women's organizations and NGOs report that women had limited participation and their views for provisions which embed gender equality were blatantly disregarded in the consultations. Women in Solomon Islands have a lot to gain in terms of equal rights to property and land. Guadalcanal Province, Ysabel Province and parts of Makira Province and the Western Province have a matrilineal system for land inheritance, yet they have limited participation in control over resources and decision making.

Solomon Islands women make up approximately half the population, yet out of the total number of people consulted on the draft federal constitution, only 20% were women (Out of the 3,450 people consulted; only 75 were women).

1.5. The under representation of women in the constitutional process is also present in the Committees that support the process, the Constitutional Congress and Imminent Persons Group. There is no representative of women's NGO groups and there is no process that allows informed participation by women and girls.

1.6. Further, there is a need for Government to allow for all Solomon Islanders to have a say on whether the draft federal constitution is the best way forward for Solomon Islands. The only way that this can happen is through a national referendum. While there is no legal provision for this, an amendment can be made to the 1978 Constitution for such.

Provisions on equality and non-discrimination:

1.7. Chapter 3 of the Draft Federal Constitution provides for 'Our Human Rights' for Solomon Islands citizens.

1.8. Clause 19 (3) and (4) set out that no person should be discriminated directly or indirectly on any prohibited grounds, such as *birth, age, ethnicity, social origin, race, colour, language,*

religion, conscience, belief or opinion, culture, sex, pregnancy, marital status, disability, social status or economic status.

The prohibited grounds as listed above does not include ‘gender’ and explicitly excludes sexual orientation. Further, the provision is closed and does not allow for interpretation to include other disadvantaged groups.

1.9. Clause 19 (6) *to promote the achievement of equality, the Government in any sphere may take legislative and other measures designed to protect or advance persons, or categories of persons, who are disadvantaged.*

Section 15 (5) (g) of the 1978 Constitution provides for measures to address historic disadvantages. The draft federal constitution does not. There must be a provision to explicitly provide for affirmative action or measures to address historical disadvantages. Women and girls in Solomon Islands face systematic discrimination and inequality evidenced by high rates of domestic violence and sexual violence set out in the Family Health and Safety Study (2009), and the Solomon Islands Law Reform Commission Report on Sexual Offences (2013). The Demographic Health Survey of Solomon Islands (2007) also showed a high rate of acceptance of violence against women. This reflects a necessary need to have a provision for affirmative action within the draft federal constitution. We recommend that Clause 19(6) of the Constitution be amended by changing the word ‘may’ to ‘will’ to address this and ensure accountability from Government of its obligation to regulate or enforce legislative measures to accommodate the needs of women and girls including those living with disabilities in the Solomon Islands.

Clause 16 sets out that *‘rights and freedoms ...are subject to any necessary limitation or qualification to accommodate a custom or customary practice.that is traditionally observed and currently practiced in a particular locality of the Republic.’* Clause 48 (1) (a) of the draft federal constitution states that interpretation and application of human rights by a court, tribunal or other authority is subject to customs and customary practices. These provisions set out that customary practices prevail over women’s rights and freedom including to inherit and own land, resources and property. These provisions will have debilitating consequences to women’s enjoyment of human rights and undermine the rights to equality and right to non-discrimination.

1.10. The draft federal constitution must also have a provision that domesticates the state obligations of Solomon Islands to international human rights standards and principles. There is a need for a provision that sets out that human rights conventions' are applicable for interpretation and exercising of judicial discretion under the Constitution. . The Government must step up to their obligations and be responsible for the ratifications of the Conventions and ensure that they must be domesticated. Further, the Government must ratify and domesticate the Convention of the Rights of Persons with Disabilities (CRPD) to ensure full protection of women and girls with disabilities.

Recommendation 25 (b) Take measures to ensure that the police respond to and investigate complaints regarding violence against women, perpetrators are prosecuted and punished, and collect data on number of prosecutions and convictions, including at the provincial level.

1.11. A Family Protection Act Implementation Strategy developed by the Ministry of Women, Youth, Children and Family Affairs in 2014 provides a road map to ensure that implementing agencies of the Act, such as the Police, Courts, Health and VAW service providers stipulated in the Act must institutionalise their duties in alignment to the Act.

1.12. The Women's organizations and NGOs acknowledge the important role of the Royal Solomon Islands Police Force (RSIPF) in the implementation of the Family Protection Act (FPA). However, the ongoing slow response from the police continues to be a challenge. There have been a number of anecdotal reports from victims about police officers' negative responses including reluctance to issue Police Safety Notices (PSN) when DV cases are reported by women victims. In October 2016, a domestic violence victim reported being put in the same police vehicle with her perpetrator after she had completed giving her statement to the Police after experiencing DV and was already in possession of a PSN. Such incidents highlight the need for gender sensitization trainings to ensure that acceptable and standard procedures for handling DV cases. It is also critical that these same trainings are rolled to the provincial and peri-urban centres.

1.13. The RSIPF has put in place policies, strategies and plans to address domestic violence and other crimes. The Sexual Assault Investigation (victim protection) Policy endorsed in 2010 replaced the ‘No Drop Policy’. Under the Sexual Assault Investigation (victim protection) policy the CID and Prosecutions can stop investigations, before the matter reaches the court. The victim can write a letter seeking for an investigation to stop. Women have unequal power and agency in the family and are likely to be coerced to reconcile and seek for the police to drop complaints. The women’s organisations and NGOs call on the RSIPF Executive to review and strengthen the enforcement of their policies, taking into account the needs and experiences of women and girls, including those living with disabilities. Furthermore, it is noted that all women and girls living with a disability have little or no access to justice. It is also common when they report incidences of violence, they are often scolded for putting themselves in this position. In some cases, families do not report these abuses because of stigma. In many cases, the attitude of police to women and girls with disabilities is appalling, thus many sexual, physical abuses are never reported.

1.14. A Family Court with jurisdiction for domestic violence matters in addition to family law matters is needed to enable cases to be expedited within reasonable timelines for women and girls including those living with disabilities.

1.15. ‘Authorised justices’ are defined as ‘a Justice of a Local Court or a prescribed person or a person belonging to a prescribed class of persons’ who can issue protection orders under the Family Protection Act 2014. They need to be appointed immediately to assist DV victims in the rural areas. 50% of these authorised justices must be women. It is also critical that they have capacity building trainings including on human rights and gender and allocation of other resources to assist them in their work.

Recommendation 33 (g) Strengthen efforts to retain girls in school, including pregnant girls, facilitate the return to school of young mothers after giving birth, by adopting the “Second Chance Education” policy currently under consideration and by providing adequate childcare facilities, and ensure that girls are not expelled from school on grounds of being pregnant, and by imposing appropriate sanctions on those responsible for dismissal.

1.16. Currently, there is no “Second Chance Policy”.

The Women's Organisations and NGOs are aware that work is in progress to inform the development of a 'Second Chance Concept' therefore we call on the Government to include this concept into the draft Gender and Education Policy which is at its final drafting stage.

1.17. A review of the *Education Act 1978* was conducted which resulted in an outcome to have two separate Bills, a Tertiary Education and Skills Authority Bill 2016 (TESA) and an Education Bill 2016. The TESA Bill 2016 was endorsed by Cabinet in October 2016 and was passed by Parliament in March 2017.

The Solomon Islands TESA Act (SITESA) provides for the establishment of an Authority while the Education Bill provides for early learning and primary and secondary education. However both the SITESA Act and the Education Bill do not explicitly state the concerns raised by the CEDAW Committee in recommendation 33 (g).

The Education Bill 2016 is at its final stage of review. Clause 9 of the Bill establishes the Solomon Islands Education Board while Clause 10 (2) provides that at least 3 members of the Board must be women.

The Government must also increase the membership of the Education Board stipulated under the Education Bill from 3 women members to 5. Furthermore, we call on all the Education Authorities (EAs) to ensure that they comply with the Act, once it is passed.

1.18. It no secret that women and girls are three times discriminated because of their disability, gender and economic status. There are still gaps in including women with disabilities in government policies despite obligations to international or regional human right instruments. Whilst the Government has developed a National Disability Inclusive Education Policy 2016 – 2020, it has not been endorsed by Cabinet.

33(h) continue to develop and promote age-appropriate education on sexual reproductive health to address early pregnancies

1.19. The Women's organizations and NGOs acknowledge the work of the Ministry of Health and Medical Services (MHMS) for developing the National Health Strategic Plan 2016 – 2020. The plan caters for delivery of reproductive health education programs that are age-appropriate and inclusive of information that address early pregnancies. This includes conducting pilot programs in schools, setting up youth friendly services in government clinics and Solomon Islands Planned Parenthood Association clinics in Honiara.

These actions indicate that the Ministry of Health and Medical Services has made progress in providing sexual and reproductive health services to women and girls in the Solomon Islands.

1.20. The Government must ensure that the link between the Ministry of Health and Medical Services (MHMS) and Ministry of Education and Human Resources Development (MERHD) is strengthened as this will ensure that there is inclusion of gender and integration of age-appropriate sexual and reproductive health education into the school curriculum.

1.21. There has been greater awareness, information sharing and accessibility to sexual reproductive health (SRH) in the country however it is heavily focused and available in the capital and provincial centres only. The Government must ensure that these services are accessible for every women and girls residing in the rural areas and remote locations.

1.22. Additionally, there is anecdotal information of young women and girls sharing their experiences about the reluctance by some health workers to give them contraceptives such as Jadelle when they ask for this from clinics. The Government must ensure that all health workers are gender sensitized for them to be more responsive to young women and girls including those living with disabilities who need to access SRH services as well as other basic health services.