

**Statement delivered by the head of the Solomon Islands delegation
to the 59th session of the CEDAW Committee.**

Madam Chair, distinguished members of the Committee.

Thank you

We bring greetings from the Government and People of Solomon Islands.

We are honoured to be here to represent the Government for the first time at this constructive dialogue. My delegation greatly values its presence here, as this is an opportunity, which Solomon Islands could have missed if not for your understanding to give us a chance to meet the committee in person through this dialogue.

Despite the long delay we have taken to report, our presence here today is reflective of the fact that the Solomon Islands Government takes its obligations under the CEDAW Convention seriously. I would thus like to assure this Committee that my delegation has specific terms of reference to bring the Committee's Concluding Observations to the Government through the Solomon Islands National Advisory Committee on CEDAW (SINACC).

Madam Chair,

The Minister responsible for women, Hon. Peter Tom, deeply regrets being unable to lead this delegation but sends his greetings. On the 19th of November, Solomon Islanders will go to the polls to elect their leaders so this is an exciting time for our country.

There are 50 seats in our National Parliament. A total of 26 women have registered as candidates constituting only 6% of the total number of candidates who have registered to contest the elections. The low participation of women in politics is reflective of the way society perceives women in the areas of leadership and decision-making.

As a way to address women's under-representation in the political domain, a new Political Party Act has commenced. The new Act provides for 10% quota for women in all registered political parties. Further, there is a SBD\$10,000 incentive for parties

whose women candidates are elected to office. Women have welcomed the opportunity. Such a move should also minimise stereotyped attitude based on prejudice and customary perceptions on where a woman's place should be in decision-making and leadership.

Madam Chair,

CEDAW sets a critical benchmark for women's human rights in Solomon Islands and as such we are also one of very few countries in the Pacific region to have signed the Convention without reservations as well as the Optional Protocol.

As a state party, we are aware of our limitations to fully comply with the Convention. Regardless, we are adamant to forge ahead and continue the fight for gender equality and women's rights within the spirit of the Convention.

Madam Chair,

State Report Process

The Solomon Islands National Advisory Committee on CEDAW (SINACC) is the body established by Government to provide an oversight and advisory role on implementation of the CEDAW Convention. Supervision of development of the Solomon Islands State Report was therefore a role, which the SINACC took to ensure that the report was in line with the objectives of the Convention and aligns with the spirit of each of the articles of the Convention based on the situation of women and girls in Solomon Islands. The SINACC comprises 21 members, comprising a coalition of Government, civil society organisations and key development partners.

As a small developing nation, the journey we took to ultimately produce the Solomon Islands Combined CEDAW State Report was challenging due to significant delays caused by frequent change of governments, capacity constraints, a general lack of understanding of the reporting requirements and the need for more understanding at the political level of the Convention itself.

In view of these challenges, a consultant was hired to compile the State Report under the guidance of the SINACC. However, upon a directive by the Solomon

Islands Cabinet, the final draft report was reviewed by a Special Select Committee to ensure that the report adequately captures the legal, cultural and religious context in Solomon Islands.

The Solomon Islands Government approved the Solomon Islands Combined State Report in January 2013 after it was endorsed by the SINACC.

Combined with our state responses to the CEDAW Committee's list of questions, we believe the process we have taken to produce the state report has been consultative and inclusive and has met the expectations of this Committee. We are proud of the efforts taken to present a report that is frank and open and one which speaks truthfully about the realities faced by women on the ground.

On this note, I should thank UN-Women for its support to the Solomon Islands government in developing the State Report and for aiding us to enable the participation of two members of our delegation.

Moreover, we acknowledge the role and participation of CSOs in Solomon Islands for their contribution towards development of the State Report. CSOs madam chair work hand in hand with the government and as such are included in every committee, task force and working group responsible for implementing the policy framework for gender equality and human rights.

Madam Chair,

Progress and achievements since submission of Reports

Allow me now to set out some examples of where we believe Solomon Islands is living up to its CEDAW obligations.

Since we issued the reports, significant achievements worth highlighting have been made. Key among these have been the passage of the Family Protection Act 2014, the passage and commencement of the Political Party Integrity Act 2014 and the approval by Cabinet of the Law Reform Commission report on the review of sexual offences under the Penal Code in September which essentially gives way for

preparation of a Bill to improve the relevance of Sexual Offences to the needs of Solomon Islanders.

In terms of sentencing, for many years the sentences for rape have been very low in terms of prosecution of sexual offending and judicial activism. The High Court and the Court of Appeal have recently made several significant decisions to address the issue of violence against women and sex stereotypes by increasing the sentencing tariff for rape. The report by the Law Reform Commission has also given much-needed basis to support the courts in their role in arriving at an appropriate sentence.

Madam Chair,

In terms of Policies and Programmes, the government recently adopted a SAFENET Standard Operational Procedures Manual to standardise the approach to gender based violence response, referral and prevention. The government has also successfully developed a National Strategy on Economic Empowerment of Women and Girls 2014. The strategy is the first of its kind.

On human rights, a national steering committee for monitoring of progress made on recommendations by states under the Universal Periodic Review process was established in September 2014. Training for members of the Committee has commenced.

On gender mainstreaming, the establishment of 24 gender focal points (GFPs) within all government ministries has been hailed as a good practice in the Pacific region. This is a key step to increasing gender analysis and gender responsive planning and programming to guarantee the influence of the National Women's Machinery in policy and legislative reform in the Public Service.

Madam Chair,

Human Rights & other international and national obligations

The Government of Solomon Islands is a party to a number of international and regional agreements that recognize women and men's equal rights to participate in

and benefit from development. At the regional level, Solomon Islands is part of a comprehensive agreement among Pacific Island Forum leaders to commit to the implementation of CEDAW and other international and regional frameworks. Other international commitments include the Beijing Platform for Action, the Commonwealth Plan of Action (2005-2015) and the UNSCR 1325 on Women, Peace and Security. International commitments have been translated into the national gender equality policy framework.

Madam Chair,

As a member of the United Nations, Solomon Islands upholds the United Nations Charter and the United Nations Declaration of Human Rights as the cornerstone of human rights. Through its obligation to this commitment, Solomon Islands acceded to CEDAW without reservations.

In spite of the absence of a legislation creating a national human rights machinery let alone one that establishes a funded body to monitor the implementation of non-discriminatory law and policy, a number of national mechanisms are tasked to oversee law and policy as part of the State Party's commitment to the protection of human rights. Composition of these bodies are inclusive of government bodies, civil society organisations and development partners.

With the current constitutional reform, we are advocating that a national human rights commission be established in compliance with CEDAW. However, in its absence, the Government continues to strengthen the work of established bodies including the office of the Ombudsman and the Leadership Code Commission that promote and protect human rights.

Madam Chair,

Domestication of International legal instruments

Domestication of CEDAW and other human rights instruments ratified by Solomon Islands continues to be a major challenge. Human rights treaties must be incorporated into national laws to have domestic effect. As such, human rights

instruments cannot be invoked before, or directly enforced, by the courts or tribunals of Solomon Islands. However, principles of treaties such as CEDAW have been considered in domestic cases and have utilized the provisions of international human rights instruments as part of the legal argument.

Through legislative reform, principles of selected human rights treaties have been adapted in certain pieces of our recent legislation, for example the Family Protection Act 2014.

Madam Chair,

The Government is currently taking a two-pronged approach in terms of effecting legislative change in compliance with CEDAW. As reflected in our Combined State Report, more work is required to align our laws with CEDAW standards.

The first approach is by way of constitutional review and subsequent reform. The current draft Federal Constitution is work in progress. This is a project of great magnitude and as such, there is currently no timeframe in place for this exercise. However, we continue to advocate for this approach as it gives the opportunity to make more progressive CEDAW provisions in terms of the definition of “discrimination” and also the extent to which substantive equality is upheld. This exercise is being coordinated by the Constitutional Reform Unit of the Office of the Prime Minister.

The second approach is by way of a piece-meal approach by which individual legislation is reviewed and recommended for law reform. Some reviews are coordinated by the Law Reform Commission, which operates under the Ministry of Justice and Legal Affairs.

Madam Chair,

Constitutional Reform

The current constitutional reform is one of Government’s key activities to ensure that the gaps in our current Constitution are addressed and that our laws recognise

the needs of modern Solomon Islands state, best practises, and its international obligations are more compliant to CEDAW standards and principles. In the draft Federal Constitution, the Bill of Rights provisions are comparably more progressive according to CEDAW standards than our current Constitution. Since 2004, the draft has been through ongoing consultations and subsequently revisions based on inputs from the provinces and community leaders, government bodies, Faith-based organisations, Civil-Society organisations as well as members from the private sector.

Challenges faced in the Constitutional approach

The initial decision of the Government to explore on a shift from a unitary government system to a federal government system and subsequently to begin drafting a Federal Constitution substantially began in 2004 following a build-up of unresolved issues and sentiments which later resulted in the 1999-2003 ethnic conflicts in Solomon Islands.

Now that the Government is actively pursuing a constitutional reform of this magnitude, it must be considerate to the views of the post-conflict public and to ensure that nation-wide consultations on this reform are meticulous and proper. Also, projects of this nature are bound to take up more time than we would like. Thus, one of our main challenges in this legislative approach is a delay in the coming into force of the Federal Constitution.

Another logistics challenge in taking up constitutional reform is that it is costly, requires a great deal of resources and expertise that we do not necessarily have, and demands the ongoing commitment by the Government.

Another challenge worth emphasising relates to the complex relationship of customary law with our current Constitution and our statutes, which the current constitutional reforms must not overlook. It has always been an onerous task to reconcile the status of customary law with the rest of Solomon Islands legislation, mainly because our societies are still deeply influenced with custom with approximately 80% of the population based in the rural settings grappling with literacy issues among other things. Currently, the Constitution gives legal status to

customary law as part of the law of Solomon Islands except where it is inconsistent with the Constitution. Furthermore, there is no provision in the Constitution that gives precedence to the guarantee of equality in the case of conflict with customary law. The conflict between the constitutional guarantee of equality contained in section 15 of the constitution and customary law pursuant to Schedule 3 creates a degree of uncertainty. As part of our state obligations under CEDAW, we are still exploring ways in which custom and formal law can co-exist with an improved compliance with CEDAW standards. With the current constitutional reform underway, this gives us the opportunity to advocate for the inclusion of constitutional guarantee of equality that is compliant with CEDAW principles in the draft Federal Constitution.

Madam Chair

Achievements through the piece meal approach

As well as the ongoing constitutional reform, we have also had some important laws passed by Parliament during recent times which form a piece-meal approach in updating our legislation to bring them more in line with CEDAW. One of these laws is the Political Party Integrity Act which I mentioned earlier on.

Madam Chair,

Family Protection Act 2014

The passage of the Family Protection Bill is a historical milestone for Solomon Islands for it is the first of its kind. The Act is based on the findings of the Solomon Islands Family Health and Safety Study carried out in 2009 on gender-based violence. The study found that 64% of women between the ages of 15-49 experienced physical and sexual violence pointing out that domestic violence could no longer be treated as a private or trivial matter.

The Act covers physical, sexual, psychological and economic abuse as forms of violence. The Act defines “domestic violence” as including acts such as stalking,

harassment, ridicule, obsessive possessiveness, which are not provided for under the Penal Code or any other criminal legislation.

The Act criminalises domestic violence which is in line with international best practices with a penalty of either a fine of 30,000 penalty units or imprisonment for 3 years, or both.

The Act is also significant as far as our obligations to CEDAW is concerned as it empowers the police to prosecute domestic violence offences by way of creating police safety notices to effectively intervene on occurrences of domestic violence. This is further supported by the current No Drop policy implemented in the Royal Solomon Islands Police Force.

The Act also caters for the creation of protection orders to provide redress for victims of domestic violence. It also establishes a Fund to support victims or survivors of domestic violence.

One key feature of the Act is money paid as customary compensation for committing the act of domestic violence is not a defence.

We have begun the process for implementation of the Act with the completion of a national strategy that aims to guide all stakeholders to focus on priority areas for implementation.

As in other legislations, enforcement of the Family Protection Act remains a concern for the Government. Having sufficient technical capacity and resources for implementation of the Act across a wide geographical spread and within a diverse culture will remain our key challenges during implementation.

Madam Chair,

Other Progressive Legislation

There are other progressive provisions in other recent legislation such as the Correctional Services Act 2007 and Police Act 2013, which no longer have discriminatory provisions relating to marriage, pregnancy or gender.

Madam Chair,

The legal reform in Solomon Islands has made a few but significant achievements especially in sexual offences including the passage of the Evidence Act 2009 which abolishes the rules relating to corroboration in sexual assault matters. It also amends the provision relating to prior sexual history limiting its admissibility in the courts, however it has not totally abrogated this evidentiary rule.

Madam Chair,

Review of the Penal Code [Cap 26]

The Solomon Islands Law Reform Commission strongly stated in its report on the Penal Code review that as a States party to both the CEDAW and the CRC, the country's criminal law must address and provide protection to women and children who are vulnerable to sexual violence.

The review of the Penal Code and the Criminal Procedure Code commenced in 2008. The process included analysis of the current law, contextual research and widespread community consultation. Community responses indicated wide support for changes to the law to more effectively address sexual violence.

The Law Reform Commission was also given a reference to review the marriage and divorce laws of Solomon Islands in 1995. This task is yet to commence but it will address matrimonial and family laws as well as forced and early marriages. However, the LRC has made a recommendation to put a minimum age for customary marriage in its recommendations on defilement.

Madam Chair,

I am pleased to report that a paper seeking permission to prepare a draft consultation Bill for amendments to the Penal Code on sexual offences has been approved by Cabinet. This is a key step towards having strong and effective laws on sexual offences in Solomon Islands.

Madam Chair,

Access to justice

Although we are experiencing real challenges in this area, access to justice is available to our citizens through the work of the courts, legal aid provided by the Public Solicitor's Office, the work of the Office of the Public Prosecutor and the police.

The Government is trying to strengthen these offices by giving them the technical support and creating more positions in the public service to enable more recruitment.

The Public Solicitor's Office has expanded to the provincial level.

There is also a Family Protection Unit in the PSO which has the mandate and budgetary support to assist with providing access for women to services provided by the Family Protection Unit. This access has not reached the majority of the rural women in the magnitude that we would like, however it is a step in the right direction.

Key challenges include access by rural people to services by the High Court, the Magistrates, poor infrastructure and manpower.

Regarding legal aid, the Public Solicitors Office income threshold currently sits at \$30,000.00. The draft Means and Merits test Regulations increases this threshold to \$60,000.00 meaning that more women will be able to access free legal services provided by the Public Solicitors Office. The regulations to amend the means and merits test have been forwarded to the Attorney General's Chambers. However, the capacity of the PSO to cope with an increase of reliance on legal aid is an ongoing concern.

Traditional justice system

The traditional justice system plays the most role and has strongest influence in providing access to justice at the rural setting.

Madam Chair,

Implementation Approach

Implementation of CEDAW takes a number of approaches and strategies such as gender mainstreaming, partnerships and networking, awareness, advocacy and training.

Implementation of the convention is integral to the national policy framework for gender equality and women's development. The policy acknowledges that embedding CEDAW articles in all legislative and regulatory provisions is central to gender mainstreaming and provides the necessary legal protections for women and the legislative framework for accountability and reporting by government.

The gender mainstreaming programme is informed by a stock-take conducted to see how well government integrates gender as a cross-cutting issue across all ministries of government. However, making gender issues explicit in the work of Government is a long-term commitment that will require ongoing technical capacity development and financial investment but which has the potential to substantially improve development results.

The Government also recognizes the need for access to reliable sex-disaggregated data and other information from all sectors as a pre-requisite for monitoring and evaluating the effectiveness of gender mainstreaming efforts. Such an initiative should assist the Government in its reporting obligations to CEDAW.

Although the lack of comprehensive sex disaggregated data and reliable information remains a key area of concern, the government has taken significant steps to address this issue. These initiatives include development of a gender monograph based on the 2009 national census results; development of a country gender assessment, and development of a VAW cost analysis to promote visibility of cost implications on government resources as a result of VAW. Plans for implementation of a Gender Statistics Initiative are still at the conception stage. Budgetary constraints continue to be a key challenge to effectively engage in these areas.

Madam Chair,

Awareness, Advocacy, & role of Media

The Government acknowledges the important role of the media in raising awareness on gender equality and women's rights and looks forward to continuing the cordial relationship with the media in that regard. The media have also gone through training to prevent the negative portrayal of women as well as to support the campaign for promotion of women in leadership and decision making.

Social media plays a major role in discussing issues affecting women's rights and political and public participation. There is a forum for advancement of women in leadership and education specifically set up for raising awareness and advocacy in these areas.

Other than these, awareness and advocacy on women's rights are led by the government annually during International Women's Day and 16 Days of Activism at both the national and provincial levels.

Madam Chair,

We acknowledge the role of the private sector and wish to report that involvement with the private sector has taken off fairly recently. This is an area we realize needs to be strengthened especially in the area of women's economic empowerment.

Madam Chair,

Challenges

Briefly on our challenges: CEDAW and its Optional Protocol were conceived during the darkest chapter of our history as a sovereign nation. The "ethnic tensions" which started in 1999 and their aftermaths resulted in the need for considerable rebuilding of state institutions, mechanisms and processes. This has a drastic effect on the availability of resources to implement CEDAW.

Reaching out to the majority of women most of whom live in the rural areas has been one of our biggest challenges. Although rural people are endowed with rich natural resources and exist in a setting that is vibrant and rich in its culture and way of life; isolation, access to services, poor infrastructure are but just a few of the problems rural women face.

Political instability and political will affect how women's issues have been addressed and prioritised. The whole concept of gender is quite new.

Emerging issues such as human trafficking, climate change and sea level rise will continue to be glaring issues for us.

In the context of these challenges the government's priorities on women and health, women and education, improved economic status of women, women in leadership and decision making, violence against women and gender mainstreaming will remain our key areas of focus. CEDAW is integral to each of these areas and on that note, we are proud to see significant progress being made by the government in the education sector where policy consideration is being undertaken for Second Chance Education for young pregnant girls leaving school.

We are also excited by the recent development of a new **scholarship** policy and procedures to guide Government scholarship programs. This policy has been endorsed by the national education board. We envisage that this policy will secure an allocation of 50% of scholarship to girls.

Madam Chair, I am pleased to report that there is now a growing focus on students with special needs where issues on their access to quality education are being captured through the development of a policy to best address their needs.

Positive developments in the trade and health sectors have also been encouraging to see in terms of policies and programmes that address the economic empowerment of women and their health needs. For instance, under health a family life education program, sexual and reproductive health is now a compulsory curriculum for primary and secondary schools from level grades 4 to 9.

Madam Chair,

SI delegation to CEDAW Constructive dialogue

We have travelled thousands of miles to be here for this dialogue. There are 8 of us in total. We are all senior officers of the Solomon Islands Government and represent the sectors of education, health, foreign affairs and trade, justice and women. The

different sectors, which we represent provides the strength which we will rely on today as we dialogue.

May I assure you, madam chair, of our commitment to work with the committee and where we may have difficulties in addressing the various areas of the Convention, we will look to you for support and guidance. Thank you