

A situational analysis of the nexus between

Gender-Based Violence, Trafficking in Persons and the logging industry in Solomon Islands



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IOM Solomon Islands
ANZ Haus, Ranadi Highway
East Honiara, Solomon Islands
T: (+677) 22536
E: iomhoniara@iom.int
www.iom.int

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Acronyms and abbreviations

ADB	Asian Development Bank
APOV	Abuse of a position of vulnerability
CBO	Community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CLACs	Customary Land Appeals Courts
CRC	Convention on the Rights of the Child
CSEC	Commercial sexual exploitation of children
DHS	Demographic and Health Survey
ECD	Environment and Conservation Division
EIA	Environmental impact assessment
FBO	Faith-based organization
FPA	Family Protection Act
FRTUA	Forest Resources and Timber Utilization Act
GBV	Gender-based violence
GIA	Gender impact assessment
INGO	International non-governmental organization
IOM	International Organization for Migration
IPO	Interim protection order
LTA	Land and Titles Act
MCILI	Ministry of Commerce, Industry, Labour and Immigration
MTGPEA	Ministry of Traditional Governance, Peace and Ecclesiastical Affairs
MWYCFA	Ministry of Women, Youth, Children and Family Affairs
NGO	Non-governmental organization
NPGEWD	National Policy on Gender Equality and Women's Development
ODI	Overseas Development Institute
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPSC	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

PACLII	Pacific Islands Legal Information Institute
PO	Protection order
PSN	Police Safety Notice
RSIPF	Royal Solomon Islands Police Force
SI	Solomon Islands
SIG	Solomon Islands Government
TGCFB	Traditional Governance and Customs Facilitation Bill
TiP	Trafficking in Persons
TSM	Temporary special measures
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNTOC	United Nations Convention against Transnational Organized Crime
USAID	United States Agency for International Development
VAW/G	Violence against women and girls
WHO	World Health Organization
WPS	Women, peace and security
WPS NAP	National Action Plan on Women, Peace and Security

Executive summary

From as far back as 2004, both national and international non-governmental organizations have drawn attention to the commercial sexual exploitation of girls and young women practiced openly and with impunity in communities affected by extractive industries, among them the logging industry. This phenomenon occurs, in significant part, through the informal employment of “house girls” by loggers, who are then encouraged or coerced into a sexual relationship, and/or “marriage” to loggers.

This “sale” of girls to foreign workers in the logging sector for the purpose of sex and marriage is arranged by parents, other family members and young male peers. Compensation referred to as “bride price” is paid to the girls’ parents, relatives, or tribe, either in the form of money or material goods. In this way, the social acceptance of child marriage and bride price, considered as *kastom*, are distorted to facilitate what is, in fact, commercial child sexual exploitation and human trafficking.

This report brings together several thematic issues—gender-based violence (GBV) and human trafficking, natural resource governance, traditional customary practices, social norms, pluralistic legal and governance systems, and access to justice and services, among others—in an attempt to articulate structurally entrenched violence and discrimination perpetrated against women and girls in Solomon Islands. It describes the ways in which the current governance and legal system predominantly benefit men, by supporting their control over, and exploitation of, both natural resources and women and girls.

High prevalence of gender-based violence and harmful practices

Commercial child sexual exploitation and human trafficking for the purpose of sexual exploitation occur on the extreme end of a spectrum of GBV in a country that ranks among the top five with the highest lifetime violence prevalence and the top five of those with highest prevalence in the last 12 months. At the same time, 37% of girls experience sexual abuse prior to the age of 15, and incest is considered both widespread and taboo.

Yet the legislative framework contains numerous inconsistencies and gaps when it comes to protecting children from marriage prior to the age of 18, and from incest. The Islanders’ Marriage Act legalizes child marriage from the age of 15, while the Child and Family Welfare Act exempts “married” minors from its protections. Girls can also be criminalized for engaging in sexual acts with adult male family members.

Globally, violence against women, and against indigenous women in particular, has been linked to extractive industries in light of the associated influx of transient male workers and cash, and the resultant socio-economic stresses on families and communities. In the case of Solomon Islands, it can also be attributed to a distortion of customary practices, which are tacitly accepted through a legislative deference to “custom,” and a failure to monitor the effective implementation of law and policy related to the logging sector.

Women’s exclusion from governance and timber rights acquisition processes

Timber rights acquisition processes are governed almost exclusively by men and are associated with widespread reports of corruption. The legislative framework does not de facto require social or gender impact assessments to be undertaken, although they are mentioned in one Article of the Environmental Act. Logging has produced wealth for a minority of persons in Solomon Islands, primarily men with linkages to traditional and state governance structures. Men control decision-making related to land as customary owners or as traditional chiefs and leaders, even in matrilineal communities where this power was traditionally held by women.

Both customary and state-run institutions largely exclude women's participation and remain dominated by men. Women's voice in national, political and economic affairs remains constrained by the fact that they hold only 8% of seats in the National Parliament, and likewise have little representation at the provincial level. The absence of women's voices and participation in political, social and economic life operates to cement structural discrimination and fosters multiple and intersecting vulnerabilities for women and girls.

The significant negative environmental impacts of logging aside, a weak legislative framework, the lack of meaningful governmental oversight, and corruption, all enable a small number of individuals, in particular men in positions of authority, to capture the benefits of the logging industry. This while women, children and other vulnerable categories of the population not only fail to benefit from it, but suffer grievous impacts.

Coercive control

“Coercive control” is a form of violence against women and girls, criminalized in some countries. The term describes the ways in which men use women's social and economic subordination to both protect and extend their own privileged access to money, sex, leisure time, domestic service and other benefits. In addition to acts of physical and sexual violence, perpetrators exploit persistent gendered inequalities in society and the economy, including how gender roles and responsibilities are distributed.

The term “coercive control” provides a meaningful description for the ways in which men's control over the logging process and resources privileges their access to a variety of benefits. It also accurately reflects the commodification of women and girls by male family members who facilitate their sexual exploitation for personal enrichment. Moreover, coercive control provides a clear conceptual framework for the domestic work and sexual services provided by “house girls” to male loggers in Solomon Islands.

Compounded harms

Numerous harms ensue from the crimes of human trafficking, commercial child sexual exploitation, domestic violence and non-partner sexual violence, beyond the commission of the crime itself. Victims of these crimes may face early pregnancy, and multiple and lifelong health consequences (eclampsia, puerperal endometritis and systemic infections). Most former “house girls” and those “married” to loggers are often abandoned when the loggers return to their home countries, leaving them, and any children born of the union, without means for survival. Despite their extreme vulnerability, they do not receive social welfare assistance from the State beyond the occasional waiving of school fees for their children, even when they were sold as children into sexual exploitation by family members.

Given their lack of access to economic resources, and the levels of stigmatization faced by former “house girls,” those “married” to loggers, and other victims of childhood sexual abuse, there has been a consequent increase in the number of girls and women engaging in survival sex—a form of prostitution—in logging camps or in Honiara.

Access to justice and services

GBV survivors in rural communities have limited options for reporting: either to the police, traditional leaders and village chiefs, or local church leaders—the overwhelming majority of whom are men. Logging-affected communities are by nature rural and remote, characterized by an absence of basic services, including police and health care. Most rural communities lack any police presence, and the research revealed widespread concerns about victim-blaming attitudes and refusals to accept complaints.

Accessing police, health care and shelter services involves significant time and financial expense to travel to distant locations. Additionally, many cases of GBV, including cases involving sexual exploitation, are not reported due to fear of reprisals and stigmatization.

Solomon Islands maintains a pluralist legal system, encompassing both a formal justice system, as well as informal justice actors at the local level, including traditional leaders and village chiefs. Those who seek formal justice face a slow and cumbersome legal process that surpasses the limits of most women's time and economic resources. Much of the burden of the legal process falls on the victims, who may have to travel to attend court many times, assume the economic costs of travel, organize care for their children or other dependents and face fear of reprisals by offenders.

Community-level informal justice providers, village chiefs and traditional or church leaders, are more accessible, but engage primarily in reconciliation. Research suggests that women strongly prefer to report to police, but resort to informal justice in the absence of an alternative. National stakeholders, community members and the chiefs themselves indicated a limited ability to offer meaningful solutions related to GBV or human trafficking. While sympathizing with the perpetrator was mentioned, the lack of necessary training appeared to be a key obstacle to effective intervention in GBV or trafficking cases.

While judicial decision-making seems to be improving over time, an examination of the jurisprudence revealed multiple instances of troubling reasoning and misapplications of the law. Examples include a judge requiring the prosecution to establish lack of consent regarding the rape of a child who was between the ages of 7 and 10-years-old at the time of the five offences. The number of such cases and the extent of the gender bias in decision-making raises a serious concern as to whether formal justice for gender-based crimes is possible.

Compensation is a standard remedy offered by informal justice, but it is not paid to the victim, but rather to male family members. There are further concerns regarding addressing crimes such as human trafficking and child sexual exploitation through customary payments of compensation with no involvement of the formal justice system. The absence of connection between informal and formal justice actors also constitutes a systemic barrier to victims' access to justice. Current efforts to link the two hold important promise.

Survivor-centred justice requires community recognition of the harm, and an expression of care and support for the victim, rather than victim-blaming and stigmatization. This approach remains limited by a clear and widespread unwillingness by communities to acknowledge the harm suffered by victims of serious crimes.

Call to action

Examining the confluence of these issue areas—high violence prevalence, extremely limited services and access to justice, and the lack of women's participation in formal and traditional decision-making—reveals a society based on interlocking structural inequalities for half the population.

This challenge is compounded by relatively weak central State institutions and an insufficiently critical recognition of customary practices throughout the legislative framework.

As a result of their exclusion from formal and informal governance processes, the voices of women and girls are suppressed in Solomon Islands, and consequently their needs and rights are not always meaningfully or sufficiently recognized, even by those mandated to uphold them. The recommendations offered at the conclusion to this report chart a possible way forward.

Methodology

The research and situational analysis underlying this report was conducted as part of the International Organization for Migration's (IOM) project *Enhancing the Response to Gender-Based Violence and Trafficking in Persons in the Solomon Islands*. The situational analysis aims to increase understanding of GBV and TiP in Solomon Islands, in order to more concretely understand their drivers, the broader context in which they exist, and the nexus between GBV and TiP in communities affected by extractive industries, specifically logging.

The research involved both primary and secondary methods conducted by an international and a national researcher. Comprehensive desk research was performed by an international consultant, based upon which questionnaires were developed for the field research.

The desk review included reports issued by national and international CSOs, government agencies and intergovernmental organizations. (A bibliography can be found in Annex 3). The desk review also examined the relevant national and international legal frameworks. It covered national legislation, including *inter alia*: the Solomon Islands Constitution, the Family Protection Act (FPA), the Islanders' Marriage Act, the Penal Code (Amendment) Sexual Violence Act, the Child and Family Welfare Act, the Immigration Act, the Penal Code, the Criminal Procedure Code, the Forest Resources and Timber Utilization Act (FRTUA), the Environment Act and Environment Regulations. It also examined publicly available case law.

The desk research also encompassed the relevant international standards set forth in international human rights conventions to which SI is a party, or plans to be, including: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children Child Prostitution and Child Pornography (OPSC), the UN Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Following obtention of a research permit from the Ministry of Education and Human Resources Development, field research took place at the community, provincial and national levels. Six communities affected by logging were chosen across two provinces, Isabel and Choiseul. Selected by the national Anti-Human Trafficking Advisory Committee under the IOM project *Enhancing the Response to Gender-Based Violence and Trafficking in Persons in the Solomon Islands*, Choiseul and Isabel Provinces face high prevalence of child sexual abuse and human trafficking.¹ The communities in Isabel included: Sigana, Kilokaka and Susubona; in Choiseul: Kesa, Posarae and Ruruvai. The selected sites also represent a cross section of current, former and potential sites of natural resource extraction.

Isabel

1. **Sigana** has a population of 600 people. Its public services include a nearby rural health clinic and a school. While there are no currently active logging operations, there were in the past.
2. **Susubona** has an estimated population of between 600 and 650 persons. There is a rural health centre in Susubona that serves more than 10 communities, and a primary school. Current logging operations have been linked to social change and violent incidents.
3. **Kilokaka** has an estimated population of 500. It has a rural health centre and a primary school. There are currently active logging operations with links to social changes in the community.

1 Save the Children, 2018.

Choiseul

1. **Kesa** has an estimated population of between 150 and 200 persons. It is located between three active logging operations. It has no area health centre. Therefore, community members have to travel to a neighbouring community to access health services.
2. **Ruruvai** has an estimated population of between 500 and 650 persons. It has both active and closed logging operations and a health centre. Current logging operations have been linked to reported trafficking cases.
3. **Posarae** has a population of between 650 and 700 persons. It is located near two active logging operations and has a rural health centre and a primary school. Trafficking cases have been reported in the community in the past. The community has previously participated in a GBV awareness-raising program.

Field research was undertaken in Isabel Province from 27 June to 8 July 2022, and in Choiseul Province from 22 to 31 August 2022. The national researcher conducted key informant interviews (KIIs) and two gender-segregated focus group discussions (FGDs) in each of the six communities selected. FGD participants were invited to openly express their opinions on the questions posed and to *tok stori*.² The choice of FGD participants was purposeful and the discussions were semi-structured to ensure effective community participation. Gender-segregated FGDs were also arranged in each community, in order to ensure that women were provided an opportunity to speak openly, without male censure.

At the community level, semi-structured KIIs were conducted with community leaders, including village and traditional chiefs, church leaders and teachers. Given that most leadership positions are held by men, community level KIIs were held with women church leaders. Two teachers were also women. Interview questions were designed to obtain nuanced understandings of: the nexus between diverse forms of GBV, including harmful practices, and TiP; the characteristics and dynamics of GBV and TiP and their links to natural resource extraction; how effectively victims/survivors are reached by existing services; social norms around marriage and violence, and decision making and control over resources within communities, tribes and families.

Semi-structured KIIs were also held with provincial-level and national-level stakeholders. Provincial-level stakeholders were interviewed in the provincial capitals of Buala and Taro, and interviews with national-level stakeholders were conducted in Honiara. (A list of stakeholder interviews can be found in Annex 2.) The following questions and issues guided the research from the outset:

- What are the most prevalent forms of GBV and human trafficking in the selected communities? Do they overlap in individual cases?
- What is the understanding of GBV and TiP within communities and among stakeholders?
- Which categories of persons (sex, age, differently-abled, ethnicity) are most affected: Women? Children? Youth?
- Which factors are putting women and girls, men and boys, at risk?
- What is the interplay between different forms of violence, including economic violence, and cases involving exploitation?
- Which categories of persons are the primary perpetrators? Family members? The employees of foreign companies?
- Are social and cultural norms related to marriage (early marriage, bride price) and/or decision-making with respect to finances or land management co-opted by family members and/or other actors?
- What are common help-seeking behaviours by victims?
- What is behind the lack of reporting and help-seeking?
- What are the responses of the community? Local authorities?
- What are the behaviours and attitudes of stakeholders charged with response to GBV and TiP?
- What measures are taken to prevent or combat GBV and TiP in the communities?
- What formal and informal justice mechanisms are available for victims of GBV and trafficking?
- What are the links between natural resource exploitation, GBV and human trafficking?

² *Tok stori* is a Melanesian indigenous methodology which allows for collaborative dialogue and creating a joint narrative.

- How do extractive industries directly or indirectly contribute to the vulnerability of community members?
- What actions are being taken by stakeholders charged with regulating natural resource extraction?
- Which community members are rendered most vulnerable?
- What are the short- and longer-term health impacts of violence, including on sexual and reproductive health?
- What are the short- and longer-term economic impacts of violence on individual community members and the community?
- What are the short- and longer-term social impacts of extraction on individual community members and the community?

All responses remain confidential and anonymized.

Quantitative data was requested of stakeholder organizations at both the national and provincial level, specifically targeting the justice sector, service provision by CSOs and educational parity at the local level. Justice-sector data was not available on the number of convictions, prosecutions, public safety notices and protection orders.

A validation workshop was held in Honiara on 4 May 2023 to discuss key research findings with national and provincial-level stakeholders. The day-long discussions both confirmed and nuanced many of the research findings. They also provided new information and insights into the issues detailed in this report.

Background context

This section contextualizes gendered social norms and women's public participation in both State and traditional governance structures, to locate women's position within Solomon Islands' social and political structure. It provides a brief overview of the national legal framework and policy priorities pertaining to gender equality and customary law.

A. National law and policy on women's rights and gender equality

The principles of equality and social justice are set forth in the Preamble of the Constitution of the Solomon Islands (SI Constitution), which also contains a non-discrimination provision. Section 3 of Chapter II states:

Whereas every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:

a. life, liberty, security of the person and the protection of the law

Section 15(4) defines the term "discriminatory" in terms of direct and indirect discrimination only, and recognizes sex as a grounds. There is no separate anti-discrimination legislation to elaborate core standards, including covering all the forms of discrimination, including *inter alia* sexual harassment, and ensuring the application of procedural practice, including reversing the burden of proof, in line with international standards. There thus lacks any meaningful legal mechanism in Solomon Islands for filing discrimination complaints.

Solomon Islands' policy priorities on gender are reflected in its National Development Strategy 2016-2035, in particular under its Medium Term Strategy 7: "Improve gender equality and support the disadvantaged and the vulnerable". Under this area of priority, a number of areas of intervention are highlighted for action. These include facilitating the participation of women in decision-making, and implementing laws and regulations (including the Family Protection Act) in coordination with police and relevant stakeholders to address gender-based violence. Additionally, Medium Term Strategy 15, "Improve national security, law and order and foreign relations", calls for the development of community policing and crime prevention models to effectively reduce crime, including family violence.

Solomon Islands has developed comprehensive national policies related to gender: the National Gender Equality and Women's Development Policy, the National Policy to Eliminate Violence against Women and Girls and the Women, Peace and Security National Action Plan—all of which expired in 2020. The Second National Strategy on the Economic Empowerment of Women and Girls expires in 2023.

The Solomon Islands Constitution also makes explicit provision for the application of customary law. Section 75 of the Constitution provides that:

1. Parliament shall make provision for the application of laws, including customary laws.
2. In making provision under this section, Parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands.

"Customary law" is defined in the SI Constitution as "the rules of customary law prevailing in an area of Solomon Islands".³ The term "customary rights" are not defined.

3 Section 144, Solomon Islands Constitution.

With respect to gender discriminatory practices imposed by customary law, judicial decisions have refused to challenge them.⁴ Subsequent amendments to the Constitution have addressed conflictual provisions related to discriminatory customary laws.⁵ Schedule 3, Section 3 of the SI Constitution provides:

1. Subject to this paragraph, customary law shall have effect as part of the law of Solomon Islands.
2. The preceding subparagraph shall not apply in respect of any customary law that is, and to the extent that it is, inconsistent with this Constitution or an Act of Parliament.

Section 3 of Schedule 3 of the Constitution thus creates *de jure* limits on the application of customary laws that constitute discrimination affecting human rights and fundamental freedoms.⁶ While the prohibition of discrimination is considered a basic human right, others include the right to political participation and the right to life and physical integrity, among others. While Section 3 of Schedule 3 has not eliminated *de facto* discrimination against women by customary law and practice, it creates an opening to interrogate the perpetration of discriminatory customary practices, often distortions of custom.

Some perversions of custom, described in more detail in the sections below, have been attributed to the pressures created by capitalism, as prior forms of human and monetary exchange have been transformed into unembellished commodification.⁷ Discriminatory customary practices can also be attributed, in part, to the patriarchal influences of colonialism and of evangelical teachings.

This report identifies the ways in which legislation related to land, logging, marriage and sexual violence incorporates, explicitly and implicitly, customary law in a way that renders women and girls vulnerable to gender-based violence, including human trafficking. The State's statutory recognition of customary law in national legislation has resulted in the institutionalization of discriminatory practices that violate both the Constitution and the State's international obligations. This marks an inflection point, one that calls for a more critical approach towards the formal consolidation of traditional governance practices as mechanisms of the State.

B. Gendered social norms

Solomon Islands can be characterized by a patriarchal culture, in which strong male figures assume leadership positions. Patriarchy pervades church, State and traditional governance structures in Solomon Islands.⁸ Recognition of the pervasiveness of patriarchal culture was observed in the field research and confirmed at the validation workshop. As one Chief from Choiseul described: "There is strong male dominance in the society."⁹ Along with gender stereotypes, "gender discriminatory laws and social norms go largely unchallenged".¹⁰ For example, "women's rights are determined by their husbands and their fathers".¹¹

Pervasive gender discrimination in Solomon Islands has been a cause of concern for UN treaty bodies and special mandate holders.¹² Article 5 of CEDAW calls on States to take measures to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".

4 See, e.g., *Minister for Provincial Government v. Guadalcanal Provincial Assembly*, [1997] SBCA 1, 11 July 1997, concerning the customary prohibition on women becoming chiefs, the Court of Appeal held that discrimination against women was not unconstitutional if the Constitution itself legitimated that gender discrimination; and, *Tanavalu v. Tanavalu & Solomon Islands National Provident Fund*, [1998] SBHC 4, affirmed [1998] SBCA 8, in which the Court of Appeals upheld a High Court decision finding that the Constitution permitted the application of customary law even if it discriminated against women. The case involved the distribution of pension funds to the deceased's father, rather than to the widow, which the father then distributed at his discretion, giving nothing to the widow.

5 See, CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, paras 35, 36.

6 Questions remain as to whether the human rights and fundamental freedoms referred to in Section 3 of Schedule 3 refer to the full array of rights afforded under those international human rights covenants to which Solomon Islands is a party, and not the limited scope of fundamental rights set forth in the Chapter II of the Constitution.

7 Validation workshop, 4 May 2023.

8 Validation workshop, 4 May 2023.

9 KII, Ruruvai, Choiseul, Chief, 28 August 2022; validation workshop, 4 May 2023.

10 UN Women, Validation workshop Report on the draft Traditional Governance and Customs Facilitation Bill (TGCFB), 2020, p. 2.

11 Validation workshop, 4 May 2023.

12 See, e.g., Committee on Economic, Social and Cultural Rights (CESCR), E/C.12/1/Add.84, 2002, para 6, noting as a concern "the persistence of patriarchal attitudes in the society".

The CEDAW Committee has urged the State to: “to prohibit any customary practices that discriminate against women in family relations”.¹³

The specific discriminatory customary practices in Solomon Islands at issue in this report include bride price and early marriage. The marriageability of girls is seen as depending on their physical development, not their age.¹⁴ Girls are widely considered as adults at the age of 15, with respect to marriage and sexual activity. One respondent stated, “if a girl can do the washing and gardening, then she is considered ready for marriage”.¹⁵

Many discriminatory social and cultural norms are seen as both the cause and consequences of gender-based violence and can lend themselves to exploitative practices, including trafficking in human beings. According to the CEDAW Committee: “norms and stereotypes regarding male domination, the need to assert male control or power, enforce patriarchal gender roles, male sexual entitlement, coercion and control drive the demand for sexual exploitation of women and girls”.¹⁶

Such beliefs normalize diverse forms of violence, coercion and exploitation, rendering crimes invisible to authorities charged with prevention and response. For example, the normalization of early marriage and bride price serve to mask human trafficking and the commercial sexual exploitation of children (CSEC).

C. Women’s political participation in State governance

Women’s right to participate in political and public life, free from discrimination based on sex, is guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and CEDAW.¹⁷

Women are severely under-represented in Solomon Islands’ State decision-making bodies. Women hold four out of 50 seats in the National Parliament, constituting only 8% of seats.¹⁸ At the provincial level, five out of the nine provinces had zero female representatives in 2020; four provinces had one elected female Member of the Provincial Assembly each.¹⁹ Women comprise only 5% of senior civil service positions, and 22% of mid-level positions.²⁰ In terms of women’s labour participation, only 26% are engaged in paid work.²¹

UN treaty bodies, including CEDAW and CESCR, have expressed concern regarding: “the stark underrepresentation of women in decision-making positions in all areas and at all levels, especially in Parliament”.²² The Asia Development Bank (ADB) Solomon Islands Country Gender Assessment attributes women’s low numbers in leadership positions to several intersecting factors: low levels of education, high family care burdens, high levels of violence against women and underlying discriminatory social attitudes.²³

In order to remedy historic absence of women’s public participation, CEDAW excludes from the definition of discrimination, “temporary special measures aimed at accelerating de facto equality between men and women”.²⁴ It is worth underscoring the limited temporary special measures (TSMs) established by the Political Party Integrity Act (2014).²⁵ Section 48(1) of the Act establishes the desired level of participation at an extremely low 10% for women’s representation on party lists only.²⁶

13 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 45.

14 Because births in rural areas are not always registered, it is common for people to not know their exact age.

15 Validation workshop, 4 May 2023.

16 CEDAW, General Recommendation No. 38 on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38, 2020, para 30.

17 Articles 2 and 25, ICCPR and General Comment 25, para 3; Article 7, CEDAW.

18 International IDEA, Gender Quotas Database: [Solomon Islands](#), 2022, [online]. The applicable quota for women is at a low 10%. Section 48(1), Electoral Law. There is no sanction for non-compliance.

19 UN Women, Final Consultation Report, 2020, p. 12.

20 [Ministry of Women, Youth, Children and Family Affairs](#), [online].

21 [Ministry of Women, Youth, Children and Family Affairs](#), [online].

22 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 28; see also CESCR, E/C.12/1/Add.84, 2002, para 6, observing “the inadequate representation of women at all levels of decision-making bodies”.

23 ADB, Solomon Islands Gender Country Assessment, 2015.

24 Article 4, CEDAW.

25 Part 7, Division 2, Sections 48, 49, Political Party Integrity Act 2014.

26 Meaningful, women’s representation must reach a critical mass of 30% before changes are seen in legislative styles and policy priorities. See, e.g., Thomas, S., *How women legislate*, New York: Oxford University Press, (1994).

Moreover, Section 48(2) undermines any obligation by parties to ensure women's inclusion on party lists by leaving it subject to women's applications or agreement to be nominated. In order to foster women's equal participation, TSMs should be established to ensure a minimum level of women's participation at both national and provincial levels. Efforts to do so have not met with success to date.

Women's low level of political participation results in their issues being deprioritized by the government.²⁷ The Ministry of Women Youth, Children and Family Affairs (MWYCF) has reportedly the lowest budget of all ministries.²⁸

D. Women's participation in traditional governance and church

In light of the multiple languages, the diversity of cultures and traditions, and the remoteness of a sizable portion of the population, local governance systems, including familial ties, often play a more significant role than national governance institutions in people's lives.²⁹

In Solomon Islands, traditional governance structures are male dominated, and norms and practices are laden with patriarchal values that discriminate against women. Chiefs, elders and church leaders serve as the gate keepers of unwritten laws, practices and norms. While "most of the population in rural areas are women and youth who belong to clans and tribes, they are never consulted, informed, included, or invited to participate in the selection and nomination of tribal chiefs".³⁰

Moreover, it remains "common across all customary jurisdictions and cultural contexts that in both patrilineal and matrilineal societies, women play a subordinate role to men where leadership and decision making in traditional governance is concerned".³¹ Although "women can make decisions at their family level, they have no influence on the male traditional governance structures." Women have become village (not traditional) chiefs in some locations.³²

With few exceptions, their views and issues are often ignored or put aside in traditional governance meetings.³³ Violence against women and girls has gone relatively unaddressed to date by the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs, despite the *de facto* role played by local traditional leaders in responding to the issue in their communities.³⁴

Churches appear to provide a place for women to assume leadership positions, depending on the denomination.³⁵ This signals a potential role for faith-based organizations (FBOs) in fostering opportunities for women's leadership capacity development as an entry point for transforming patriarchal gender norms. Youth groups and schools also offer opportunities for girls and young women to learn leadership skills.³⁶

27 Validation workshop, 4 May 2023.

28 [NGO Shadow Report](#) on the Status of Women in Solomon Islands, CEDAW.

29 Minority Rights Group International, [Solomon Islands](#), [online]

30 UN Women, Final Consultation Report on the Traditional Governance Bill, 2020, p. 12.

31 UN Women, Final Consultation Report on the Traditional Governance Bill, 2020, p. 16.

32 Validation workshop, 4 May 2023.

33 KII, Posarae, Choiseul, Church Leader, 27 August 2022.

34 KII, Director Peace, Ministry of Traditional Governance, 5 May 2023.

35 See, e.g., KII, Posarae, Choiseul, Church Leader, 27 August 2022, stating "women only take on women's issues and church responsibilities"; KII, Ruruvai, Choiseul, Church leader for women and youth, 28 August 2022; Validation workshop 4 May 2023.

36 Validation workshop, 4 May 2023.

Natural resource extraction, social conflict and justice

Commercial logging in Solomon Islands accounts for about 70% of the country's foreign export earnings, and 15-20% of government revenue. Additionally, the sector is the largest formal employer outside of the public service and provides in the range of 5,000 – 10,000 jobs³⁷.

However, while providing an economic boon to some, natural resource extraction, and most notably logging, has negatively impacted Solomon Islands in multiple ways. As described by the World Bank:

For more than 30 years, this industry has adversely impacted on the willingness of political and business leaders to invest resources in creating representative, inclusive, fair, and accountable national or local public authorities.³⁸

As emphasized in the country's National Development Strategy (NDS) 2016 – 2035, “holistic management approach[es]” are needed to “properly control the activities of the logging industry to achieve a better balance in the pecuniary and social benefits received by government and resource owners”.

In addition to driving environmental degradation and food insecurity, logging also constitutes one of the biggest sources of disputes in Solomon Islands.³⁹

Solomon Islands has a pluralist legal system, with diverse traditional governance systems having a broader reach than State-based systems. Both face challenges in addressing land-related claims. As also underlined in the NDS, policy changes and land reform efforts are needed to allow landowners to effectively share in the benefits of development.

This section addresses legislation and customary practices related to the complexity of land tenure systems and other regulations related to logging, highlighting disparate impacts on women and their lack of participation.

A. National law and policy on women's rights and gender equality

Natural resource extraction has been a significant source of conflict in Solomon Islands. The “Tensions,” occurring between 1998 and 2005, were related to “land pressures and disputes”.⁴⁰ The drivers of land related disputes have been identified as: differences in customary tenure and individual and private interests, deficient legislative frameworks, and a lack of inclusivity in decision-making on the use of land and natural resources through traditional governance practices.

37 Porter, D. and Allen, M., The political economy of the transition from logging to mining in Solomon Islands, Australian National University, 2015; Food and Agriculture Organization of the United Nations (FAO), Food and nutrition security policy effectiveness analysis for the Solomon Islands, 2021; Ministry of Forestry and Research.

38 World Bank, Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands, 2015.

39 UNDP, Solomon Islands Access to Justice Study, 2019.

40 MWYCFA, Solomon Islands Women, Peace and Security National Action Plan (2017-2021); Porter, D. and Allen, M., The political economy of the transition from logging to mining in Solomon Islands, Australian National University, 2015.

I. Customary land tenure

The situation in Solomon Islands reflects that of the Pacific region in general, in which after colonization, “between 85-98% of land is vested in the customary owners”.⁴¹ Thus, “most land is formally governed by customary tenure”.⁴² With respect to land management, “it is almost impossible to separate land from customary laws, practices and norms”.⁴³ Customary land management functions through “land-linked informal institutional arrangements based on kinship groups, organized according to particular principles of descent”.⁴⁴

Confusion “over authority and decision-making processes over customary land,” continues to generate conflict. This can be largely attributed to contests between two diverging perceptions of land: one viewing land as an alienable commodity; the other as an integrated element of their societies and communities, as an individual’s relationship with the land is determined by their tribe or clan, and contemplates no exclusivity of ownership.⁴⁵ As described below, the weak legislative framework, a reliance on “traditional governance mechanisms,” the lack of monitoring, and corruption enable a small number of individuals, in particular male traditional leaders, to capture the benefits of the logging industry with often grievous impacts on women, children and other vulnerable categories of the population.⁴⁶

II. Contingent understandings of traditional governance and land tenure systems

Solomon Islands is home to a diversity of indigenous and other ethnic minority cultures—all with distinct customary practices. These include “differing Melanesian, Polynesian and Micronesian customs and traditions amongst families, tribes and clans across the archipelago”.⁴⁷ The diversity of indigenous land tenure arrangements across Solomon Islands have never been systematically codified, and “given the limited reach of the State, customary practices prevail in the majority of land management issues at the local level”.⁴⁸ Far more than a commodity, land is:

collectively owned by a tribe, social group or community with rights of use bestowed based on birth and membership of these groups. Within this context land plays a complex and integral role involving concepts of kinship, family system, beliefs in spiritual power of the soil and a whole range of social relationships, as well as acting as a critical safety net for the large number of people without access to formal employment.⁴⁹

The cultures generally involve patrilineal and matrilineal customs.⁵⁰ As noted above, the provinces covered by this study, Choiseul and Isabel, are patrilineal and matrilineal, respectively.

In Choiseul province, customary lands belong to tribes and are inherited through men, who are the custodians of tribal lands. Traditional governance system and structures in Choiseul are led and controlled by men. The power to make decisions, the authority and control of the affairs of the tribes, villages and families rests with men who are commonly the village community chiefs, tribal chiefs, heads of family households and spokespersons on behalf of tribes. In contrast, Isabel province is matrilineal. Traditionally, women inherit the land, are custodians of the land and pass down land from one generation to the next through the maternal line. As observed in the validation workshop, “the laws were set up to reflect patrilineal practices” although five out of nine provinces are matrilineal.⁵¹

41 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, pp. 6, 9, noting that in the Solomon Islands 13% of the land was alienated during colonial rule.

42 Rebecca Monson, *The politics of property: Gender, land and political authority in Solomon Islands*, in *Kastom, property and ideology: Land transformations in Melanesia*, 2017, p. 384.

43 UN Women, Final Consultation Report, p. 34.

44 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 11.

45 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 15.

46 “Corruption is prevalent in the Solomon Islands, disproportionately favours men, and maintains male dominance [in] politics, business and social realms.” NGO Shadow Report on the Status of Women in Solomon Islands, CEDAW.

47 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 18.

48 UNEP, Solomon Islands: [UNREDD+ Background Document](#).

49 UNEP, Solomon Islands: [UNREDD+ Background Document](#).

50 Matrilineal refers to a system of descent that is traced through the female line which serves as the basis for inheritance and claims to resources especially customary land. Patrilineal refers to a system of descent that is traced through the male line which serves as basis for inheritance and claims to resources, especially customary land.

51 Validation workshop, 4 May 2023.

Despite these historical differences between traditional land tenure systems, currently in both patrilineal and matrilineal societies, women play a subordinate role to men where leadership and decision making in traditional governance is concerned". In other words, despite cultural differences, "Solomon Island societies (...) are all patriarchal in nature."⁵²

Understanding customary land tenure systems in Solomon Islands becomes increasingly complex in light of the changes that have been occasioned to what were "ancestral models of land, territory and kinship" through engagement with colonial, Christian and State institutions and extractive industries.⁵³ In this regard, it remains difficult to temporally pinpoint a "tradition" that has not undergone significant changes over time in a way that avoids arbitrary distinctions.

Given this indeterminacy regarding traditional cultural practices and their evolution over time: "What is needed is to unpack culture, determine who is claiming it and on whose behalf, and to ensure the participation of minority and indigenous women, free from the restraints of men from either their own or the majority community."⁵⁴

Legal pluralism in the Solomon Islands can be characterized by a relatively weak central State and a recognition of "customary practice". This has led to both process and resource capture. As described by UNEP:

The central state remains weak and struggles to provide key services to the population. Strong tribal links combined with poor transport networks have created key political and economic actors at the local level who are able to engage with national level policy discussions and are focused on capture of resources at the local level and maximization of benefits to tribal, family or constituency level groupings.⁵⁵

Another report explains that these "dynamics are driven by an 'ideology of customary landownership' that is manipulated by powerful men in order to capture economic benefits, usually at the expense of other members of their landholding groups".⁵⁶ Participants in the validation workshop confirmed that traditional leadership requires men to make decisions on behalf of the tribe, but that some leaders may make decisions to benefit themselves.⁵⁷

It is important to underscore how these "received ancestral models of leadership are now being translated into the state legal system" and are being done so "in a manner that turns the customary 'ability to speak' about land into increasingly individuated control over land."⁵⁸ The situation poses future challenges "for the further regulation of the timber industry or other resources with landowners or their 'nominated' representatives keen to gain financially from 'their' resources".⁵⁹

As revealed by the desk and field research, conflicts specifically emerge between various customary owners of unregistered customary land,⁶⁰ and in response to decisions made by purported "customary representatives" acting in the interests of a few.

Traditional leaders have had limited effectiveness in addressing land- and natural resource-related issues due to their limited capacity to resolve issues of such complexity. Some leaders have also experienced an erosion of respect, following their own engagement in unethical practices, as detailed below.

52 *The Status of Land Issues in Solomon Islands*, p. 17, n.2.

53 Rebecca Monson, *The politics of property: Gender, land and political authority in Solomon Islands, in Kastom, property and ideology: Land transformations in Melanesia*, 2017, p. 384. The historical influence of Christian missionaries and colonial administrations has been qualified as patriarchal.

54 Minority Rights Group International, *Gender, Minorities and Indigenous Peoples*, 2004, p. 22.

55 UNEP, Solomon Islands: [UNREDD+ Background Document](#).

56 Porter, D. and Allen, M., [The political economy of the transition from logging to mining in Solomon Islands](#), Australian National University, 2015.

57 Validation workshop, 4 May 2023.

58 Rebecca Monson, *The politics of property: Gender, land and political authority in Solomon Islands, in Kastom, property and ideology: Land transformations in Melanesia*, 2017, pp. 389, 396, further noting that "political cohesion is maintained through highly personalised patronage networks, largely involving men".

59 UNEP, Solomon Islands: [UNREDD+ Background Document](#).

60 In contrast to land that is registered to an owner under the Land and Titles Act (LTA).

Multiple respondents indicated that respect for Chiefs and elders in the village is eroding.⁶¹ This was described as an absence of trust in their effectiveness.⁶² As observed in one report:

Chiefs and local leaders are compromised by their involvement with drugs, alcohol, family violence, and land and natural resource transactions. An inability to control or tolerate social order problems is perceived to be linked to feelings that time-honored kastom institutions once responsible for social order deserve less trust and respect.⁶³

At the same time, internal migration patterns to Honiara and encroachment of “modern” or “Western” culture is also seen to have had a negative impact on traditional practices. In turn, traditional leaders linked the disappearance of traditional courting practices to increased teenage pregnancies out-of-wedlock, and the consumption of alcohol.⁶⁴

Without supporting the capacity of traditional leaders, and ensuring and implementing meaningful oversight mechanisms, the State should have some reservations about how far it is appropriate to delegate decision making authority to traditional leaders and governance structures.

Attempts to formalize traditional governance practices into a draft Traditional Governance and Customs Facilitation Bill (TGCFB) aimed “to strengthen local indigenous governance structures to address among other things land disputes and concerns in local communities”.⁶⁵ Significantly, the TGCFB’s formulation was marred by the absence of any meaningful inclusion of women in the consultation process.⁶⁶ An extensive women’s consultation process was undertaken by MWYCFA, supported by donors, which resulted in a report containing multiple recommendations for amendments to ensure women’s participation. National stakeholders have indicated, however, that the draft TGCFB has been “shelved”.⁶⁷

III. Timber rights acquisition process

The Forest Resources and Timber Utilization Act (FRTUA) 2000 sets forth the procedure for acquiring a license to fell trees in Solomon Islands. Part III addresses the procedure to be followed in cases involving customary land. Section 7 requires applying for the Commissioner’s “consent to negotiate with the appropriate [provincial] Government, and the owners of such customary land”. The Provincial Secretary thus serves as the gatekeeper between logging companies or their intermediaries and customary landowners. Notably, no criteria are provided relating to notification requirements. As described below, this stage of the timber rights acquisition process has been identified in the desk and field research as fraught with a lack of transparency and intimations of government collusion.

The provincial government is then required to hold a timber rights hearing within two months of receipt of an application. The law requires notice to customary landowners of the time and place of the hearing “in a manner the appropriate government considers most effective, to persons who reside within the area and appear to have an interest in the land, trees or timber in question”.⁶⁸

While criteria is set forth, it imposes little more than requiring notice in a manner falling within the Provincial Secretary’s complete discretion. As signalled by UNEP, the FRTUA provides “limited guidance on the support or information that needs to be provided to landowners resulting in significant gaps in knowledge and information between companies/intermediaries and landowners”.⁶⁹

61 Men’s FGD, Posarae, Choiseul, 25 August 2023; KII, Isabel, Development Officer, 2 May 2023; Men’s FGD, Kesa, Choiseul, 30 August 2022; KII, Legal Officer, Ministry of Justice, 5 May 2023.

62 Women’s FGD, Kilokaka, Isabel, 3 July 2022. Another respondent stated, for example: “Chiefs lost their control over the youth.” Men’s FGD, Kilokaka, Isabel, 3 July 2022.

63 World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015.

64 KII, Sigana, Isabel, Chief, 30 June 2022.

65 *The Status of Land Issues in Solomon Islands*, p. 40.

66 The Parliament’s Bills and Legislative Committee (BLC) withdrew the TGCFB from consideration, calling for increased consultation.

67 Validation workshop, Ministry of Traditional Governance, 4 May 2023.

68 Section 8(2), Forest Resources and Timber Utilization Act (FRTUA), 2000.

69 UNEP, Solomon Islands: [UNREDD+ Background Document](#).

The timber rights hearing determines the following issues:

- a. Whether or not the landowners are willing to negotiate for the disposal of their timber rights to the applicant;
- b. Whether the persons proposing to grant the timber rights in question are the persons, and represent all the persons, lawfully entitled to grant such rights, and if not who such persons are;
- c. The nature and extent of the timber rights, if any, to be granted to the applicant;
- d. The sharing of the profits in the venture with the landowners; and
- e. The participation of the appropriate government in the venture of the applicant.⁷⁰

Significantly, social impacts are not listed among the subjects to be determined at this forum.

If no agreement is reached at this meeting, the application must be rejected.⁷¹ Based on the hearing, the provincial government issues a certificate of determination, which is subject to appeal.

Although timber rights hearings legally allow for broad public participation, including women's participation, respondents described logging company influence as fostering the ability of men to "take over".⁷²

i. Implementation of legislation

The desk review identified several reports indicating that: adequate notice is not given for timber rights hearings, determinations are made without the required timber rights hearing, authorizations are granted despite the fact that no agreement had been made in the timber rights meeting, and that the process is susceptible to corruption.⁷³ Respondents in the field research described timber rights hearings and reviews being by-passed, and an overall failure to abide by the procedures.⁷⁴ They noted minimal monitoring by the Ministry of Forestry and Research due to the lack of necessary human and financial resources.⁷⁵

The lack of transparency regarding the process constitutes another widespread concern. Negotiations with logging companies appear to be undertaken directly with landowners and traditional leaders, without any wider community involvement, including other tribal landowners.⁷⁶ Respondents in the field research described back room deals between tribal leadership and logging companies taking place in Honiara in which the decisions were made in advance on the issues to be determined at the timber rights hearing, by-passing the consultation procedures required to take place in the provinces as well as attempts to proceed with a timber rights hearing without giving notice to an objecting landowner.⁷⁷

The process was described by one Chief in the following terms:

Usually, those with logging interests will know the companies and have associated with them long before they come to meet with the communities. They will bring the companies to the communities through individuals with vested interests. The next step is to have meetings with tribal groups to choose trustees before going to negotiate timber rights.⁷⁸

70 Section 8(3), FRTUA.

71 Section 9, FRTUA.

72 Validation workshop, 4 May 2023.

73 KII, Isabel, Development Officer, 2 May 2023; Global Witness, *Paradise Lost*, 2018; Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

74 Men's FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 2 May 2023; Men's FGD, Sigana, Isabel, 30 June 2023.

75 Men's FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 2 May 2023.

76 KII, Kesa, Choiseul, Chief and Church elder, 30 August 2022.

77 Validation workshop, 4 May 2023; KII, Isabel, Development Officer, 2 May 2023; Global Witness described similar actions by logging companies, pressuring "landowners' leaders by taking them to the capital, away from their community, and plying them with food and drink". Global Witness, *Paradise Lost*, 2018.

78 KII, Posarae, Choiseul, Chief, 26 August 2022.

As similarly detailed during a men's FGD in Choiseul:

Usually those that have logging interests would have associated themselves with logging companies before arranging for the logging companies to meet with their tribal groups or villages. They would meet with their own tribes and work to ensure that they are selected as a trustee. This is when their true colours show, as they control the negotiations and even the royalties and any other benefits negotiated as a supplementary agreement with the logging companies and landowners. In terms of any compensation or royalties received from the loggers, they control the distribution and choose who will receive them. Village representatives are not fully recognized and usually don't receive benefits, depending on their tribal trustees' honesty.⁷⁹

As described by participants in the validation workshop, the less customary landowners were involved in the process, the easier the negotiations, and the lower the possibility of dissent.⁸⁰ Field research respondents in Choiseul characterized the ineffective regulation as exposing "tribal resource owners to unscrupulous loggers and middlemen".⁸¹

In sum, the desk and field research revealed a confluence of factors impeding effective legislative implementation, including the lack of meaningful consultation and effective representation of landowners and allegations of illegality and corruption, with significant negative economic and social consequences for tribal members and communities, often in the form of the inequitable distribution of benefits and the usurpation of land rights and related decision-making authority.

ii. Lack of consultation

Community conflicts seem to be exacerbated by a lack of transparency and meaningful consultation in the process of negotiating contracts with logging companies. Both field and desk research revealed issues related to the lack of consultation between traditional leaders, trustees and customary landowners. One report states:

deals are often struck by individuals in exchange for cash rather than through the traditional *tsupu* (feast), without adequate consultation of other members of the landholding group, and without distributing the proceeds of sale. As a result, land transactions are often highly controversial and a significant source of conflict.⁸²

Field research respondents indicated that trustees do not tend to consult with the tribes regarding what should be included in any supplementary agreement.⁸³ Consequently, key considerations such as protection for water catchment areas, employment for tribal members and infrastructure development (the construction of clinics or roads) and the market value of the logs for the purpose of royalties, are not necessarily taken into consideration. At the same time, it was also reported that: "Not all trustees are consulted on the conditions agreed to by the loggers."⁸⁴

iii. Corruption

Secondary sources identified "a common pattern" in which companies "find one or more local chiefs or other community leaders willing to take bribes in the form of 'good will payments' and 'advances'".⁸⁵ One report indicated that the "direct involvement of MPs as directors of logging companies is also widely known and has been well documented".⁸⁶ Field research further signalled corruption as prevalent in logging-related procedures.⁸⁷

79 Men's FGD, Posarae, Choiseul, 25 August 2022.

80 Validation workshop, 4 May 2023.

81 Men's FGD, Ruruvai, Choiseul, 28 August 2022.

82 Validation workshop, 4 May 2023; KII, Isabel, Development Officer, 2 May 2023; Global Witness described similar actions by logging companies, pressuring "landowners' leaders by taking them to the capital, away from their community, and plying them with food and drink". Global Witness, *Paradise Lost*, 2018.

83 Men's FGD, Kesa, Choiseul, 30 August 2022, stating that their community was left out of the consultations with logging companies.

84 KII, Ruruvai, Choiseul, Chief, 28 August 2022.

85 Global Witness, *Paradise Lost*, 2018.

86 Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015; see also, Katoval, E., Edwards, W., Laurance, W.F., *Dynamics of Logging in Solomon Islands: The Need for Restoration and Conservation Alternatives*, Sage Journals, 1 September 2015, <https://doi.org/10.1177/194008291500800309>.

87 Men's FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 2 May 2023.

The legislative framework facilitates corruption in several ways, including provisions to allow for logging companies to fund the timber rights hearings, including the sitting allowance granted to provincial government employees, creating a conflict of interest. Section 8 of FRTUA foresees the possibility of logging companies to subsidize the proceedings, as well as provincial government participation in the corporate venture. A report by Transparency International found that:

In the Solomon Islands, timber rights hearings have been organized by the government, but there have been cases in the past where logging companies provide funds for these hearings because of the low financial capacity of the government. Such a practice has implications for the fairness of the process. The Ministry of Forests seems to be willing to improve the situation, but the involvement of intermediaries makes it even more complicated. Indeed, some companies hire intermediaries to act as representatives of local communities. Stakeholders suggested that in such cases, vested interests may come into play, defeating the purpose of representing communities' rights and ensuring that they receive compensation or benefits from the operations. This leads to a risk of intermediaries bribing community leaders or landowners in order to accept logging operations on their land.⁸⁸

iv. Usurpation of land rights

Property rights lie at the heart of many logging conflicts. The absence of wider participation in decision-making in the sphere of land and natural resource management has resulted in the exploitation of the complex situation by individuals, and the usurpation of land rights and related decision-making authority. As one report indicates:

Despite varying descent customs and traditional inheritance over land, control of access and other property rights is not widely shared and tends to rest with senior males even where access to land is claimed through the female line. As the rules are largely unwritten, they run the risk of exploitation by self-interested resource exploitation⁸⁹.

UNEP observed "rights being allocated by individuals or groups with limited genuine claims to the lands," resulting in disputes among customary landholders.⁹⁰ It noted that insecure and contested land tenure has dissuaded reputable firms from logging in Solomon Islands, "resulting in capture of resource rents by actors with tenuous or spurious claims over land".⁹¹ KII revealed anecdotes in which duplicitous tactics were utilized to obtain the necessary signatures by uninformed owners of customary land.⁹²

Indeed, "land grabbing and forced evictions are more common where land tenure is insecure or customary".⁹³ The current context of land grabs functions to cement the structural barriers posed by traditional land tenure practices to women's exercise of their right to land (and control over productive resources), even among matrilineal tribes.

v. Women's lack of participation and representation

As noted above, international human rights law guarantees women's right to participate in political and public life free from *de jure* and *de facto* discrimination.⁹⁴ Yet, with few exceptions, women have been systematically excluded from land-use decision making. From the national to community and familial levels, the governance processes pertaining to natural resource management exclude women and youth.⁹⁵ Trustees also tend to be selected exclusively among men.⁹⁶ One village in Isabel reported a single woman trustee.⁹⁷ As observed generally:

Gender-blind policies and practices in community consultation and decision-making processes give rise to the systematic exclusion of women and a silencing of women's perspectives, agendas, and interests in relation to [extractive industry] projects.⁹⁸

88 Transparency International, *Tackling Forestry Corruption Risks in Asia Pacific*, 2012.

89 Boydell, S., Holzknicht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimization*, 2007

90 UNEP, Solomon Islands: *UNREDD+ Background Document*.

91 UNEP, Solomon Islands: *UNREDD+ Background Document*.

92 KII, Isabel, Development Officer, 2 May 2023.

93 UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

94 Articles 2 and 25, ICCPR; Article 7, CEDAW.

95 Save the Children, *Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports*, 2017.

96 KII, Posarae, Choiseul, Chief, 26 August 2022.

97 Men's FGD, Kilokaka, Isabel, 3 July 2022.

98 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

This is coupled with existing structural barriers, including “women’s limited access to resources and information, women’s lack of political voice, unequal gender power relations in households and communities that constrain women’s engagement in public life” and lack of education.⁹⁹ The result is women’s exclusion from decision-making processes, increasing their inequality and disempowerment and rendering them vulnerable to violence and exploitation.

Even in matrilineal societies, in which women have traditionally inherited, served as custodians and conveyed land to their heirs, women’s decision-making has been constrained by a confluence of influences resulting in men assuming decision-making roles on their behalf.¹⁰⁰ At the same time, it is important to distinguish historical traditional arrangements for the transmission of land tenure from women’s participation in decision-making processes related to land and natural resources.

The National Policy on Gender Equality and Women’s Development NPGPWD (2016-2020) observed that “women are marginalized from community meetings”.¹⁰¹ The CEDAW Committee has also expressed concern regarding “women’s exclusion from participation in decision-making processes relating to rural policies at the provincial level”.¹⁰² In its Concluding Observations, it further observed that as “land in Solomon Islands is mostly customarily owned, land inheritance is primarily governed by customary law. Customary law is often discriminatory against women and does not provide equalities in terms of ownership of the land or other assets”.¹⁰³

Respondents in Choiseul stated, for example:

*“Men override the women in decision making such as ownership of land. Women are not involved in the actual consultations and decision-making processes.”*¹⁰⁴

*“For women, their right to land is not an issue as it is already known. Only men dominate this area of land ownership.”*¹⁰⁵

*“In terms of land, men do have ownership of tribal land and women are blended in as part of their tribe. Usually men control the income, assets and properties.”*¹⁰⁶

The situation is the same in families belonging to matrilineal tribes and clans, in which men have assumed decision-making positions without consulting women landowners. In Isabel, when participants in one’s men’s FGD were asked if women are consulted on the logging in the area, the answer was “no”.¹⁰⁷ KII further confirmed decision-making was limited to male landowners and chiefs. Suffice it “to say that men and women of a landowning group have the same rights to use land but decisions on land are made predominantly by senior male members of the group”.¹⁰⁸

While women’s exclusion from the process constituted a foregone conclusion for male respondents, female respondents did not express unequivocal acceptance of the arrangement. The women’s FGD in one community in Choiseul stated:

Looking at the overall structure of the decision-making process in the community, women do not own land and other resources in the tribes and felt that they are kept away from the important decision-making processes such as the consultations on logging or any other processes that affects their lives and families. The women want to be involved in the decision-making processes as they felt that the system failed them, as they do not have a voice in the logging decisions and experience challenges that even their chiefs, church elders, pastors and police cannot address, their daughters being victims of violence related to logging operations in the area.¹⁰⁹

99 Oxfam International, Position Paper on Gender Justice and the Extractive Industries, 2017; Validation workshop, 4 May 2023.

100 Culture is never static. Patriarchal influences include colonization, the arrival of Christianity and the introduction of capitalism and a cash economy. Christian, colonial and capitalist influences have been recognized as having a deleterious impact on women and girls in both matrilineal and patrilineal tribes and communities, including with respect to recognition of their rights pertaining to land and natural resources, their participation in governance structures and their exposure to gender-based violence.

101 National Policy on Gender Equality and Women’s Development (2016-2020), p. 7.

102 CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, paras 38(c), 65, 70.

103 CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, para 410; see also, CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 44(g), calling attention to the fact that “women’s inheritance rights are regulated by customary law, which impedes women’s access to property”.

104 KII, Posarae, Choiseul, Church Leader, 27 August 2022.

105 KII, Kesa, Choiseul, Chief and Church elder, 30 August 2022.

106 Men’s FGD, Ruruvai, Choiseul, 28 August 2022. The Chief in Ruruvai also stated that “it is the chief and trustees that dialogue with the logging company”; KII, Ruruvai, Choiseul, Chief, 28 August 2022.

107 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

108 *The Status of Land Issues in Solomon Islands*, p. 7.

109 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

At one women's FGD in Isabel, women owners of land and other resources in the tribes and community described their exclusion from important decision-making processes such as consultations on logging or any other processes that affect their resources.¹¹⁰

The gender dimension constitutes an important element of disaccord. Women's exclusion from decision-making processes both reflects and reproduces their lack of political voice.

While "the dominance of senior men in these arenas is often perceived by foreign observers as rooted in 'customary' ideas about 'who may talk' about land matters," in fact, these practices are rooted in "long-term processes of colonial intrusion, missionization, and capitalist models of development".¹¹¹ Moreover, "[c]hiefly landowners often resist land reform because it reduces their social and political power and so their ability to control and dominate both land and non-land transactions and relationships".¹¹²

Discriminatory access to land among indigenous and minority women has been summarized in general terms that apply to the Solomon Islands context:

Access to, and use and management of, land are central to women's economic independence, social status and political influence, not only with respect to their own status but also relative to the status of the men within their community. However, women are discriminated against in many ways with respect to access to and use of land. Legal issues of land title, inheritance and common land are technical and may involve regulation under (sometimes discriminatory) state and customary laws. Cultural norms (for example, with respect to public access and participation) may also impinge upon women's enjoyment of land. Women may be restricted in their control of land, even where they formally own it.¹¹³

In light of the situation, the CEDAW Committee has recommended that SIG establish "a legal framework to ensure that large-scale development projects do not undermine rural women's rights to land ownership and agricultural activities".¹¹⁴

IV. Economic benefits of logging

Considered as an opportunity for development, the desk research revealed that the "[b]enefits of logging have typically been captured by foreign, mostly Malaysian, companies and national-level politicians [...] at the expense of landowners and government revenue".¹¹⁵

The unequal distribution of benefits has been identified both with respect to royalties and the economic opportunities provided to local men and women. Concerns relate to traditional leaders and chiefs maintaining total control and distributing the benefits as they see fit, with the situation "compounded for women and children at the village level".¹¹⁶ The field research confirmed the existence of social friction related to the distribution of impacts and benefits of logging.

It is important to briefly underscore that the impact of logging on affected communities was not embraced by multiple respondents in the field research. As described by one Chief in Choiseul province:

Logging does not bring in development to tribal communities in Choiseul. Only if the tribes have honest trustees that work closely with tribes to negotiate with logging companies to develop certain infrastructure needed by the communities and use the royalties as seed money for further development, then logging operations can be successful. However, most experience shows that loggers are only here to poach the tribal logs with very little benefits given back to the tribes.¹¹⁷

110 Women's FGD, Kilokaka, Isabel, 3 July 2022.

111 Rebecca Monson, *The politics of property: Gender, land and political authority in Solomon Islands*, in *Kastom, property and ideology: Land transformations in Melanesia*, 2017, p. 385.

112 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, pp. 51, 52.

113 Minority Rights Group International, *Gender, Minorities and Indigenous Peoples*, 2004, p. 27, further noting that the consequences of lost land and reduced economic means of survival can be harsh for women and girls, who may be drawn into the tourism/sex industry.

114 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 39(e)-(g).

115 Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

116 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 19, noting that benefit sharing from economic returns on customary land throughout the region are contentious, "even where formal institutional arrangements through trust structures are in place".

117 KII, Posarae, Choiseul, Chief, 26 August 2022.

This view was supported by desk research, which found that “the timber trade in the Solomon Islands does little to benefit local people”.¹¹⁸ UNEP described the generally poor practices in the natural resource sector as:

accentuated on traditional lands where weaknesses in the links between traditional customs and national law, particularly in the allocation of timber rights, have allowed a small number of stakeholders to hold power over and gain significant rents from extraction of natural resources, in particular the logging of natural forests.¹¹⁹

A Chief in Choiseul described:

The problems with logging operations experienced by the community were caused by the tribal landowners’ trustees who use their tribes to get the logging agreements and misuse the royalties. When logging operations are done, the trustees are worse off than before.¹²⁰

At another level, “there is often no match between the deal agreed between landowners and logging companies and what actually happens afterward”. Logging companies rarely make good on the promises offered during negotiations, and “the real grievance is that once the deal is done, it is very difficult to ensure that it is monitored or that it can be amended — or in fact to take any kind of corrective action — and all too soon, the trees are gone”.¹²¹

i. Royalties

Two principle concerns arose with respect to logging royalties. The first relates to indications that logging companies under-report profits in order to minimize royalty payments (and taxes).¹²² The second concerns unfair distribution of royalties and other benefits between landowners and the wider community affected by the logging. It was observed that the amount of royalties to be received was not often transparently explained by tribal representatives.¹²³

Non- or under-payment of royalties

The payment of royalties is an issue to be determined and documented in writing during the timber rights hearing, pursuant to Section 8(3) and (4) of the FRTUA. Subsection (4) specifically requires that the agreement “shall be reduced to writing and be forwarded to the Commissioner with particular reference to (a) the quantum of profit sharing, if any, agreed upon”. While Section 13 further foresees the development of regulations on *inter alia* “the rates of royalty payments, the method of calculation and the manner of payment thereof,” no such regulations can be found on the Ministry website.

The desk research revealed reports of under or non-payment of royalties, with communities lacking sufficient information to be able to challenge the payments.¹²⁴ Multiple reports indicate that “royalties had sometimes not been paid, and that problems in the account of royalty payments weakened the process”.¹²⁵ They further signaled the low monitoring capacity of the Ministry of Finance and Treasury as fueling the problem.

While the desk research indicated “pitifully small payments made locally,”¹²⁶ field research respondents described low royalties, too small to widely distribute.¹²⁷ This was attributed by some to the large number of tribal members.¹²⁸ It should be noted in this regard that landowners commonly receive only 15% of profits in royalties as compared to the 60% commonly allocated to logging companies, with 25% going to the State in duties.¹²⁹

118 Global Witness, *Paradise Lost*, 2018.

119 UNEP, Solomon Islands: *UNREDD+ Background Document*.

120 KII, Posarae, Choiseul, Chief, 26 August 2022.

121 Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

122 See also, Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015, indicating that most logging companies reported operating at a loss.

123 Validation workshop, 4 May 2023.

124 Global Witness, *Paradise Lost*, 2018, citing reports by UN Environmental Programme and Transparency International.

125 Transparency International, *Tackling Forestry Corruption Risks in Asia Pacific*, 2012, citing, Solomon Islands Government, 2005, Special audit report into the financial affairs of the Department of Forestry, Environment and Conservation, National Parliament Paper No. 8 of 2005, Office of the Auditor General, Honiara; see also, World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015.

126 Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

127 KII, Ruruvai, Choiseul, Church leader for women and youth, 28 August 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

128 Men’s FGD, Posarae, Choiseul, 25 August 2022; Men’s FGD, Kilokaka, Isabel, 3 July 2022.

129 Global Witness, *Paradise Lost*, 2018; Solomon Business Magazine, *Challenges in the logging industry in Solomon Islands*, 26 June 2021.

Participants in women's FGDs in Choiseul province compared the small amount of royalties to the extent of the environmental damages caused by logging:

The amount received from royalty is very small to even have any decent living from it, given what is taken from the tribal land and the amount of destruction done to our means of livelihood from the land and the environmental consequences that many of the tribe and wider communities have to live with during and after the logging.¹³⁰

Unequal distribution of benefits

Three principal concerns arose related to the unequal distribution of logging proceeds. First, while wider benefit sharing schemes are foreseen by the Environmental Regulations, they do not appear to be implemented in practice. The second concerns uneven distributions even among entitled customary landowners. The misuse of proceeds constituted a third and widespread complaint.

Although entire communities are affected by the impacts of logging, the absence of wider benefit-sharing schemes indicate that these impacts are not taken into consideration. The absence of benefit sharing schemes appeared to be a consequence of the lack of transparency and broader landowner and community participation in the logging permit process. Unequal distribution of benefits constituted a source of community conflict across the research locations. The desk research confirmed that “[w]ith the move into the monetary economy, issues surrounding equitable distribution of benefits from land have become increasingly prevalent throughout the region”.¹³¹

Disputes related to benefit sharing and compensation are attributed to the lack of corporate engagement with communities in decision-making and planning, to the role of intermediaries and to unfulfilled agreements related to compensation and community development.

One men's FGD in Choiseul indicated that tribal chiefs and trustees determine any benefit-sharing schemes, and that royalties and logging company contributions to school fees are paid only to “those who benefit”.¹³² Similar answers were given by respondents in Isabel province, namely that royalties were reserved for the landowners themselves.¹³³ A Chief in Choiseul province described an agreement involving his tribe: “They never paid out any royalties but the money [was] used to buy four houses in Gizo which were put out for rent. The problem is that the houses are in the name of the trustee chief not the tribe”.¹³⁴

One female trustee in Isabel province said that she received neither royalties, nor compensation for environmental damage.¹³⁵ On this point, the CEDAW Committee has called on the State to ensure “gender equality in the distribution of income and profit generated from land appropriated or leased for the purpose of large-scale commercial projects”.¹³⁶ Women reportedly receive royalties “only sometimes,” and when they do, it is less than that received by men.¹³⁷

In practice, men thus maintain decision-making authority over land, natural resources, the distribution of proceeds and how those are spent. Addressed in greater detail below in the section on economic violence, men's receipt of royalties on behalf of a household reinforces economic and political gender inequality, increasing women's economic dependence on men. Economic dependence constitutes a risk factor for violence, and impedes the reporting of violence perpetrated by breadwinners. Such dependence can be particularly problematic for women-headed households.¹³⁸ One report summarized: “Women and children are always the victims of the selfish actions of men who are trustees of a tribe or clan”.¹³⁹

130 Women's FGD, Ruruvai, Choiseul, 28 August 2022.

131 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 19.

132 Men's FGD, Ruruvai, Choiseul, 28 August 2022.

133 Men's FGD, Kilokaka, Isabel, 3 July 2022.

134 KII, Ruruvai, Choiseul: Chief and Church leader for women and youth, 28 August 2022.

135 Women's FGD, Kilokaka, Isabel, 3 July 2022.

136 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 39.

137 Validation workshop, 4 May 2023.

138 See, UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

139 Boydell, S., Holzknrecht, H., Paterson, D., Small, G., Sheehan, J., *Review of Customary Property Rights and Formal and Informal Institutions for Economic Development and Conflict Minimisation*, 2007, p. 98.

Community-level respondents also complained of the “misuse” of royalties on alcohol, smoking, gambling and extramarital affairs.¹⁴⁰ One participant in a women’s FGD in Choiseul province stated: “Most of the trustees misuse the royalty money and it is not shared properly.”¹⁴¹ Notably, both alcohol consumption and extramarital affairs were found to be associated with and to constitute a risk factor for intimate partner violence.¹⁴² As described by one participant in a women’s FGD: “the men have all gone crazy over money and the use of it.”¹⁴³ It is another example of the ways in which the impact of extractive industries alter gendered power dynamics in a way that renders women more vulnerable. As one Chief in Choiseul province stated:

Even the trustees are not active or properly briefed on the misuse of royalties and tribal members lose out on their logs and end up with lifetime environmental and social problems. This is not worth the effort of sacrificing tribal lands for logging.¹⁴⁴

ii. Employment opportunities

In addition to royalties, development projects bear the promise of other income earning possibilities, including employment. The environmental impact assessment process requires logging companies to provide information on “employment opportunities for Solomon Islanders and in the case where the prescribed development is to [be] undertaken [in] a rural area, employment opportunities for members of the surrounding communities”.¹⁴⁵ Respondents complained that the monetary benefits and job opportunities were conferred solely upon landowners and their families.

Benefits such as employment opportunities are generally obtained through negotiations with landowners and trustees and thus vary. Interviews in Choiseul indicated that some agreements with logging companies did not involve employing local labour. Others explained that through supplementary agreements, local men selected by their tribes were employed by the logging company, in such positions as timber controllers, scalers and mechanics.¹⁴⁶ They stated, “it depends on what the leaders have agreed to with the logging company”.¹⁴⁷ The field research revealed consistent complaints that landowners and their families were the sole beneficiaries of formal job opportunities.

Respondents also indicated employment in the logging sector without formal contracts, describing “a casual understanding made to hire local labour,” which consisted of hard labour, and long hours with “no lunch or food provided for the locals”.¹⁴⁸ The labour practices, including employment of boys under the age of 18, were qualified as labour exploitation.¹⁴⁹ Labour exploitation of boys in the logging industry has also been documented by international organizations, including IOM.¹⁵⁰

Associated with heavy, manual labour, like other extractive industries, logging is male dominated. As described in one women’s FGD in Isabel, “only men work for the logging companies,” noting that “no women work in the logging operations because they do not put out work opportunities for women”.¹⁵¹ Gender-biased employment policies “continue to hinge on outdated gender stereotypes that women are unsuitable for extractive industries work”.¹⁵² It appears likely that prevalent gender stereotypes may prevent traditional leaders from negotiating jobs for women in their communities as well. (Notably, only 26% of women in Solomon Islands are engaged in paid work.)¹⁵³ This was also attributed to the fact that “many women fear asking for job opportunities from the logging companies”.¹⁵⁴

140 See, e.g., Validation workshop, 4 May 2023; Men’s FGD, Kilokaka, Isabel, 3 July 2022, observing that “those receiving the royalties spend it on alcohol and have extramarital affairs”; KII, Choiseul, Development Officer; KII Isabel, Development officer.

141 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

142 Ministry of Women, Youth & Children’s Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009.

143 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

144 KII, Posarae, Choiseul, Chief, 26 August 2022.

145 Section 5(c), Environment Regulation 2008.

146 Men’s FGD, Ruruvai, Choiseul, 28 August 2022; Men’s FGD, Kesa, Choiseul, 30 August 2022.

147 Men’s FGD, Ruruvai, Choiseul, 28 August 2022.

148 Men’s FGD, Kilokaka, Isabel, 3 July 2022; Validation workshop, 4 May 2023.

149 Validation workshop, 4 May 2023.

150 IOM, *Trafficking of Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward*, 2017, p. 88; U.S. Department of State 2022 *Trafficking in Persons Report: Solomon Islands*, [online].

151 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

152 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

153 *Ministry of Women, Youth, Children and Family Affairs*, [online].

154 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

The economic opportunities provided to women by logging operations exist solely in the informal sector. As observed by one respondent: “Women work in the logging camps with no proper arrangements.”¹⁵⁵ Respondents from all communities in which interviews took place described women selling food products, including from fishing, to loggers.¹⁵⁶ Women’s informal work includes food sales, domestic service and sex work.¹⁵⁷

Working as a “house girl” for loggers constitutes a source of income for women, girls and/or their families. House girl positions were reported in all field research locations. Working as a house girl involves “no formal contract, but some parents agreed for their girls to do the house girl work to get money”.¹⁵⁸ Some respondents indicated not knowing whether “house girls” also provided sexual services.¹⁵⁹ Others suggested that the house girls themselves were not aware that the loggers would require sexual services.¹⁶⁰

Women’s and girls’ engagement in commercial sex work as a form of employment linked to extractive industries has been documented globally.¹⁶¹ House girl positions are one of the primary means by which the commercial sexual exploitation of children (CSEC) and human trafficking occur on a widespread scale.

“It is no coincidence that where extractive industries operate there is often a rise in levels of sex work [and] human trafficking,” which also pose health consequences, including the spread of HIV and STIs, as well as increased instances of sexual violence and early pregnancy.¹⁶²

iii. Additional benefits

Through supplementary agreements, tribal leadership and landowners can negotiate for additional benefits to be provided by the logging companies to affected communities. However, not all tribal representatives negotiate supplementary agreements. Reports indicated that “logging companies’ promises to build houses and clinics and to employ local people are rarely written into the agreements landowners make with the logging companies,” and that even “[w]hen promises from logging companies to build housing and clinics are written into the agreements, they are rarely fulfilled”.¹⁶³ Field research respondents confirmed that agreements between landowners and logging companies are not always honoured.¹⁶⁴

Examples of additional benefits were noted by some respondents. Church leaders in several communities described receiving timber for the church when requested.¹⁶⁵ Other benefits provided by some logging companies include roofing iron and timber for tribal members.¹⁶⁶ Kastom places were reported to have been preserved under a supplementary agreement with landowners in Choiseul, as foreseen by law.¹⁶⁷ Respondents in one community in Choiseul province indicated that the logging company established a family support unit.¹⁶⁸

Other benefits, characterized as gifts, of roofing iron, out-boat-motor engines and canoes to some of the families were also described.¹⁶⁹

155 Ruruvai, Choiseul: Chief, 28 August, 2022.

156 Women’s FGD, Ruruvai, Choiseul, 28 August, 2022.

157 See, UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

158 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

159 Women’s FGD, Ruruvai, Choiseul, 28 August, 2022; Men’s FGD, Posarae, Choiseul, 25 August 2022.

160 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

161 See, Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

162 UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

163 Global Witness, *Paradise Lost*, 2018, citing Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

164 Women’s FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 2 May 2023.

165 See, e.g., KII, Ruruvai, Choiseul, Church elder, 28 August 2022.

166 KII, Ruruvai, Choiseul, Church leader for women and youth, 28 August 2022.

167 Men’s FGD, Ruruvai, Choiseul, 28 August 2022.

168 Men’s FGD, Ruruvai, Choiseul, 28 August 2022.

169 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

B. Environmental and social impact assessments

With the aim of promoting “environmentally sound and sustainable development through the identification of appropriate mitigation measures,” environmental impact assessments were introduced in Solomon Islands.¹⁷⁰ The Environment Act (1998) prescribes the submission of either an Environmental Impact Assessment (EIA) or Environmental Impact Report (EIR) for large-scale logging.¹⁷¹

To be implemented by the Environment and Conservation Division (ECD), the process involves a screening, scoping and EIA study phase prior to the submission of an EIA or EIR. Once submitted, the document is to be made public and notice is provided for a meeting. Two levels of appeal are foreseen.¹⁷² EIAs/EIRs for specific projects are not made available on SIG websites, and the process reportedly lacks transparency.¹⁷³

Notably, provisions within the Environment Act and the Regulations both foresee a discretionary decision to “dispense” with the EIA/EIR requirement.¹⁷⁴ Prior to dispensing with the EIA/EIR process, the Director must consider, *inter alia*, “any effect on a locality, place, building having aesthetic, anthropological, archeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations”.¹⁷⁵

I. Environmental protection

Sections 20 and 23 of the Environment Act set forth the information to be provided for the assessment, including, *inter alia*: “describe the environment likely to be affected by the prescribed development and any reasonable alternatives to it,” and “outline the reasons for choice of the prescribed development”.¹⁷⁶

Desk and field research revealed serious concerns related to the environmental impact of logging. UNEP identified logging as “the principle direct driver of forest degradation” in Solomon Islands.¹⁷⁷ Interviews in communities affected by logging revealed a long list of similar types of environmental damage across research areas:

- Pollution of water sources and catchment areas, causing outbreaks of diarrhea, scabies and other water-related diseases
- Damage to existing water pipes and drains and failure to repair them
- Water shortages
- Siltation of coastal areas, rivers and mangroves with negative effects on marine life
- Flash flooding and landslides due to tree removal
- Biodiversity destruction
- Drying stream beds due to lack of tree cover
- Oil pollution killing marine life, requiring fishing further out to sea
- Waste oil from logging machines polluting rivers
- Rusting wreckage and waste left behind
- Introduction of pests, such as rats and pigs, into community gardens due to habitat destruction
- Destruction of community gardens and crops
- Food insecurity due to impact on sea life and gardens.¹⁷⁸

170 Ministry of Environment, Climate Change, Disaster Management and Meteorology, [Solomon Islands Environmental Impact Assessment Guideline](#), [online]

171 The type of environmental reporting required, EIA or EIR, depends on three factors:

(i) the type and magnitude of the proposed development

(ii) the significant impacts of the proposed development

(iii) the type of environments within or surrounding the proposed development site.

Ministry of Environment, Climate Change, Disaster Management and Meteorology, [Solomon Islands Environmental Impact Assessment Guideline](#), [online], noting EIAs will be required for “extensive logging”. The decisions do not appear to be publicly accessible on the Ministry’s website.

172 Ministry of Environment, Climate Change, Disaster Management and Meteorology, EIA and EIR Guidelines, 2010.

173 Validation workshop, 4 May 2023.

174 Section 17(2),(4),(5), Environment Act 1998; Section 9(1), Environment Regulation 2008. For an extensive list of authorisations for logging applying exemptions from the applicable legal requirements, including for clear felling, see [Ecolex](#), [online].

175 Section 10(b)(v), Environment Regulations 2008.

176 Section 20(c),(e), Environment Act 1998.

177 UNEP, Solomon Islands: [UNREDD+ Background Document](#), expressing concern that the rise in illegal cutting and the issuance of discretionary licenses will exacerbate deforestation.

178 See, e.g., KII, Ruruvai, Choiseul, Church elder, 28 August 2022; Men’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Church leader, 27 August 2022; Men’s FGD, Kesa, Choiseul, 30 August 2022; Men’s FGD, Kilokaka, Isabel, 3 July 2022; Men’s FGD, Sigana, Isabel, 30 June 2022.

Many of these environmental impacts were documented by NGOs and UNEP and detailed in reports identifying instances in which logging companies “harvest[ed] tree species that are protected by law,” polluted water sources and destroyed wild food sources.¹⁷⁹ At the same time, respondents acknowledged that “many of the communities have limited knowledge of the impact of the logging on their environment”.¹⁸⁰

Women in communities within Isabel province indicated a desire to see the Ministry of Environment, Climate Change, Disaster Management and Meteorology play a greater role in addressing the environmental damage caused by logging.¹⁸¹ They also wanted environmental authorities “to enforce the removal of wreckage and other waste left by the loggers that are rusting and leaking into the environment”.¹⁸²

It is important to highlight the specific impact that environmental degradation has on women in particular, whose traditional roles involve working in community gardens, collecting water and engaging in fishing. Logging puts women’s livelihoods and food security in jeopardy.¹⁸³ It also increases women’s and girls’ unpaid care and domestic work burdens.

When local sources of water and wood become depleted, or when water becomes polluted, the women and girls who are typically responsible for collecting these resources must invest more time and energy in traveling farther distances.¹⁸⁴

Women field research respondents indicated having to travel farther out to sea to fish and travel farther from their villages for water.¹⁸⁵ In addition to increased time burdens, this has a direct impact on their security. Freedom of movement due to security concerns was raised by respondents, as well as concerns about leaving children alone and unattended. One stated that women now take little girls with them to the gardens in light of incidents of rape and child abuse by male relatives and members of the community.¹⁸⁶

“Polluted water sources can also lead to chronic and persistent illnesses among children and the elderly, increasing their care needs.”¹⁸⁷ Such negative health implications, including increases in waterborne diseases and malaria, are likely to increase women’s family care burdens. It is important to underscore the absence of accessible health care in rural areas in Solomon Islands and the significant time and financial expense involved in seeking healthcare in often distant locations, further exacerbating time and cost burdens.

II. Legislative provisions on social impacts

Section 23 of the Environment Act makes one reference to social impacts. It requires the applicant to “justify the prescribed development in terms of environmental, economic, culture and social considerations”.¹⁸⁸ Section 5 of the Environment Regulations add a series of requirements that include social impacts. Only two are relevant:

- (a) Include the social impact on the surrounding communities where the prescribed development is to be located;
- ...
- (g) Provide a gender impact assessment.¹⁸⁹

179 Global Witness, *Paradise Lost*, 2018.

180 Men’s FGD, Ruruvai, Choiseul, 28 August 2022.

181 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

182 Men’s FDG, Sigana, Isabel, 30 June 2022.

183 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

184 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

185 “Men often refuse to participate in unpaid work in the home, including child-rearing, as it is customarily perceived by many men and women as the role of a woman.” *NGO Shadow Report on the Status of Women in Solomon Islands*, CEDAW.

186 KII, Isabel, Development Officer, 2 May 2023.

187 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

188 Section 23(l), Environment Act 1998.

189 Upon the granting of a felling license, Section 8(5) of the FRTUA requires the applicant to conduct the investigations necessary to identify “any areas which should be excluded from the application on grounds of environmental or social values”. “Social values” is not defined. Further, the provision does not contemplate negative social impacts as grounds for refusing the application, only limiting its geographic scope.

The Guidelines (Prescribed Form 1) do not specifically mention social impacts, and there are no questions related to them on any of the required forms.

Section 5(g) of the Environment Regulations 2008 constitutes the sole mention of gender within the whole regulatory framework as applied to logging. This raises the question as to whether the assessment framework—with one reference in one subsection and no reference on the required forms—can adequately identify evident gender bias in the distribution of gendered risks and benefits from prescribed development projects.

As demonstrated above, benefits primarily accrue to men in the form of royalties and employment, and significant costs to women and girls, including in the form of increased incidence of gender-based violence, including sexual violence, sexual exploitation and human trafficking.

It is important to note that some extractive companies do invest in “ensuring that impact assessments, stakeholder engagement and remedy mechanisms are gender-sensitive, regardless of what is required by national law”.¹⁹⁰

III. Social impacts

Logging has resulted in seriously negative social impacts in affected communities, generated not only by environmental and ecosystem degradation affecting such basic human rights as food security, health and access to clean water, but also through the disruption and conflict posed to community life. With respect to gender, the capture of applicable governance systems—both formal and traditional—results in the systemic exclusion of women’s participation and any effective response to their specific needs and concerns, including grave violations of their human rights.

In general, communities are more vulnerable to conflict where “governance and legal frameworks regulating control over and access to natural resources fail to uphold human rights”.¹⁹¹ Extractive industries tend to disrupt and weaken traditional structures. The establishment of camps comprised of male migrant workers and the influx of cash in cultures relying on subsistence agriculture often lead to increased alcohol and drug use.¹⁹²

Traditional governance is challenged by the enormity and complexity of the social impact of logging on communities. As one report observed, “problems that tend to have been underplayed when the deal is made — such as disruption to water courses, rivalry within the tribe, domestic violence, sexual exploitation, or other problems — prove to be much bigger than communities can deal with”.¹⁹³ This opinion was echoed by the statements of one participant in a women’s FGD in Choiseul province:

high levels of violence in the community, such as arguments, angry exchanges, underage sexual abuse, teenage pregnancies, physical violence, girls seeking out pleasure at the logging camps and being used for sex caused a lot of emotional stress on the families.¹⁹⁴

The influx of cash, alcohol and drugs has had a significantly adverse impact on the perceived legitimacy of traditional leaders in the research locations.

Increased alcohol consumption and the resultant community insecurity was the most frequent complaint of all field respondents across all research areas. Interviews in the communities revealed widespread concern with alcohol consumption, fuelled by the income generated through logging employment and royalties, and its impacts on the community, and in particular generating insecurity among residents.¹⁹⁵ Respondents indicated that the “security and safety of the community is compromised when drunkards come to the village or harass women and girls and create fear among the community”.¹⁹⁶

190 UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

191 UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

192 UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020.

193 Porter, D. and Allen, M., *The political economy of the transition from logging to mining in Solomon Islands*, Australian National University, 2015.

194 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

195 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

196 See, e.g., Men’s FGD, Ruruvai, 28 August 2022; Women’s FGD, Ruruvai, 28 August 2022; Men’s FGD, Kesa, Choiseul, 30 August 2022; Women’s FGD, Kilokaka, Isabel 3 July 2022.

For some, this is considered as the “biggest issue”.¹⁹⁷ “It is not safe for the women,” expressed one participant in a women’s FGD in Isabel. Increases in alcoholism, abuse and harassment, as well as the emergence of sex work and human trafficking, have been “linked to the social changes brought about by [extractive industry] operations and the emerging economic opportunities and stresses” both within and beyond Solomon Islands.¹⁹⁸

The social impact of the influx of money appears as a key driver of the negative social impacts of logging. As expressed by respondents in the field research, the easy access of money from logging has brought with it negative social impacts on the community.¹⁹⁹

Two principal manifestations of the negative social impacts of logging include intra-community conflict, and diverse forms of gender-based violence, including CSEC and human trafficking. The latter is addressed comprehensively in Section III, below.

IV. Logging-related intra-community conflict

The field research revealed logging to constitute an ongoing source of conflict in communities, which appear to be divided into pro- and anti-logging factions, rising to the level of “hatred”.²⁰⁰

Conflicting positions were revealed, for example, by one participant in a men’s FGD requesting the researcher to communicate to the authorities that “logging was not good,” as a second participant stated that those involved in logging “tell them to keep quiet.”²⁰¹ Ambivalence related to logging was expressed by women as well. As stated in one women’s FGD:

As far as the women are concerned, they want the logging to leave their area. Women do not receive anything. The logging causes a lot of environmental damage in terms of water and food. The loggers do not follow the agreements that they have with the community. They do not contribute in any way to the development of the village. The roads are really bad and even cause accidents for their own workmen.²⁰²

Another participant in the women’s FGD explained that while:

it was good to sell food, fish and other produces to the loggers for income as a ready market outlet for their produce, the social chaos brought about from logging is too much. The women want the loggers out of their land and area. The damage done to relationships and the peaceful coexistence of the community and their environment is adversely felt today and will be for years to come.²⁰³

Open conflict also breaks out between pro- and anti-logging community members.²⁰⁴ This was reflected throughout the field research, expressed primarily as disputes as among tribes, between brothers and other male extended family members. A Chief in Choiseul province observed “cases of violence happening in the families and it has all to do with land and money”.²⁰⁵ Notably, several communities identified a need to address inter-tribal and intra-tribal conflict resulting from the legal proceedings related to land, which were themselves established to maintain peace. One chief stated that “in terms of land disputes in which traditional practices were not adhered to, they are taken to courts, where they [often] cannot be resolved. Some went back to traditional practices to reconcile, especially for using the court system where hurtful things were said against each tribe, and they pay each other compensation and reconcile”.²⁰⁶

197 Women’s FGD, Kesa, Choiseul, 30 August 2022.

198 Oxfam International, Position Paper on Gender Justice and the Extractive Industries, 2017.

199 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

200 Validation workshop, 4 May 2023.

201 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

202 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

203 Women’s FGD, Kilokaka, Isabel, 3 July 2022.

204 KII, Isabel, Development Officer, 23 June 2022.

205 KII, Ruruvai, Choiseul, Church elder, 28 August 2022.

206 KII, Posarae, Choiseul, Chief, 26 August; see also KII, Ruruvai, Choiseul, Church elder, 28 August 2022, stating that many are still waiting for family reconciliation because of land disputes.

Gender-based violence, including gang rape, was also mentioned as an expression of this intra-community conflict.²⁰⁷ As during the “Tensions,” violent struggles for control over the wealth derived from extractive industries can result in sexual and gender-based violence.²⁰⁸ Instances of rape were also described as perpetrated by those working within the logging sector.²⁰⁹

When viewed through a gender lens, the shifts in gender power relations produced by extractive industries, in this case the consolidation of men’s power and control over natural resources and the economic benefits derived from them, tips “the balance of power away from women”.²¹⁰ This is exemplified by women’s concerns for their safety resulting in their restricted freedom of movement and the consequent implications for their livelihoods and food security.²¹¹

V. Accountability for logging violations

Given the scope of issues detailed above, it is not surprising that UNDP’s Access to Justice Study found that land disputes constitute a large portion of the complaints addressed by the justice system. Multiple natural resource and land-related conflicts were also mentioned by research respondents.

Jurisdiction over these cases within the State system rests with the local courts, “which have exclusive original jurisdiction over all customary land cases, and the customary land appeals courts (CLACs), which hear appeals from local courts and administrative Timber Rights Hearings”.²¹² The State’s judicial land dispute resolution processes are notoriously lengthy. With respect to police response, UNEP observed common reports of “RSIPF being unable to respond to allegations raised by local communities against commercial operators or other communities.”²¹³ Local leaders and provincial-level actors stated that when police are called to intervene in community conflict related to logging, they act for the benefit of the logging companies and pro-logging community members, which was viewed as biased and attributed to corruption.²¹⁴ Desk research also referred to police interventions on behalf of logging companies.²¹⁵

Local and traditional leaders also play a role in addressing the social conflict produced by logging in their communities. However, the nature of the conflict often extends beyond their capacities. As noted above, the “legitimacy of chiefly authority is routinely challenged, especially when chiefs also partake in alcohol and kwaso and are seen as colluding with loggers”.²¹⁶

i. Accountability for environmental impacts

UNEP lists three factors impeding accountability for violations of forestry and environmental legislation:

- Weak and outdated legislation covering forestry as well as the broader legislative environment which make enforcement difficult and provide a number of opportunities for bad practices and illegality
- Limited human, financial and technical capacity within key ministries making enforcement of existing legislation difficult
- A lack of accurate information creating an environment in which it is extremely difficult for perpetrators to be held to account.²¹⁷

The lack of accountability can also be attributed to gaps in the legal framework, the absence of its implementation by responsible authorities, and social and cultural norms that render individuals and communities, particularly women and children, vulnerable to exploitation.²¹⁸

207 KII, Isabel, Development Officer, 23 June 2022; 2 May 2023; Validation workshop, 4 May 2023.

208 See generally, UN Women, *Extractive industries, gender and conflict in Asia Pacific*, 2020; see also, WILPF: *Solomon Islands*, [online], observing that “the conflict had a disproportionate impact on women and girls, who were deliberately targeted with violence;” Amnesty International, *Women confronting violence*, 2004.

209 KII, Isabel, Development Officer, 23 June 2022; 2 May 2023; Validation workshop, 4 May 2023.

210 Oxfam International, *Position Paper on Gender Justice and the Extractive Industries*, 2017.

211 Validation workshop, 4 May 2023.

212 World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015.

213 UNEP, *Solomon Islands: UNREDD+ Background Document*.

214 KII, Posarae, Choiseul, Chief, 26 August 2022; KII, Isabel, Development Officer, 2 May 2023.

215 World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015, noting that police do appear on behalf of logging companies when locals take direct action against the logging operations.

216 World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015.

217 UNEP, *Solomon Islands: UNREDD+ Background Document*.

218 KII, Acting Director of Immigration, MCILI, 16 August 2022.

Participants in the women's and men's FGDs in communities in Choiseul province indicated that some compensation for environmental damage was provided to landowners, chiefs and trustees, but not to the wider community, despite the extensive environmental damage to the logged areas and surrounding ecological systems both on land and sea close to the logging operations. As a result, "many suffer in silence".²¹⁹ Where compensation has been provided, the amount was reportedly inadequate to the level of damage and the distribution was reported as unfair.²²⁰ Multiple respondents indicated a lack of accountability by logging companies for the environmental damage inflicted.²²¹

Complaints were also leveled at the Ministry of Forestry and Research for its failure to monitor and ensure accountability for environmental destruction. As the men's FGD in one community in Isabel questioned, "why has the assessment by the Ministry of Forestry and Research on the environmental damage done to their land not resulted in feedback, nor in compensation for the damage?"²²²

ii. Accountability for social impacts

Broadly speaking, logging companies have not, to date, been held accountable for the negative social impacts resulting from their operations.

There are political economy dynamics in Solomon Islands which can prevent coordinated government-led efforts to counter CSEC in the logging industry. As the key industry funding the political patronage networks which characterize contemporary Solomon Islands' politics, it can prove difficult to sanction those logging companies that break the law.²²³

However, the UN Guiding Principles on Business and Human Rights affirm that business enterprises must prevent, mitigate and remedy human right abuses that they cause or contribute to.

One of the fundamental principles of the international human rights system is that when a right is violated, victims must have access to an effective remedy. The access to remedy principles do not only apply to States. They also stipulate that business enterprises should provide for, or participate in, effective mechanisms for fielding and addressing grievances from individuals and communities who may be adversely impacted by the company's operations²²⁴.

Extractive industry companies have engaged in settlement negotiations for women victims of sexual violence perpetrated by their employees. The Canadian mining company Barrick Gold Corporation established a company-created mechanism to remedy sexual violence perpetrated by employees of a mine in Papua New Guinea (PNG). Offering reparations to women sexually assaulted by security guards and other company employees, the mechanism "Olgeta Meri Igat Raits" (All Women Have Rights) operated for two years during which "approximately 120 sexual assault victims signed remedy package agreements, in exchange for waiving their right to sue Barrick". As described in the report "Righting Wrongs? Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea":

Separately, eleven women who refused to accept the packages and who secured legal representation by a U.S.-based human rights non-governmental organization were offered confidential settlement packages believed to be about ten times the amount of the remedy mechanism packages. In July 2015, Barrick offered each of the 120 women an additional payment, but taken together, the initial packages and additional payment remain significantly less than the international settlement.²²⁵

As the report underscored, Barrick's remedy mechanism was one of the first to be implemented for serious human rights abuses after the adoption of the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) in 2011. It details challenges and concerns with the mechanism's model and implementation.

219 Men's FGD, Kesa, Choiseul, 30 August 2022; Women's FGD, Kesa, Choiseul, 30 August 2022.

220 Women's FGD, Kilokaka, Isabel, 3 July 2022; KII, Sigana, Isabel, Chief, 30 June 2022; Men's FGD, Sigana, Isabel, 30 June 2022.

221 See, e.g., KII, Ruruvai, Choiseul, Church elder, 28 August 2022; Men's FGD, Sigana, Isabel, 30 June 2022.

222 Men's FGD, Sigana, Isabel, 30 June 2022.

223 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017.

224 UN Working Group on Business and Human Rights, *The UN Guiding Principles on Business and Human Rights: An Introduction*.

225 Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic, *Righting Wrongs? Barrick Gold's remedy mechanism for sexual violence in Papua New Guinea*, 2015; see also, Liam Fox, "Barrick Gold Compensates Women Raped at Papua New Guinea Mine Site in Out-of-Court Settlement," ABC News, April 8, 2015.

Gender-based violence and human trafficking

Gender-based violence, including CSEC and human trafficking, constitutes a well-documented, ongoing and serious social impact of logging in affected communities in Solomon Islands. The desk and field research confirmed that the presence of extractive industries, logging in particular, coupled with the lack of implementation of the legal framework, increased the risk of violence against women and girls and of human trafficking in affected communities, especially in remote areas of the country.²²⁶

Globally, violence against women, and in particular indigenous women, has been linked to extractive industries due to the influx of transient (male) workers, the influx of cash and emerging socio-economic stresses.²²⁷ In the case of Solomon Islands, it can also be attributed to a distortion of a multiplicity of customary practices which are unchallenged by the State through its legislative deference to “custom” and its failure to monitor the effective implementation of law and policy.

This section sets forth the relevant legal frameworks on domestic violence, sexual violence, and human trafficking. It describes gender social norms and harmful practices related to these forms of violence and their normalization. It then presents the findings on the forms of gender-based violence linked to the logging sector, and otherwise prevalent in Solomon Islands.

A. Domestic and intimate violence prevalence

The prevalence of violence against women in Solomon Islands is one of the highest in the world. In the Melanesian region, for women aged 15-49, lifetime prevalence is almost 51% and prevalence in last 12 months is 30%. By comparison, the global average is 27% and 13%, respectively. Solomon Islands ranked among the top five countries with the highest lifetime prevalence of violence against women, and the top five of those with highest prevalence in last 12 months.²²⁸ Similarly, the 2019 UNDP Access to Justice study found that 55% of respondents reported that men frequently used violence to resolve issues with women.²²⁹ Violence is also perpetrated against women by their husbands’ family.²³⁰

Such high levels of violence perpetration against women have been linked to inequality in power and decision-making. The Family Health and Safety Study found that “women and children are frequently ‘punished’ with violence if they challenge men’s power or do not meet men’s expectations about how they should behave”.²³¹ KII respondents indicated that “the main perpetrators are husbands, fathers, uncles,” with the number of non-family member perpetrators small by comparison.²³²

226 KII, Women’s Development Division Director, MYYCFA, 16 September 2022, citing a seven-community study.

227 Oxfam International, Position Paper on Gender Justice and the Extractive Industries, 2017.

228 WHO, Global, regional and national prevalence estimates for violence against women, 2021, pp. xii, xiii.

229 UNDP, Solomon Islands Access to Justice Study, 2019, p. 2.

230 Validation workshop, 4 May 2023.

231 ADB, Solomon Islands Country Gender Assessment, 2015, p. 62.

232 KII, Women’s Development Division Director, MYYCFA, 16 September 2022.

High levels of domestic violence and sexual abuse were also confirmed by respondents in the field research.²³³ The field research also revealed differences in perceptions and willingness to acknowledge the violence, by gender. Distinctions between male and female respondents in FGDs in the same community in Choiseul provinces is illustrative. The women's FGD described "high levels of violence in the community, such as arguments, angry exchanges, underage sexual abuse, teenage pregnancies, physical violence".²³⁴

In response to the same question posed in the same community regarding violence perpetration, participants in the men's FGD stated that "they don't have it," and that there is "no violence in the community".²³⁵

B. Social norms related to domestic violence

Studies have found that male perpetration of violence against women in Solomon Islands is linked to the prevalence of gendered social norms. As revealed in prevalence studies conducted in 2009 and 2017, "[m]ale perpetrators reported that they most often got angry with their wife when, in their eyes, she did not live up to the gender roles that society imposes on women," such as not preparing food on time, not completing housework, jealousy when she spoke to other men or leaving the house.²³⁶ Perpetrators indicated that the most common reason for hitting their wives was disobedience, and almost all said that they "hit their wives as a form of discipline".²³⁷ Moreover, perpetrators' overwhelming response to improving the situation was that one's wife "should learn to obey him and do what he asked," thus blaming women's behaviour rather than accepting responsibility for violence perpetration.²³⁸

The latest Demographic and Health Survey (DHS) for Solomon Islands found that "over three quarters (77%) of women agree with at least one specific reason for wife beating," an increase from the prior 2006-2007 DHS, in which 69% of women agreed.²³⁹ The report underlined "the subordinate status of women in marital relationships," and an "entrenched cultural and social acceptance of marital or partner violence across the sexes and within society".²⁴⁰

Domestic violence is also seen as a private matter. For example, one respondent from Choiseul stated that: "Many try to mind their own business and try not to help others experiencing domestic violence."²⁴¹ Interviews revealed that domestic and intimate partner violence is seen as a conflict between two equal parties, and fuelled by alcohol consumption.²⁴² Given its intergenerational nature, violence against both women and children appears to be normalized in Solomon Islands.²⁴³

233 See, e.g. Women's FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Church leader, 27 August 2022; Men's FGD, Kilokaka, Isabel, 3 July 2022, recognizing the presence of physical and sexual violence and harassment in the community.

234 Women's FGD, Ruruvai, Choiseul, 28 August 2022.

235 Men's FGD, Ruruvai, Choiseul, 28 August 2022.

236 Ministry of Women, Youth & Children's Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009; see also, Pacific Community, Solomon Islands Demographic and Health Survey, 2017.

237 Ministry of Women, Youth & Children's Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009; see also, Pacific Community, Solomon Islands Demographic and Health Survey, 2017.

238 Ministry of Women, Youth & Children's Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009; see also, Pacific Community, Solomon Islands Demographic and Health Survey, 2017.

239 Pacific Community, Solomon Islands Demographic and Health Survey, 2017, p. 284. The specific reasons offered in the survey included: 1) she burns the food, 2) she argues with him, 3) she goes out without telling him, 4) she neglects the children, and 5) she refuses to have sexual intercourse with him. Notably, acceptance among men had declined. But see, UNDP, Solomon Islands Access to Justice Study, 2019, finding only 5% of male and female respondents believing violence can be justified.

240 Pacific Community, Solomon Islands Demographic and Health Survey (DHS), 2017, pp. 284, 285.

241 KII, Posarae, Choiseul, Church leader, 27 August 2022.

242 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022.

243 See, Ministry of Women, Youth & Children's Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009, finding "The association between physical punishment in childhood and adult domestic violence suggests that beating teaches children the 'normality' of using violence in punishment and conflict situations"; Validation workshop, 4 May 2023; Save the Children, 2 May 2023.

C. Domestic violence legislative framework

The Family Protection Act (FPA) defines domestic violence in line with international best practice standards. It covers physical, sexual, psychological and economic abuse, as detailed below.²⁴⁴ Section 58(1) and (2) of the FPA establish an offence for the perpetration of domestic violence. However, in practice, prosecution is often brought under the assault provisions of the Penal Code, covering only physical violence resulting in bodily harm.²⁴⁵ Although several domestic violence cases brought under the FPA appear on the PACLII website, they address only physical violence.²⁴⁶ In practical terms, it renders economic and psychological violence invisible.

Reflecting the choice of law, domestic violence tends to be understood solely in terms of physical abuse.²⁴⁷ While awareness of physical and sexual violence as an act of wrongdoing is widespread, there is less understanding and recognition of psychological and economic violence.²⁴⁸ The Ministry of Justice and Legal Affairs did not provide any data on prosecutions and convictions for domestic violence.²⁴⁹

The following sections focus on two forms of violence: economic and sexual violence, given their importance to the subject matter of this report.

I. Economic violence

The FPA contains a comprehensive definition of “economic abuse”:

- a. unreasonably controlling behaviour which denies the person financial autonomy or prevents them from taking part in decisions over household expenditures or the disposition of joint property;
- b. withholding financial support reasonably necessary for the maintenance of the person or of the person’s household;
- c. the unreasonable and unilateral disposal, retention or subtraction of moveable or immovable property in which the person has a material interest, or damage to or destruction of their personal property, so as to interfere with their use of such property.²⁵⁰

The field research indicated that subsection (a) reflects a widespread household norm. It is important to signal the fact that women’s unequal shouldering of unpaid care and work burdens—doubling men’s engagement—contributes to other forms of economic violence.²⁵¹

As revealed by the field research, household level economic decision-making rests primarily with men in Solomon Islands.²⁵² In Choiseul, respondents painted a general picture of men controlling the family finances, with women being granted some agency for expenses related to children and other family-related household expenses. One women’s FGD in Choiseul explained that:

The husbands give permission for the wives to use the money for family uses such as school fees, clothes, transport and anything else that the wife might need. The husbands are informed as they are the main decision makers and wives support the husbands and ensure money is spent on their priorities.²⁵³

244 Section 4(1), FPA. Stalking is included within the definition of psychological violence.

245 KII, Legal officer, Ministry of Justice, 5 May 2023; Sections 244, 245, Penal Code.

246 See, e.g., *Regina v. Sare* [2020] SBMC 6; Criminal Case 75 of 2019 (27 February 2020).

247 Validation workshop, 4 May 2023.

248 Validation workshop, 4 May 2023.

249 KII, Legal officer, Ministry of Justice, 5 May 2023.

250 Section 3, FPA.

251 See, Equality insights, *Women’s economic empowerment in the Solomon Islands*, 2020, indicating five hours and nine minutes/day for women not engaged in paid work, compared to two hours and 48 minutes for men not engaged in paid work. The discrepancy for men and women engaged in paid work is slightly less.

252 This was confirmed in the Validation workshop, 4 May 2023.

253 Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Church leader, 27 August 2022. Similar descriptions were provided in men’s FGDs in communities in Choiseul.

Other participants in men's FGDs painted a more nuanced picture, depicting women as having economic agency and joint decision-making. For example, others stated:

Sometimes the mothers decide and sometimes fathers decide on the use of the income they bring to the family. Husbands work together with their wives to make decisions on how to spend family income and what to do to earn money.

Usually, the man is the one who controls family income, assets and land. However, nowadays women have learned to help themselves and with their sale of food at the market, they set up their own banking, and using electronic banking or mobile banking, they bank their income, towards getting what they want. Most times it is for the family needs such as school, clothes for the family, transport costs for sick family members.

This paradigm was echoed in FGDs with women in the research locations in Isabel province, albeit depicting greater cooperation between the spouses.²⁵⁴

Many forms of economic violence thus appear to be normalized in Solomon Islands, and thus go unrecognized as a form of violence.²⁵⁵ With men as the primary earners from logging and employment opportunities, with limited economic opportunity for women, their economic dependence may increase, as men's increased purchasing power translates into greater decision-making authority in the home.

Specific incidents of economic violence related to logging were relayed in KIs and FGDs. These involved men spending logging proceeds on alcohol, which were followed by "demands and harassment for money" from their wives resulting in instances of physical violence.²⁵⁶

This normalization of economic violence should be foregrounded when considering similar limits on women's decision-making related to land and natural resource exploitation within their families and communities, which is sanctioned as "custom". The parallels between the economic violence perpetuated in the domestic sphere and the structural economic violence taking place within communities are evident.

Women leaders in one community in Isabel province referenced the existence of a women's savings club, and wanted to see it expand to support women's economic empowerment in their community.²⁵⁷ Similarly, CEDAW recommended that the SIG "[f]acilitate rural women's access to land ownership and strengthen community-based associations representing rural women's economic interests".²⁵⁸

II. Sexual violence: consent and age of consent

Pursuant to international law (the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Rome Statute and the jurisprudence of the European Court of Human Rights (ECHR), international criminal courts and UN treaty bodies, the operative constituent element for crimes of rape and sexual violence is the lack of consent.²⁵⁹ As the Istanbul Convention provides: "Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances."²⁶⁰

The FPA defines domestic violence to include sexual abuse as one of its manifestations. It defines "sexual abuse" as "conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the person".²⁶¹ This formulation is echoed in the definition of child sexual abuse in the Family and Child Welfare Act.²⁶² In line with international standards, it contains no force, or threat of force requirement. However, humiliation, degradation and violations of dignity should not be included as constituent elements of the crime.

254 See, e.g., Women's FGD, Sigana, Isabel, 30 June 2022.

255 KII, Seif Ples, staff, 11 November 2022.

256 KII, Ruruvai, Choiseul, Chief, 28 August 2022; Validation workshop, 4 May 2023.

257 Women's FGD, Kilokaka, Isabel, 3 July 2023.

258 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 39(e).

259 See, e.g.: ECtHR, *M.C. v. Bulgaria*, Application No. 39272/98, 2004, para 181; CEDAW, General Recommendation No. 35 on gender-based violence against women, CEDAW/C/GC/35, para 5, establishing the definition of sexual violence crimes based on the lack of freely given consent, taking into account a coercive environment; *Prosecutor v Akayesu*, Case No. ICTR-96-4-T, 1998, paras 596-598.

260 Article 36(2), Istanbul Convention.

261 Sections 3, 4, FPA.

262 Section 5(2) of the Family and Child Welfare Act defines the sexual abuse of a child as "conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the child".

The Penal Code (Amendment) (Sexual Offences) Act covers numerous sexual offences. The definition of rape turns on the consent of the victim in line with international standards, and encompasses marital rape.²⁶³ It contains a comprehensive provision on consent, which covers not only force, but also being asleep or affected by drugs or alcohol, fear or respect due to another's "position of authority, trust or responsibility," mistaken belief and withdrawal of consent, among others.²⁶⁴ Section 136E also recognizes recklessness with respect to consent in cases in which:

- a. The person is aware of a risk that the other person does not consent and it is unreasonable to take the risk; or
- b. The person does not give any thought as to whether the person is consenting.²⁶⁵

At the same time, Section 165 of the Penal Code criminalizes girls and women over the age of 15 for engaging in incestuous acts, with no reference to the nature of consent in such cases. As "assessed in the context of the surrounding circumstances," adolescent girls are unlikely to be able to express their lack of consent in relations with male family and community members. This provision conflicts with international standards and should be repealed.

Although some legislative provisions define rape in terms of consent, the common understanding of rape involves physical violence. There is reportedly very little understanding of the concept of consent.²⁶⁶ Judicial decisions have required evidence of the lack of consent by child victims of sexual violence.²⁶⁷ Regarding children, provincial stakeholders indicated that there is increased awareness in many communities of the potential for sexual violence by both family and community members.²⁶⁸

The 2009 DHS indicated that "women who believed that they could refuse sex under some circumstances were four times more likely to experience IPV than women who believed that a wife could not refuse sex with her husband under any circumstances".²⁶⁹

The field and desk research identified incidents of rape committed by both loggers and local actors, as well as other forms of sexual violence, including incest.²⁷⁰ Multiple anecdotal incidents of rape cases were referred to by respondents, including gang rapes committed by loggers.²⁷¹ NGO respondents indicated that boys were most often raped by men, and that gay boys are targeted in particular by their peers and family members.²⁷² The Ministry of Justice and Legal Affairs did not provide data on crimes related to sexual violence, and indicated that it does not disaggregate sexual violence statistics by sex, as only women and girls are considered to be victims of these crimes.²⁷³

The international legal definition of a child is every human being under the age of 18, with the age of 18 also considered the minimum age for marriage according to international standards.²⁷⁴ The definition of a child as being under the age of 18 was retained in the FPA and the Penal Code (Amendment) Sexual Offences Act.²⁷⁵ However, in violation of international standards, several legislative provisions, including those related to sexual violence, exploitation and marriage, establish the age of consent and marriage at the age of 15. Section 144 of the Penal Code (Amendment) Sexual Offences Act sets the definition of child as the age of 15 for crimes related to child sexual exploitation material. As noted above, minor girls can be criminalized for engaging in incest.

263 Section 136F, Penal Code (Amendment) (Sexual Offences) Act.

264 Section 136A, Penal Code (Amendment) (Sexual Offences) Act.

265 Subsection (b) seems to mitigate liability for the crime.

266 Validation workshop, 4 May 2023.

267 See, e.g., *Regina v. Patrick Tiliwewe* [2018] SBHC 94; HCSI-CRC 120 of 2014 (19 October 2018).

268 KII, Isabel, Development Officer, 2 May 2023.

269 Ministry of Women, Youth & Children's Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009.

270 KII, Isabel, Development Officer, 2 May 2023. See also, Solomon Star, *Grandfather jailed for unlawful sex with minor*, 9 January 2023.

271 KII, Ruruvai, Choiseul, Teacher, 28 August 2022; KII, Isabel, Development Officer, 23 June 2022.

272 KII, Seif Ples, Staff, 11 November 2022.

273 KII, Ministry of Justice, Legal Officer, 5 May 2023.

274 KII, Article 1, CRC; Article 16(2), CEDAW, stating: "the betrothal and the marriage of a child shall have no legal effect".

275 Section 3, FPA; Section 4, Penal Code (Amendment) Sexual Offences Act (2016).

The Islanders' Marriage Act sets the minimum age of marriage at 15.²⁷⁶ Although seemingly inapposite, reference to the Islanders' Marriage Act is used by justice sector actors to preclude the prosecution for crimes involving CSEC and human trafficking for the purpose of sexual exploitation involving minors.²⁷⁷ The Child and Family Welfare Act exempts "married" minors from its protections.²⁷⁸

III. The concept of coercive control

The term "coercive control" offers an alternative conception of the interplay between the forms of violence understood as domestic violence, with significant relevance to the situation in Solomon Islands.²⁷⁹ Coercive control is increasingly referenced in the fields of domestic and intimate partner violence and human trafficking, re-conceptualizing the understanding of these crimes from a focus on violent incidents to "a pattern of coercion and control".²⁸⁰ (See, Power & Control Wheels, below).

Coercive control has been defined as the use of physical and/or sexual abuse "in combination with tactics to intimidate, degrade, isolate and control victims".²⁸¹ Focusing on patterns of violence, intimidation and control increases the relevance of "minor" assaults and other tactics, such as "stalking, death threats, isolation, and control over material necessities (food, transportation, money)".²⁸² Studies have demonstrated coercive control to be present in the vast majority of domestic violence cases.²⁸³ As a gendered concept, coercive control can be understood as the central way in which men undermine women's capacities and exercise of independent decision-making. In Solomon Islands, it plays an underlying role in limiting women's participation in decision-making at the household, community and political levels.

Reflecting the concept of coercive control, the FPA defines domestic violence as consisting of "a single act or a number of acts that form part of a pattern of behaviour, even though some or all of those acts when viewed in isolation appear to be minor or trivial".²⁸⁴ The legal definition of domestic violence thus can be applied to single incidents or to a pattern of behaviour that encompasses relatively minor incidents, the impact of which can be very significant over time. However, the definitions set forth in the FPA remain of little utility if only the assault provisions of the Penal Code are applied in practice, and if the FPA is only used to prosecute physical violence.

Grounded in women's structural subordination, perpetrators exploit persistent gendered inequalities in society and the economy, as well as how gender roles and responsibilities are distributed. In this way, men use women's social and economic subordination to both protect and extend their own privileged access to money, sex, leisure time, domestic service and other benefits.

Coercive control provides a meaningful description for the ways in which men's control over the logging process and resources privileges their access to benefits (with particular reference to the use of logging proceeds to fund extramarital affairs). It also provides insight into the commodification of women and girls by male family members who facilitate such exchanges for their personal enrichment. Moreover, coercive control provides a clear conceptual framework for the domestic work and sexual services provided by "house girls" to male loggers in Solomon Islands. It is grounded in the normalization of women assuming the lion's share of unpaid care and domestic work. One respondent described men's attitude toward unpaid care and domestic work as "entitled," stating: "Men expect women to do everything."²⁸⁵

276 Section 10, Islanders' Marriage Act (1996).

277 Validation workshop, 4 May 2023.

278 Section 2, Child and Family Welfare Act (2016), stating: "'child' means a person who is under the age of 18 years, but does not include a child who is or has been married".

279 Coercive control has been criminalised in the U.K., Ireland, and in California and Hawai'i in the U.S.

280 Evan Stark, *From Battered Woman Syndrome to Coercive Control*, Albany Law Review, Vol. 59, 1995, p. 975.

281 Evan Stark, 'The dangerousness of danger assessment', *Domestic Violence Report*, Vol. 17, No 5, pp. 65-69, 2012.

282 Evan Stark, *From Battered Woman Syndrome to Coercive Control*, Albany Law Review, Vol. 59, 1995, p. 983.

283 The estimates vary between 80-95% of domestic violence cases. See, e.g., New York State, Office for the Prevention of Domestic Violence; U.K. Women's Aid, citing Kelly, L., Sharp, N. and Klein, R. (2014) *Finding the Costs of Freedom: How women and children rebuild their lives after domestic violence*. London: Child and Woman Abuse Studies Unit and Solace Women's Aid, p. 19. Several jurisdictions, including the U.K., Hawai'i and California have criminalised coercive control.

284 Section 4, FPA.

285 KII, Isabel, Development Officer, 2 May 2023.

Figure 1: Domestic Violence Power and Control Wheel²⁸⁶



286 Domestic Abuse Intervention Project's Duluth Model

Figure 2: Human Trafficking Power and Control Wheel²⁸⁷



287 National Human Trafficking Resource Center

D. Violence against children

The Convention on the Rights of the Child (CRC) requires States to:

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.²⁸⁸

Section 5(2) of the Child and Family Welfare Act defines “physical abuse” as “any act, or series of acts, of violence or maltreatment that results in physical wounds or bodily injury”. Again, the focus on physical injury excludes from the protection of the law any act, including repeated acts, of physical violence that leave no visible injury.²⁸⁹ Physical abuse should be defined by the act of physical violence alone, without reference to the harm or injury suffered by the child.

The same provision defines the sexual abuse of a child as “conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the child”. Any sexual act with a minor (excepting sexual activities between consenting adolescent peers) should be considered as child sexual abuse. The definition of the crime should make reference to the sexual act alone. The extent of the harm should be considered for the purpose of aggravating circumstances.

Violence against children is normalized in many communities in Solomon Islands.²⁹⁰ It is a taboo subject, which is unlikely to be reported, as the disciplining of children is considered as a private, family matter. Child abuse is also directly linked to domestic violence, as the “existence of one form of violence in a family is a strong predictor of further forms, with a perpetrator of violence against a partner also likely to perpetuate child abuse in the same family”.²⁹¹

The UN Committee on the Rights of the Child has expressed its concern regarding the “reportedly high level of abuse of children,” including both domestic violence and sexual abuse in Solomon Islands.²⁹² The commission of incest is also a “big problem,” with significant social barriers to addressing the problem.²⁹³

The Ministry of Women, Youth, Children and Family Affairs indicates that 86% of children aged 2-14 have experienced a form of violent discipline, and 37% of girls experience sexual abuse prior to the age of 15.²⁹⁴ Child abuse, including sexual abuse, significantly increases vulnerability, even into adulthood, as child victims of abuse are more likely to be abused again.

It is important to note the ways in which violence against children, and girls in particular, intersects with access to education. First, teachers from both provinces observed domestic and sexual violence impacting children in the schools. Secondly, violence against children, including gender-based violence, occurs within the school environment. According to the Ministry of Women, Youth, Children and Family Affairs, 67% of children in Solomon Islands have experienced bullying in schools.²⁹⁵ A teacher in Choiseul described: “Bullying by boys of girls; because of the male dominance accepted in the society, boys see their bullying as justified by their *kastom* or culture.”²⁹⁶

When discussing male-on-female bullying, rape, and incest being perpetrated against girls in the school community, one teacher in Choiseul noted that he had reported incidents of these to the police. “Such cases do affect the children and their ability to learn,” he said.²⁹⁷

288 Article 19(1), CRC.

289 As expressed by participants in the validation workshop, causing bruises and other physical injuries through physical discipline is seen as going too far.

290 Validation workshop, 4 May 2023; KII, Save the Children, Country Director, 2 May 2023; Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007, finding “physical abuse, emotional abuse and neglect of children were common, and occurred in many or most of the families in each village”.

291 Save the Children, Solomon Islands Non-government Organisation’s Alternative Report on the Combined Second and Third Periodic Reports, 2017.

292 CRC, CRC/C/SLB/CO/2-3, 2018, paras 26(a), 48(a).

293 KII, Women’s Development Division Director, MWYCFA, 16 September 2022, citing a seven-community study conducted by WDD; KII, Gender Focal Point, MHMHS, Honiara, 16 November 2022; KII, Ruruvai, Choiseul, Teacher, 28 August 2022; KII, Seif Ples, Staff, 11 November 2022; KII, Save the Children, Staff, 11 November 2022.

294 Ministry of Women, Youth, Children and Family Affairs, [online]; see also, Save the Children, Solomon Islands Non-government Organisation’s Alternative Report on the Combined Second and Third Periodic Reports, 2017.

295 Ministry of Women, Youth, Children and Family Affairs, [online].

296 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

297 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

Another teacher in Isabel province noted the impact of early marriage and adolescent pregnancy in impeding girls' school attendance.²⁹⁸ Interviews with teachers in church-affiliated schools described the practice of suspending children for engaging in sexual activity, suspending pregnant girls and firing single parent teachers, among other gender discriminatory practices, which should be prohibited by the State.²⁹⁹

In the research communities, data indicated that at the primary level, there is relative gender parity. Yet, respondents described parents removing daughters that do not perform well from elementary school. "Parents need to change their mind-set and give the opportunity for girls to complete their education," said one teacher.³⁰⁰ One chief of a village in Isabel wanted to see "girls succeed in schools, as they will look after their parents".³⁰¹

KIIs and participants in the validation workshop indicated that out-of-school boys and girls, such as those whose parents cannot afford school fees, are those sent to earn money from the logging operations, rendering them vulnerable to labour and sexual exploitation.³⁰² School thus serves a protective function.

Field research respondents observed that teachers do not receive awareness training on gender-based violence and human trafficking. The MWYCFA indicated that teachers are a future target group for awareness-raising activities.

E. Harmful practices

In addition to domestic and intimate partner violence and violence against children, harmful practices, such as child marriage and bride price, constitute forms of discrimination and violence against women and girls.³⁰³ According to the CEDAW and CRC Committees:

The causes of harmful practices are multidimensional and include stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities and the prevalence of male dominated power structures.³⁰⁴

This section addresses relevant legislation and *de facto* practices related to bride price and early marriage, and their links to CSEC and human trafficking.

I. Early, forced and child marriage

The Convention on the Rights of the Child (CRC) and CEDAW establish the minimum age of marriage at the age of 18, the legal age of majority. According to international standards, child marriage:

also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age. The overwhelming majority of child marriages, both formal and informal, involve girls, although at times their spouses are also under the age of 18. A child marriage is considered as a form of forced marriage given that one or both parties have not expressed their full, free and informed consent.³⁰⁵

Early, forced and child marriages are considered harmful practices that constitute a form of violence against women and girls.³⁰⁶

298 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

299 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

300 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

301 KII, Sigana, Isabel, Chief, 30 June 2022.

302 KII, Isabel, Development Officer, 23 June 2022; Validation workshop, 4 May 2023.

303 See, CEDAW, General Recommendations Nos. 19 and 35.

304 Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18, 2014, para 16. See also, CEDAW General Recommendations 19 and 35.

305 Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices (CRC-CEDAW Joint Recommendation), CEDAW/C/GC/31-CRC/C/GC/18, 2014, para 19.

306 CRC-CEDAW Joint Recommendation.

The Islanders' Marriage Act currently provides for the legal marriage of children at the age of 15. In an overtly discriminatory provision, Section 10 of the Islanders' Marriage Act permits marriage at the age of 15 with the consent of the father, and only if the father is deceased or absent, with the consent of the mother. There is no minimum age for marriage under customary law. The Child and Family Welfare Act excludes from the definition of a child married persons under the age of 18.³⁰⁷ This has the effect of excepting from its protections children who were married, including forcibly, under the age of 18. SI legislation contains numerous inconsistencies and gaps when it comes to protecting children from marriage prior to the age of 18.

The CEDAW Committee has expressed its regret, "that girls are subjected to child marriages [...] under customary laws".³⁰⁸ In addition to recommending that Solomon Islands "[r]aise the minimum age of marriage to 18 years for girls and boys," and apply it to customary marriages, CEDAW has drawn attention to the "lack of mandatory registration of marriages under customary marriage law and the continued existence of bigamy", and the "absence of legal safeguards to ensure that women enter into marriage only with their free and full consent".³⁰⁹

It is important to understand that in Solomon Islands, the term "marriage" can be used to describe two people living together, in addition to a marriage according to law or performed by the church. The porous definition of marriage in communities sheds light on the "marriage" of girls to loggers. What is understood in communities to be a girl's "marriage" to a logger often reflects a temporary relationship, lasting as long as the logger's employment in the area. As one report observed, these relationships may stem from misunderstandings and miscommunications, or loggers may be exploiting local understandings of marriage in order to avoid legalizing the marriage or undergoing a church ceremony.³¹⁰

KIIs revealed that what is considered as marriageable age is related to a girl's physical development. Once a girl is married, at whatever age, she is considered to be an adult. Early marriage appears to be common in Solomon Islands,³¹¹ but is not "openly discussed".³¹² Several respondents described "some child marriages being blessed by the church and some are not".³¹³

In contrast to international human right standards that require children to reach the legal age of majority (18) as a prerequisite for consenting to marriage, in Solomon Islands marriage itself appears to confer adult status. This is reflected in the Child and Family Welfare Act, which exempts married children from the legal definition of children.³¹⁴ The pigin words *iang boi* are used to refer to an unmarried man or boy, and *iang gele* for an unmarried girl or woman—whatever their age.³¹⁵

The field research identified three ways in which early marriage takes place: arranged by the parents, elopement and *de facto* marital relations.³¹⁶ The field research revealed that marriage to loggers and elopement or *de facto* marriage were considered by some to be the effect of the increased consumption of alcohol brought in by loggers. For example, one church leader from Choiseul explained that prior to logging, marriages were arranged by parents within the sanctity of the church.

307 Section 2, Child and Family Welfare Act (2016), defining "child" as "a person who is under the age of 18 years, but does not include a child who is or has been married".

308 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 22; CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, para 408.

309 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, paras 44(c),(d),(e), 45(a).

310 Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

311 Early marriage was acknowledged in KIIs and FGDs in several communities. See, e.g., Chief, Sigana, Isabel, 30 June 2022. See also, CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 22, observing that "[t]he practice of early marriage has decreased but remains common in rural areas and among poor populations."

312 KII, Posarae, Choiseul, Church leader, 27 August 2022.

313 Men's FGD, Sigana, Isabel, 30 June 2022.

314 Section 2, Child and Family Welfare Act (2016), defining "child" as "a person who is under the age of 18 years, but does not include a child who is or has been married".

315 Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

316 See, e.g., Men's FGD, Sigana, Isabel, 30 June 2022.

According to an IOM report, “although the child brides were not and could not be legally married, they were still being adversely affected by the traditional definition of marriage, wherein husbands have a ‘right’ to treat their wives however they choose”.³¹⁷ These marriages have also been qualified as forced.³¹⁸ One NGO representative stated: “Most time girls don’t want to marry but they are forced to by family members and relatives.”³¹⁹ The normalization of child marriage can mask the trafficking of children, preventing its identification as such by authorities.

II. Bride price

Bride price is considered as a harmful practice under international human rights standards. UN treaty bodies have called attention to bride price and early and forced marriages in the Solomon Islands as harmful traditional practices.³²⁰

According to *kastom* in some communities in Solomon Islands, bride price is paid to the girl’s family in the form of cash, red or *kastom* money, or other goods.³²¹ As traditionally practiced, bride price reflected the value placed on the bride. The family of the groom compensated her family for her removal from the home, while “the family of the woman would give back gifts or food of equal value” to the groom’s family.³²² Linking the families of the married couple, bride price served a protective function.

A 2012 survey in Honiara found that 90.1% of respondents reported bride price being practiced in their communities.³²³ Respondents in one Choiseul province indicated that bride price continues to be practiced by some members of the community. The traditional amount is 3 kesa (3,000 SBD), and if bride price is paid, parental consent for marriage is required and church wedding services are arranged.³²⁴ Other villages in Choiseul indicated that bride price was either no longer practiced, due to the influence of the church, or alternatively cost 1 kesa (1,000 SBD).³²⁵

The practice of bride price has reportedly become abused with the introduction of the cash economy. “Dollars are now commonly used in place of shell money or in addition to shell money,” functioning to commodify women and girls.³²⁶ As currently practiced, it can reduce rather than strengthen the bride’s position within the family, as “the idea of ‘ownership’ of a wife by a husband has become prevalent, and leaves women and young women extremely vulnerable to violence and to early and forced marriage, especially in rural areas where economic options are limited”.³²⁷ In its Concluding Observations, CEDAW observed that

As a result of the introduction of the cash economy, in some instances the bride has become more of a commodity than a symbol of positive social relations. This customary practice can take decision making out of the hands of women and in some instances raises issues of “ownership” of both the bride and any children born as a result of the marriage.³²⁸

317 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, p. 144.

318 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

319 KII, Staff, Seif Ples, 11 November 2022.

320 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 22, expressing regret, “that girls are subjected to [...] bride-selling under customary laws”.

321 Red or *kastom* money refers to strings of locally made beads commonly exchanged as compensation for a wrongdoing, or as a bride price. CCC, *Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region*, 2007.

322 [NGO Shadow Report](#) on the Status of Women in Solomon Islands, CEDAW.

323 World Vision, *Community Vision for Change Baseline Report*, 2012.

324 KII, Posarae, Choiseul, Chief, 26 August 2022. Bride price is reportedly no longer practiced in Posarae, Choiseul.

325 KII, Posarae, Choiseul, Chief, 26 August 2022; KII, Kesa, Choiseul, Chief and Church elder, 30 August 2022, respectively.

326 [NGO Shadow Report](#) on the Status of Women in Solomon Islands, CEDAW. See also, CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, para 416, citing *Child Sexual Abuse and Commercial Exploitation of Children in the Pacific: A Regional Report*, 2006, UNICEF, UNESCAP & ECPAT, p. 42.

327 Validation workshop, 4 May 2023; [NGO Shadow Report](#) on the Status of Women in Solomon Islands, CEDAW; Ministry of Women, Youth & Children’s Affairs, National Statistics Office, [Solomon Islands Family Health and Safety Study](#), Secretariat of the Pacific Community, 2009.

328 See also, CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, para 416, citing *Child Sexual Abuse and Commercial Exploitation of Children in the Pacific: A Regional Report*, 2006, UNICEF, UNESCAP & ECPAT, p. 42.

Bride price constitutes a strong risk factor for intimate partner violence, especially for women whose bride price was not paid in full.³²⁹ One study found women married with bride price to be “more than two and a half times more likely to experience partner violence than women whose marriage did not involve bride price”.³³⁰ Similarly, some believe “that if bride price is paid, a woman cannot leave her husband”.³³¹ This impedes victims of domestic violence from leaving or seeking assistance from family members.

Another customary practice linked to bride price requires women and girls who seek support from their family to pay compensation in shell money, *kesa*, money or gifts in order to return to their husbands. The practice of compensation appeared to be linked to bride price in that it is, “based on respect and recognition of the *kesa* being given by the husband’s people for taking the wife away from her parents and people”.³³² However, it was also described as preventing women from “freely expressing issues affecting them,” and functions as a deterrent to women seeking support from their families in incidents of domestic violence.³³³

The effects of bride price can also be seen in the porous understanding of marriage, such that if a man pays the required bride price to the family and resides with their daughter, the couple will be considered as “married”. The desk review found older references to bride price constituting justification for child custody arrangements and as a defence in domestic violence prosecutions.³³⁴ The distortion of the custom of “bride price” (including using the name “bride price”) constitutes the guise by which some families “sell” girls into marriages with loggers in return for money.

F. Human trafficking and the commercial sexual exploitation of children (CSEC)

The situational analysis confirmed the continued practice of the commercial sexual exploitation of children, including human trafficking, tied to the logging industry. This section details the relevant international and national legal frameworks, and describes the desk and field research findings related to the perpetration of these serious crimes.

I. International legal frameworks

CSEC is a broad concept that encompasses diverse crimes. The definition of the commercial sexual exploitation of children is “the exploitation by an adult with respect to a child or an adolescent – female or male – under 18 years old; accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties”.³³⁵ The CRC requires States to take measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices.

It also requires States to prevent child trafficking.³³⁶ The CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography³³⁷ (OPSC) requires States Parties to prohibit the sale of children and child prostitution.³³⁸ It defines the sale of children as: “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”. Child prostitution is defined as “the use of a child in sexual activities for remuneration or any other form of consideration”.³³⁹

329 Validation workshop, 4 May 2023.

330 Ministry of Women, Youth & Children’s Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009.

331 Ministry of Women, Youth & Children’s Affairs, National Statistics Office, *Solomon Islands Family Health and Safety Study*, Secretariat of the Pacific Community, 2009.

332 UN Women, Final Consultation Report on Traditional Governance Bill, 2020, p. 35.

333 UN Women, Final Consultation Report on Traditional Governance Bill, 2020, p. 35; Validation workshop, 4 May 2023.

334 *NGO Shadow Report* on the Status of Women in Solomon Islands, CEDAW.

335 ILO, *Commercial sexual exploitation of children*, [online]

336 Articles 34(a),(b), 35, CRC.

337 Solomon Islands ratified the OPSC on 5 May 2022.

338 Article 1, OPSC.

339 Article 2, OPSC.

The OPSC requires States to criminalize: “[o]ffering, delivering or accepting, by whatever means, a child for the purpose of [the] sexual exploitation of the child,” as well as “[o]ffering, obtaining, procuring or providing a child for child prostitution”. It further requires national legislation to provide appropriate penalties for such offences, given their “grave” nature, and to ensure the liability of legal persons.³⁴⁰

Child trafficking for the purpose of sexual exploitation is a form of commercial sexual exploitation of children. The universally accepted definition of trafficking in persons is found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“Trafficking Protocol”), supplementing the United Nations Convention against Transnational Organized Crime (2000) (“UNTOC”).³⁴¹ Solomon Islands has not yet acceded to UNTOC, nor to the Trafficking Protocol, but plans to do so.

The Trafficking Protocol defines the crime of trafficking by three constituent elements: the acts, the means and the purpose.

1. **Acts:** The recruitment, transportation, transfer, harbouring or receipt of persons.
2. **Means:** The threat or use of force or other forms of coercion, of abduction, of fraud, of deception or the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.
3. **Purpose:** Exploitation. Exploitation includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.³⁴²

It is important to note that “the abuse of a position of vulnerability (APOV) and the abuse of power are the most common means used to commit the trafficking crime,” with few cases involving the threat or use of force.³⁴³ According to UNODC, “the intersection of economic need and structural disadvantages results in a situation of vulnerabilities that often does not require traffickers to adopt a deceptive strategy”.

The “means” element does not apply to cases involving the trafficking of children.³⁴⁴ Because children do not have the legal capacity to consent, the crime of child trafficking involves: i) committing any of the acts outlined above, with ii) the intent to exploit a child. Child trafficking can therefore be defined as the “act of recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation either within or outside a country”.³⁴⁵

It is significant to note that Article 1(c) of the Supplemental Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956 includes within the definition of “practices similar to slavery:”

Thus, despite distinctions in their international definitions, there is substantive overlap between human trafficking and commercial sexual exploitation of children.

Any institution or practice whereby:

- i. A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;
- ...
- iv. Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

340 Article 3, OPSC.

341 U.N. Convention on Transnational Organized Crime (UNTOC), Doc. A/55/383, 29 September 2003.

342 Article 3(a), Palermo Trafficking Protocol.

343 CEDAW, General recommendation No. 38 on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38, 2020, para 12.

344 Article 3(c), Palermo Trafficking Protocol.

345 Article 1, CRC.

II. National legal framework

Section 136 of the Penal Code (Amendment) Sexual Offences Act (2016) defines the term “commercial sexual services” as “sexual services provided in return for financial or other reward, whether or not the reward is actually received by the person providing the sexual services or by another person”. Section 143 establishes several offences. In pertinent part:

- (2) A person commits an offence if the person obtains commercial sexual services from a child.
- (3) A person commits an offence if the person induces, invites, persuades, arranges or facilitates the provision of commercial sexual services by a child.
- (4) The parent or guardian of a child commits an offence if the parent or guardian permits the child to be used for the provision of commercial sexual services.
- (5) A person commits an offence if the person obtains a benefit from the provision of commercial sexual services by a child.

Neither Section 136, nor Section 143 impose a “means” requirement, in line with international standards. Penalties depend upon the age of the child.

The Child and Family Welfare Act defines child sexual exploitation as, in pertinent part:

- (a) the involvement of the child in sexual activity that he or she:
 - (i) does not fully comprehend; or
 - (ii) is unable to give informed consent to; or
 - (iii) is not developmentally prepared for and cannot give consent to; and
- (b) the inducement or coercion of the child to engage in any unlawful sexual activity.³⁴⁶

Two distinct pieces of legislation criminalize human trafficking in Solomon Islands: the Penal Code (Amendment) Sexual Offences Act (2016) and the Immigration Act (2012). Section 145 of the Penal Code (Amendment) Sexual Offences Act establishes the act, means and purpose of the human trafficking offence as follows:

1. In this section

“exploitation” includes all forms of sexual exploitation (including sexual servitude), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;

“internal people trafficking”: a person engages in internal people trafficking if the person recruits, transports, harbours or receives another person within Solomon Islands for the purpose of exploitation.
2. A person commits an offence if the person engages in internal people trafficking by one or more of the following means:
 - a. Threats;
 - b. Use of force or other coercion;
 - c. Abduction;
 - d. Fraud;
 - e. Deception;
 - f. Abuse of power or of a position of trust;
 - g. Giving or receiving payments or benefits to obtain the consent of a person who has control over another person.

Maximum penalty:

- a. if the person who is trafficked is a child – 25 years imprisonment; or
- b. in any other case – 20 years imprisonment.

346 Section 5(2), Child and Family Welfare Act.

While generally conforming to international standards, it is important to note that the provision incorporates the means element in the definition of child trafficking, in contravention of international standards. The Trafficking Protocol defines child trafficking as constituted by the acts and purpose only. No means are necessary to negate consent in child trafficking, because children cannot legally consent.

With respect to cross-border trafficking, Sections 70, 76 and 78 of the Immigration Act when read together similarly establish the act, purpose and means of human trafficking. Section 70 reads, in pertinent part:

“exploitation” includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and removal of organs;

“people trafficking”: a person engages in people trafficking if the person recruits transports, harbours or receives another person (the trafficked person) for the purposes of exploitation.

Section 76 reads:

1. A person commits an offence if the person engages in people trafficking by one or more of the following means –
 - a. Threats;
 - b. Use of force or other coercion;
 - c. Abduction;
 - d. Fraud;
 - e. Deception
 - f. Abuse of power or of a position of vulnerability;
 - g. Giving or receiving payments or benefits to obtain the consent of a person who has control over another person.
2. A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding 45,000 penalty units or to imprisonment for a term not exceeding five years or both.

Section 78 provides:

A person who engages in, or profits from, the exploitation of a trafficked person commits an offence and is liable on conviction to a fine not exceeding 45,000 penalty units or to imprisonment for a term not exceeding 5 years or both.

Most poignantly, the penalties for cross-border trafficking are significantly smaller than those for internal trafficking, signaling the absence of a coherent approach.

III. CSEC and human trafficking in Solomon Islands

There is no available data on the number of victims of CSEC and human trafficking in Solomon Islands. It is thus important to recall that globally, women and girls comprise the largest number of victims of human trafficking. Approximately 50% of identified trafficking victims are adult women, and one third are children (boys and girls). When carried out for the purposes of sexual exploitation, women make up 67% and girls 25% of those trafficked for the purpose of sexual exploitation.³⁴⁷ In addition, women and girls are also trafficked for the purpose of domestic servitude and forced marriage in Solomon Islands.

Given the over-representation of women and girls among victims of trafficking, TiP is recognized as a form of gender-based violence.³⁴⁸

The over-representation of women and girls among trafficking victims reflects their structural subordination in a society which limits their educational and economic advancement due to multiple forms of discrimination. CEDAW lists among the examples of this structural discrimination:

- social, political and economic exclusion
- unemployed or underemployed,
- carrying the burden of household and childcare responsibilities,
- restricted access to State benefits, protection and services,
- having experienced intimate partner and domestic violence, abuse and neglect in their family environment, care institutions or
- subjected to child and forced and servile marriage.³⁴⁹

Several of these elements of structural discrimination are described in the sections above, including political and economic exclusion and diverse forms of violence against women, namely, domestic violence, child and forced marriage and disproportionate unpaid care and domestic work burdens. Others, such as limited access to protection and services, are described below.

There is often a complex interplay between human trafficking and other forms of GBV, including, for example: domestic violence, forced and early marriage, bride price and sexual and economic violence and exploitation. Domestic violence in all its forms is a push factor, driving victims into risk-taking behaviour to escape violence. Trafficking is often an extreme form of domestic violence, such as when family members exploit another family member. Multiple field research interviews and the desk research referred to cases in which parents, brothers and extended family members traffic girls—their daughters, sisters, nieces, and in which husbands trafficked their wives—for the purpose of sexual exploitation.

Based on both the desk review and the field research, cases involving the facilitation of sexual exploitation of children by their parents, other family members and peers to loggers appears to be widespread.³⁵⁰ The phenomenon has been documented by international organizations in reports dating back to at least 2004,³⁵¹ with limited advances having been made to address the problem.

347 UNODC data.

348 See, Article 6, Convention on the Elimination of Violence against Women (CEDAW) and CEDAW General Recommendations No. 19 and 35.

349 CEDAW, General Recommendation No. 38 on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38, 2020, para 20.

350 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017.

351 Christian Care Centre, Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Solomon Islands: A Situational Analysis, 2004; see also, Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017, noting the public documentation of these crimes over a decade.

One 2007 report found that “commercial sexual exploitation of children is a serious and substantial problem,” with “little doubt that the presence of...logging...is a contributor to the abuse and exploitation”.³⁵² A 2017 IOM report found that: “The commercial sexual exploitation of children by their parents and employees of logging and fishing companies is practiced openly and with complete impunity in the Solomon Islands.”³⁵³ The report described:

150 active logging operations (camps) in the Solomon Islands. It is likely that exploitation occurs in every logging camp. Trafficking in human beings in the logging camps is visible – i.e., not a covert activity – with female children and young adults working as “house girls” (maids) who are then encouraged or coerced into a regular sexual relationship with a logger.³⁵⁴

The situation has not escaped UN treaty bodies. In 2014, the CEDAW Committee expressed its concern about the: “sexual exploitation of girls in logging areas [...], [and] the use of the bride-price system to allow temporary marriages of girls to foreign workers”.³⁵⁵ The UN Committee on the Rights of the Child has also expressed its concern regarding the “reported sexual exploitation of girls in the logging and tourism industry,” as well as “the sale of girls to foreign workers in the natural resource sector for the purpose of sex and marriage”.³⁵⁶ The U.S. Department of State 2022 Trafficking in Persons Report (U.S. TIP Report) also indicated: “Traffickers exploit Solomon Islander children in sex trafficking and forced labor within the country, sometimes in exchange for money or goods, particularly near foreign logging camps.”³⁵⁷

The field research indicated that “this type of activity still occurs in the communities and involves young girls”.³⁵⁸ Respondents described most “house girls” as aged 15-17 who have dropped out of school, or women aged 30-40.³⁵⁹ One FGD of men in Isabel province explained that “the local term for this kind of sex trade is *women-with-soft hand*”.³⁶⁰ Field research further indicated that the sexual exploitation of girls by loggers, through marriage or not, occurs in either one of two scenarios. As described by one respondent:

There are cases of child marriages in which either the girls go themselves to get involved with the Asian loggers in nearby villages and parents ask for compensation, or the parents actually consent to the arrangements for marriage in advance, with the intention of financial benefits.³⁶¹

In cases in which the parents were purportedly not involved in their daughters’ relationships with loggers, they subsequently either “give consent or negotiate bride price compensation”.³⁶² Under both scenarios, relationships between the girls and the loggers are described as *kastom* or *de facto* marriages, with compensation being paid to the girls’ parents, relatives or tribe either in money or material goods.³⁶³ Within communities, if there is consent by the parents, then “the deal is done”.³⁶⁴ It is important to acknowledge that the field research also revealed cases in which local girls married loggers who ended up staying to live in the village and integrating into the family.

352 Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

353 IOM, Trafficking of Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward, 2017, p. 88.

354 IOM, Trafficking of Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward, 2017, pp. 121, 161, also stating: In the Solomon Islands, the exploitation of “house girls” for sexual and domestic labour is a common practice in logging camps, such that every study on THB in the country “has concluded that commercial sexual exploitation of children is a serious and substantial problem,” one that requires “urgent action”.

355 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 26.

356 CRC, CRC/C/SLB/CO/2-3, 2018, paras 26(a), 48(a), further noting that the sexual exploitation of children, and their procurement for pornography are not criminalized.

357 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

358 KII, Staff, Save the Children, 11 November 2022.

359 See, e.g., Men’s FGD, Sigana, Isabel, 30 June 2022.

360 See, e.g., Men’s FGD, Sigana, Isabel, 30 June 2022.

361 See, e.g., KII, Ruruvai, Choiseul: Chief, 28 August 2022; KII Ruruvai, Choiseul, Teacher, 28 August 2022; Women’s FGD, 28 August 2022; KII, Posarae, Choiseul, Chief, 26 August 2022; KII, Posarae, Choiseul, Teacher, 26 August 2022; KII, Posarae, Choiseul, Church leader, 27 August 2022;

362 KII, Gender Focal Point, MHMHS, 16 November 2022.

363 Validation workshop, 4 May 2023.

364 Validation workshop, 4 May 2023.

Beyond parental involvement in the transaction, evidence of human trafficking was also revealed by the field research. With respect to logging camps, anecdotal information described morning and evening boats arriving in Makira province to transport house girls who provided massages and sex for food and other goods.³⁶⁵ One national stakeholder indicated that “that loggers move girls and women among the different camps to hide their trafficking”. This was confirmed by some community respondents in Choiseul, who stated that the loggers arrived in the community with house girls.³⁶⁶

It is interesting to note that a distinction was observed between men’s and women’s FGDs related to child sexual exploitation by loggers. Respondents in a men’s FGD in one village in Isabel indicated that girls in their communities were not married to or involved with loggers, while the women’s FGD indicated that such marriages occurred and “sexual services were being provided”.³⁶⁷ Similarly, participants in a men’s FGD in Choiseul also indicated that no girls from the village were involved with loggers, contradicting other respondents from the same community.³⁶⁸

It is important to recognize the links between CSEC and distortions of customary practices, such as early marriage and bride price, as well as the direct involvement of some traditional leaders. They both signal the important potential role to be played by traditional leaders at the local and national level in preventing and responding to grave abuses of children in the name of custom.

CSEC in the context of logging has been linked to child marriage and bride price. A 2006 regional report *Child Sexual Abuse and Commercial Exploitation of Children in the Pacific* “found the existence of foreigners marrying girls as young as twelve in exchange for money or gifts to the family. The perception was that the giving of cash or gifts in exchange for the girl was justified by the tradition of the bride price.”³⁶⁹

i. Facilitation

IOM and Save the Children reports indicate the involvement of “village and customary leaders” in the facilitation of CSEC and sex trafficking.³⁷⁰ The U.S. 2022 TIP Report qualifies the exchange as “customary practice” and states: “Often these payments are rendered after the victims escape or are returned home as informal compensation brokered by local leadership. In this way, local community leaders may also benefit financially from these arrangements.”³⁷¹ The involvement of local or traditional leaders in negotiating the price for families and “keeping girls they use as wives and marrying them off to whoever they want” was confirmed by national stakeholders.³⁷²

A 2017 report found that in some communities “under the ‘customary rule’ loggers are obliged to pay the parents of a girl approximately USD 640 for her sexual and domestic services”.³⁷³ It is significant to note the adaptability of “custom” in setting a fixed price for child sexual exploitation to logging company staff. The compensation is not conveyed to the girls, but rather to male family members.³⁷⁴

365 KII, Gender Focal Point, MHMHS, 16 November 2022.

366 KII, Gender Focal Point, MHMHS, 16 November 2022.

367 Men’s FGD, Kilokaka, Isabel, 3 July 2022; Women’s FGD, Kilokaka, Isabel, 3 July 2022, in which mixed views were expressed.

368 Men’s FGD, Ruruvai, Choiseul, 28 August 2022.

369 CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention: Solomon Islands, CEDAW/C/SLB/1-3, 2013, para 416, citing *Child Sexual Abuse and Commercial Exploitation of Children in the Pacific: A Regional Report*, 2006, UNICEF, UNESCAP & ECPAT, p. 42.

370 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, pp. 86, 88, internal citations omitted; see also, Save the Children, *Dynamics of Child Trafficking and Commercial Sexual Exploitation of Children in Solomon Islands*, 2015; KII, Staff, Save the Children, 11 November 2022.

371 U.S. 2022 TIP Report: *Solomon Islands*, [online], stating:

Under informal or traditional justice practices, parents frequently receive payments for sending young women and girls into forced marriages with foreign workers at logging and mining companies, where many of them are exploited in domestic servitude or sex trafficking.

372 KII, Gender Focal Point, MHMHS, 16 November 2022; Seif Ples, Staff, 11 November 2022;

373 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, pp. 86, 88, internal citations omitted; see also, Save the Children, *Dynamics of Child Trafficking and Commercial Sexual Exploitation of Children in Solomon Islands*, 2015.

374 KII, Seif Ples, Staff, 11 November 2022; KII, Save the Children, Staff, 11 November 2022.

Solair is the term used for those facilitating prostitution for loggers. The term derives from the name of Solomon Islands' national airline. It is used to describe the children carrying messages and acting as go-betweens for loggers and young girls, who receive either cash or in-kind payment, such as alcohol, for their services.³⁷⁵ This is one of the ways in which boys are also subject to exploitation connected to the logging industry. An IOM report describes: "Boys [...] are used as solairs, or facilitators, to provide girls to company employees. The latter also constitutes a form of abuse as the minors are engaged in criminal activities."³⁷⁶

The research indicated that girls, boys, men and women operate as *solairs*, though many of them are reportedly very young or peers and siblings of the girls, usually aged 14-16.³⁷⁷ The use of boys as young as age 9 and 10 as *solairs* was confirmed by one teacher in Choiseul.³⁷⁸ Several respondents in Isabel described *solairs* as family members of the girls.³⁷⁹ They were described as working "closely with the Asians who would approach them to arrange for certain girls that they want. The more beautiful the girl, the price goes up".³⁸⁰ Prices can range from as low as \$100-200 SBD.³⁸¹ It is not uncommon for the facilitator to receive more than the girl, who might be offered some biscuits, or in the case of one girl in the *Regina v. Saito* case (see below), a pair of socks.³⁸²

Several respondents commented that the *solairs* "are not held accountable if anything happens to the concerned girls or women".³⁸³ Increased use of mobile phones has enabled direct contact between loggers and girls, thus obviating the need for *solairs*, who have also become known as *newsgirls* or *newsboys*.³⁸⁴

The involvement of family members in facilitating sexual acts involving children constitutes a particular issue of concern. Peers, friends, family friends and teachers were reported by several respondents as engaged in procuring in Honiara.³⁸⁵ As one NGO reported: "Boys and men, especially male relatives of girls, will often act as 'go-betweens,' receiving monetary and/or in-kind payments from foreign or local workers for procuring their sisters, cousins or nieces."³⁸⁶

ii. Additional negative social impacts

Human trafficking and the commercial sexual exploitation of children can be characterized as grave human rights violations. These extremely negative social impacts in turn engender other long-term social and public health concerns, including increases in prostitution and early pregnancy.

Prostitution

Given that victims of sexual violence and incest are at a higher risk of subsequent abuse, CSEC in logging camps renders children and youth vulnerable to further abuse and exploitation. As observed by respondents in KIIs at the provincial level, sexually abused girls "end up in logging camps earning money from whatever means for their survival".³⁸⁷ At the village level, respondents characterized the situation as "girls seeking out pleasure at the logging camps and are used for sex" and, "girls and single mothers aggressively seeking out sex for money".³⁸⁸ As one respondent described: "the young girls who do not have someone to care for them, they jump logging boats, and do whatever is asked of them to get to other places in the country and they also provide sexual transactions".³⁸⁹

375 Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007; Men's FGD, Kilokaka, Isabel, 3 July 2022, also describing the use of family members, who used the "quick money" to buy alcohol.

376 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, p. 88, internal citations omitted; see also, U.S. Department of State 2022 Trafficking in Persons Report: *Solomon Islands*, [online], stating: "logging camp leadership reportedly force boys to serve as *solairs*—illicit brokers procuring girls for sexual and domestic service in worker lodging facilities"

377 IKII, Isabel, Development Officer, 23 June 2022; KII, Women's Development Director, MWYCFA, 16 September 2022; KII, Gender Focal Point, MHMHS, 16 November 2022.

378 KII, Ruruvai, Choiseul, Teacher, 28 August 2022.

379 Men's FGD, Kilokaka, Isabel, 3 July 2022; Chief, Sigana, Isabel, 30 June 2022; KII, Gender Focal Point, MHMHS, 16 November 2022; see also, U.S. Department of State 2022 Trafficking in Persons Report: *Solomon Islands*, [online].

380 Men's FGD, Kilokaka, Isabel, 3 July 2022.

381 KII, Gender Focal Point, MHMHS, 16 November 2022.

382 KII, Isabel, Development Officer, 2 May 2023; *Regina v. Saito* [2019] SBHC 108.

383 Men's FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 23 June 2022; Women's FGD, Ruruvai, Choiseul, 28 August 2022; Men's FGD, Posarae, Choiseul, 25 August 2022; KII, Posarae, Choiseul, Teacher, 26 August, 2023.

384 Women's FGD, Ruruvai, Choiseul, 28 August 2022; Men's FGD, Posarae, Choiseul, 25 August 2022; KII, Posarae, Choiseul, Teacher, 26 August 2023.

385 KII, Gender Focal Point, MHMHS, 16 November 2022; KII, Staff, Seif Ples, 11 November 2022; KII, Staff, Save the Children, 11 November 2022.

386 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017.

387 KII, Isabel, Development Officer, 23 June 2022.

388 Men's FGD, Sigana, Isabel, 3 July 2022; Women's FGD, Ruruvai, Choiseul, 28 August 2022.

389 KII, Gender Focal Point, MHMHS, 16 November 2022.

Sexual abuse and exploitation in Solomon Islands thus appears to be fueling increases in prostitution, survival sex in particular, both at logging sites and in Honiara.³⁹⁰ This was attributed, in part, to the strong social stigma attached to girls who have been “married” to the loggers, rendering them ineligible for marriage with others, stigmatized in their communities, and without any sources of income.³⁹¹ One respondent stated, “Some do remarry, but most are regarded as second class and are often ridiculed,” further qualifying that this was “a male perception”.³⁹² Stakeholders based in Honiara indicated that the growth of prostitution there is driven by the internal migration of girls from former logging areas.³⁹³ Prostitution was also attributed to the fact that sexual abuse by family members renders homes unsafe for many girls.³⁹⁴

Several respondents and NGOs also observed an increase in girls involved in transactional sex in Honiara.³⁹⁵ Anecdotal information indicates girls engaging in survival sex, including to pay money for school fees.³⁹⁶

Discussions with stakeholders revealed a reluctance to recognize these forms of transactional sex as prostitution, with some saying “stay away from the term prostitution,” and others (men) denying its occurrence.³⁹⁷

Early pregnancy

Another significant consequence of sexual violence and trafficking are the resultant early pregnancies. Loggers often leave the country, abandoning their wives and children, often without providing any spousal or child maintenance.³⁹⁸ Strikingly these girls and women, and their children, reportedly do not receive social welfare benefits. In some cases, the school fees for the children are waived.³⁹⁹ Caring for the children of such marriages becomes both a burden and stigma for the girls’ families, primarily women.⁴⁰⁰

The majority of field research respondents framed the problem as “an issue that the community is struggling with in terms of parents being overburdened with grandchildren from such marriages without any social welfare support”.⁴⁰¹ Strikingly, in most research locations, the concern expressed by respondents related to the increased burden to the grandparents of the children born of these “marriages”, rather than the welfare of the victims of the sexual exploitation.

Only one respondent, a female church leader in Choiseul province, made the connection between early marriages, child sexual exploitation and the increased care burdens for the parents of the exploited children: “early marriages in the community exist but it’s not openly discussed. Even the child sex trade exists with parental consent for money and that is why there are many cases of children that are being cared for by grandparents”.⁴⁰²

The stress of the unpaid care and work burdens and the impact on the relationships between parents and children were emphasized by respondents across all research locations.⁴⁰³ Additional care burdens impede women’s public and economic participation. Participants in a women’s FGD in Choiseul also indicated that they wanted “to see these relationships with their children restored through counselling and reconciliation”.⁴⁰⁴

390 Validation workshop, 4 May 2023, in which multiple stakeholders described increases in prostitution and survival sex in Honiara; KII, Women’s Development Division Director, MWYCFA, 16 September 2022; KII, Gender Focal Point, MHMHS, 16 November 2022; KII, Staff, Save the Children, 11 November 2022; KII, Isabel, Development Officer, 2 May 2023.

391 Men’s FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer 2 May 2023; Validation workshop, 4 May 2023. See also, Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

392 KII, Gender Focal Point, MHMHS, 16 November 2022.

393 Validation workshop, 4 May 2023; see also, U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online], stating: Following the government’s decision to cease issuance of new logging licenses, a decline in the industry has contributed to an increase in internal economic migration of communities located in former logging areas; these displaced communities may be at higher risk of sex trafficking and forced labour.

394 Validation workshop, 4 May 2023.

395 Validation workshop, 4 May 2023.

396 Save the Children, Solomon Islands Non-government Organisation’s Alternative Report on the Combined Second and Third Periodic Reports, 2017.

397 Validation workshop, 4 May 2023.

398 Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Women’s Development Division Director, MWYCFA, 16 September 2022; KII, Gender Focal Point, MHMHS, 16 November 2022.

399 KII, Isabel, Development Officer, 2 May 2023.

400 Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Women’s Development Division Director, MWYCFA, 16 September 2022.

401 KII, Ruruvai, Choiseul, Woman leader and Chief, 28 August 2022; KII, Posarae, Choiseul, Chief, 26 August 2022.

402 KII, Ruruvai, Choiseul, Woman leader, 28 August 2022.

403 KII, Posarae, Choiseul, Chief, 26 August 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

404 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

The negative health implications of early pregnancy are well-known globally. According to the World Health Organization (WHO), adolescent mothers face higher risks of eclampsia, puerperal endometritis and systemic infections, and “babies of adolescent mothers face higher risks of low birth weight, preterm birth and severe neonatal condition”.⁴⁰⁵

Anecdotal evidence indicates that newborn abandonment is common. Given the criminalization of abortion, the babies in question are believed to be born through rape and sexual violence, including incest.⁴⁰⁶ This ongoing phenomenon, causing further health risks and trauma to women and girls, can be attributed to the failure to effectively address CSEC, child sexual abuse and incest coupled with the criminalization of abortion.⁴⁰⁷

It is noteworthy that in such contexts the victims of incest, sexual violence, CSEC and human trafficking are those charged with a crime, especially given the absence of meaningful access to justice and services (see below) for sexual violence survivors and the widespread impunity enjoyed by perpetrators. Such extreme asymmetries in gender justice seem to have been rendered invisible by the prevailing patriarchal social norms.

iii. Other drivers of human trafficking and commercial sexual exploitation of children

In addition to harmful social norms, the transition from a subsistence to monetary economy has been considered an enabling factor for human trafficking and CSEC. As described by the U.S. 2022 TIP Report: “The inflow of a cash economic system, coupled with the continuation of an unregulated logging industry, has increased vulnerability to trafficking in remote communities, specifically for women and children.”⁴⁰⁸ IOM has also described the influx of money into a minimally regulated industry as heightening vulnerabilities, particularly for women and children.⁴⁰⁹

Some field research respondents emphasized poverty as a driver of TIP and CSEC. One respondent described parents as arranging transactional sex of their daughters “out of poverty and desperation for money”.⁴¹⁰ Another respondent described the phenomenon as a means of “getting financial or material gains to sustain their families”.⁴¹¹

In contrast, other respondents did not point to economic survival as the motivating factor, but rather described *solairs* wanting “quick money for alcohol”.⁴¹² The chief of a village in Choiseul province described one case involving “a mechanic who came with the logging company” who “forced his daughter to marry the loggers due to gambling debt” as an example of the ways in which “teenage girls [are] sold for money without their consent as a result of gambling”.⁴¹³

Other respondents focused on the lack of knowledge or awareness that the sexual exploitation of their daughters constituted a crime. For example, one respondent stated: “Poverty makes it so human trafficking is not seen as a criminal activity.”⁴¹⁴ An NGO representative explained: “There is little knowledge that what parents or relatives are involved in is trafficking of their children.”⁴¹⁵ Another NGO stated that the parents involved in their children’s transactional sex had “no information that what they are doing is morally wrong”.⁴¹⁶ Some participants at the validation workshop indicated, to the contrary, that parents “know it is wrong to send their children to the logging camps”.⁴¹⁷

405 WHO, [Adolescent pregnancy](#), [online].

406 Save the Children, 2 May 2023; see, e.g.,

407 Sections 157-159 of the Penal Code criminalise procuring and providing abortion services.

408 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online]. See also the U.S. 2020 State Department, Trafficking in Persons Report: [Solomon Islands](#).

409 IOM, *Community Health and Mobility in the Pacific: Solomon Islands Case Study*, 2018, p. xiv.

410 KII, Staff, Seif Ples, 11 November 2022.

411 KII, Staff, Save the Children, 11 November 2022; see, e.g., RSIPF, [RSIPF arrests female following death of a newborn baby in Honiara](#), 6 May 2023; SIG, [RSIPF arrests and charge a 38-year-old mother following death of a newborn baby in Central Province](#), 5 January 2023; Solomon Business Magazine, [Police investigates new born dead baby in church area](#), 6 April 2021; Solomon Star, [Baby abandoned](#), 8 March 2017.

412 Men’s FGD, Kilokaka, Isabel, 3 July 2022.

413 Ruruvai, Choiseul, Chief, 28 August 2022.

414 KII, Women’s Development Division Director, MWYCFA, 16 September 2022.

415 KII, Save the Children, Staff, 11 November 2022.

416 KII, Seif Ples, Staff, 11 November 2022.

417 Validation workshop, 4 May 2023.

Victim blaming

Both national- and provincial-level actors described victim blaming as “big and alive”.⁴¹⁸ As noted above, when discussing CSEC, few respondents specifically expressed concern for the children themselves. When describing early and child marriage with loggers, numerous respondents across research locations engaged in various levels of victim blaming, particularly when the arrangement was not made by the parents, nor conducted under the auspices of the church. They attributed the problem to relations that were the result of eloping or “just staying together without proper church marriage”.⁴¹⁹

“House girls,” current and former, face significant stigma in their communities.⁴²⁰ The stigma appears related not only to conservative social mores related to women’s sexuality, but also to the increased financial and care burdens imposed on their families in light of the children born of their relations with the loggers and their inability to assume the full weight of the responsibility due to their young ages. One participant in a men’s FGD in Isabel province explained that girls leaving their children in their parents’ care, “put a lot of stress on the parents due to the stigma and the burden of caring for the grandchildren”.⁴²¹

Such attitudes seemed to be linked with religious beliefs. Judgmental attitudes appear related to sex and marriage without church sanction. One Chief in Choiseul criticized girls for not attending church, attributing sexual exploitation to youth misbehaviour due to the consumption of alcohol, while also acknowledging parents’ engagement in the financial transactions. In response to questions about CSEC, some respondents expressed concerns about infidelity among married community members as equally troubling.⁴²²

Girls’ involvement with loggers was also attributed to the absence of parental and traditional guidance. A female church leader in Choiseul stated:

Some girls really need parental guidance to know right from wrong especially in making sure that they are not causing disharmony within the families due to having sexual relationships with others outside their marriage. Leaders also fail to perform their duties effectively.⁴²³

It is important to highlight the apparent willful blindness of community and family bystanders related to CSEC, sexual violence and human trafficking as expressed in the totality of responses across research locations, especially by men. A clear unwillingness to acknowledge the harm suffered by victims of serious crimes was evidenced by victim-blaming, including by focusing their responses on the impact of CSEC and human trafficking on the girls’ parents (e.g., increased care burdens), even though the parents were likely to have been complicit or active agents in the commission of the crimes.

Beyond holding perpetrators accountable, survivor-centred justice requires that “when a person has been harmed, the first duty of the moral community is to support and care for [the person]. When the community embraces the survivor, justice is served”.⁴²⁴ The high prevalence of violence, the absence of the recognition of the harm, and the prevalence of victim-blaming and stigmatization in communities results in some victims isolating themselves or engaging in survival sex, among other compounded harms. While community volunteers trained in psychosocial first aid by SIPPA and FSC are present in some communities, this is a commendable but not a sustainable approach.⁴²⁵ Community volunteers do not have the needed training, and the functioning of this service depends on unpaid work.

There is an important role to play by local traditional leaders and faith-based organizations, as well as churches and the MTGPEA to proactively foster survivor-centred, gender-sensitive repair between the victims of these crimes and their families and communities through the acknowledgement of those who actively enabled the harm. It would be important for local and national leaders to reflect on the results of the UNDP Access to Justice study with respect to their current abilities to address CSEC, incest and other forms of gender-based violence in the community.

418 KII, Women’s Development Division Director, MWYCFA, 16 September 2022; KII, Seif Ples, Staff, 11 November 2022.

419 KII, Kesa, Choiseul, Woman leader, 30 August 2022.

420 Men’s FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 2 May 2023.

421 Men’s FGD, Sigana, Isabel 30 June 2022.

422 KII, Posarae, Choiseul, Church Leader, 27 August 2022.

423 KII, Posarae, Choiseul, Church Leader, 27 August 2022.

424 Herman, J.L., Truth and repair, 2023.

425 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022.

Accountability and access to justice

Solomon Islands can be characterized by its pluralist legal system, encompassing both a formal justice system, as well as informal justice actors at the local level, including traditional leaders and village chiefs. The formal justice system is highly centralized, reducing access to justice for those living in rural and remote areas. Local courts remain under-utilized due to barriers to access, such as costs and distance from remote areas, long delays and a lack of legal awareness.

The lack of systemic connection between informal justice actors at the local level and the formal justice system, negatively impacts access to justice for much of the population, in particular for serious crimes or complex cases, such as GBV and human trafficking.⁴²⁶

Like their counterparts in other parts of the world, victims of gender-based violence in Solomon Islands face a slow and cumbersome legal process that surpasses the limits of women's time and economic resources. Most of the burden of the legal process falls on the victim, who may have to travel to attend court many times, assume the economic costs of travel, organize care for their children or other dependents and face fear of reprisals by offenders. Victims likely lack knowledge on legal proceedings. Free legal aid is limited and information on the availability of services scarce. GBV victims may also distrust law enforcement, and face re-victimizing practices across the justice chain.

This section addresses accountability for violations of the law and access to justice for victims of crime, with a focus on gender-based violence and human trafficking. Given the lack of data provided by the Ministry of Justice and Legal Affairs, it relies on information provided in reports, case law and the field research.

A. Reporting

Victims of gender-based violence, CSEC and human trafficking, have limited options for reporting in rural communities, primarily to police, traditional leaders and village chiefs, and local church leaders.⁴²⁷ It is important to recall that the overwhelming majority of these actors are men. According to UN Women, GBV victims in Solomon Islands prefer to report to women.⁴²⁸

Notably, only cases of physical and sexual violence are reported, due to less awareness of other forms of violence, including economic and psychological violence, stalking and grooming, among others.⁴²⁹ Reprisals against victims for reporting the violence were confirmed, perpetrated not only by the original offender, but also by family members and service providers.⁴³⁰

The field research further revealed that incidents of violence are often identified by local health care providers, rather than through reporting. Multiple respondents noted that health care providers identified cases of sexual violence against children and referred them to police and other service providers.⁴³¹ Many respondents from rural areas also signaled a clear preference for reporting cases of rape and sexual violence first to health care providers in order to receive the necessary medical attention, and then report to police.

426 UNDP, Access to Justice Study: Solomon Islands, 2019.

427 See, e.g., Men's FGD, Sigana, Isabel, 30 June 2022.

428 KII, Country Programme Coordinator, UN Women, 5 May 2023.

429 Validation workshop, 4 May 2023.

430 Validation workshop, 4 May 2023.

431 KII, Isabel, Development Officer; KII, Choiseul Development Officer, May 2023.

Many incidents of domestic violence are not reported, as it is considered as a private matter and not a crime.⁴³² Respondents explained that couples “try to resolve domestic violence issues themselves,” and community bystanders reportedly rarely intervene.⁴³³ One national stakeholder opined that due to the awareness raising and advocacy efforts of SAFENET, “this mindset is slowly changing”.⁴³⁴ Women’s FGDs described victims remaining silent and “hoping [the violence] will cool off over time”.⁴³⁵

Local leaders acknowledged that many victims decline to report the violence. One stated: “There could be many out there that are suffering in silence either out of fear . . . or they just do not know what to do to help themselves, especially women and children.”⁴³⁶ Most victims who report do so only after suffering for a long time. One women’s FGD described that:

some need time to come to terms with what happened to them or others. Sometimes it's because close relatives are impacted by the violence. It can be embarrassing and other times, it was reported to police but the response was slow in coming.⁴³⁷

One female church leader stated: “Some women just fear being exposed, and others feel alone in not knowing how to deal with the things affecting their family relationships and others in the community.”⁴³⁸ Women in rural areas are reportedly discouraged by family and community members and the police from filing complaints.⁴³⁹

The field research identified the following barriers to reporting across research locations:

- Stigmatization and shame, especially for rape victims
- Fear of reprisals or retribution
- Fear of being singled out
- Lack of confidence
- The perpetrator’s financial contributions to the family
- Chiefs are men and it is difficult to talk to them about GBV
- Women do not openly discuss DV or GBV
- Women do not know what the process of reporting entails
- Distance from any assistance and services
- There is no safe house to escape the violence
- Concern regarding care for their families in their absence
- No contact information of service providers
- No access to phones or internet
- Costs of travel to distant police outposts
- Fear of being penalized themselves.⁴⁴⁰

With respect to sexual violence, there is reportedly a strong reluctance to report rape due to shame, described as “a culture of silence”.⁴⁴¹ IOM found that:

The preference both legal and social, towards more informal, non-punishment based solutions that are grounded in cultural taboos on speaking about sexual violence and exploitation means that few cases involving sexual violence are brought to justice.⁴⁴²

432 KII, Save the Children, Staff, 11 November 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022; World Bank, *Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands*, 2015.

433 KII, Save the Children, Staff, 11 November 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

434 KII, Save the Children, Staff 11 November 2022.

435 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

436 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022.

437 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

438 KII, Posarae, Choiseul, Church leader, 27 August 2022.

439 *NGO Shadow Report on the Status of Women in Solomon Islands*, CEDAW.

440 See, e.g., Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Chief, 26 August 2022; Women’s FGD, Kilokaka, Isabel, 3 July 2022; KII, Isabel, Development Officer, 23 June 2022, 2 May 2023.

441 Validation workshop, 4 May 2023.

442 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, p. 88, internal citations omitted.

International organizations and NGOs have also identified a reluctance to seek assistance on behalf of child victims.⁴⁴³

As noted above, one customary practice related to bride price constitutes an obstacle to reporting. According to some traditions, women who return to their first families, seeking shelter and assistance, can be required to return a portion of their bride price or to offer a gift to their husband's family in order to return.⁴⁴⁴

With respect to men and boys, incidents of sex and gender-based violence are rarely reported, due to “fear and threats”.⁴⁴⁵ Persons with disabilities do not report due to fear and a belief that their complaints will not be heard.⁴⁴⁶

I. Police response

The Family Protection Act (FPA) requires police to investigate any report of domestic violence, and to “inform the alleged victim about their rights under this Act”.⁴⁴⁷

Police response to the gender-based crimes at issue in this report—domestic violence, CSEC, sexual violence and human trafficking—face several challenges. Uneven distribution of police posts throughout the country means that most rural communities lack any police presence.⁴⁴⁸ The communities of focus in this study in rural areas of Choiseul and Isabel provinces can be fairly characterized as lacking any police presence.⁴⁴⁹

Comments from the field research in Isabel include: “Police are miles away” and “the police station is too far”.⁴⁵⁰ Similar comments were made from villagers in Choiseul province: “Police are too far and communities have no funds to travel to seek police assistance.”⁴⁵¹ As a consequence, only victims whose families can pay for transportation to the closest police post will be able to report crimes.⁴⁵²

People living in remote areas often lack contact information for the closest police station.⁴⁵³ In some communities, only the village chief has the phone number for the police and all contact with the police must be channeled through the chief.⁴⁵⁴

Limited human and financial resources preclude police response to incidents in rural areas, as they reportedly do not have a sufficient fuel allowance to travel. However, the lack of fuel was viewed as an excuse for police inaction by many.⁴⁵⁵ Several respondents indicated that police had fuel, but made individualized, *ad hoc* decisions as to which cases to respond to in light of their limited human and financial resources. Some observed that they responded quickly to complaints of rape. At the same time, it was observed that if the police traveled to a remote village, they could not simultaneously be at their post to respond to others seeking assistance.⁴⁵⁶

443 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017.

444 KII, Seif Ples, Staff, 11 November 2022; Validation workshop, 4 May 2023.

445 KII, Gender Focal Point, MHMHS, 16 November 2022.

446 KII, Representative, PWDSI, 14 November 2022.

447 Section 47(2), FPA.

448 See, IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 7, 9; UNDP, Access to Justice Study: Solomon Islands, 2019.

449 This was confirmed by nearly all respondents in all research locations. IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022.

450 KII, Kilokaka, Isabel, Chief, 3 July 2022; KII, Kilokaka, Isabel, Church leader, 3 July 2022.

451 KII, Kesa, Choiseul, Traditional leader, 30 August 2022.

452 KII, Isabel, Development Officer, 2 May 2023.

453 See, IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 7, 9.

454 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, p. 23.

455 Men's FGD, Sigana, Isabel, 30 June 2022; KII, Isabel, Development Officer, 2 May 2023. Notably, lack of fuel for transport was offered by police as the reason for not responding to incidents involving domestic violence in Honiara. See, [NGO Shadow Report on the Status of Women in Solomon Islands](#), CEDAW.

456 KII, Choiseul, Development Officer, 5 May 2023.

Many respondents across research locations indicated that despite being contacted, the police rarely responded. Reiterated examples include:

*In terms of the police, sometimes the community reports cases to them but they receive no response. It's a bit disheartening.*⁴⁵⁷

*[We] report only to the police but nothing happens.*⁴⁵⁸

*Police and service providers are too far and costly to reach Police are very unreliable and [we] cannot refer cases to them.*⁴⁵⁹

*Too often there is no response from the police or even the police receive the reported GBV case, they have the excuses of not having fuel or transport to further investigate the case.*⁴⁶⁰

*Police don't always turn up. Police is not reliable and always unsuccessful.*⁴⁶¹

*The response especially from the police is not forthcoming... [we] do not report the violence to police, as there are no police posts close by, the distance is very far from Taro or Gizo, and the weather is not predictable to take the risk.*⁴⁶²

*The people do not trust the police as there are many cases reported that were not acted on to bring back confidence and respect for law.*⁴⁶³

According to field research respondents, in cases reported to the police: "Most times the abusers were never punished or disciplined."⁴⁶⁴ For example, one respondent stated that even when police do respond to domestic violence calls, they place the perpetrators in custody for the night and then return them, which has the effect of emboldening them.⁴⁶⁵ One Chief in Isabel wanted to see police accountability for their due diligence failures.⁴⁶⁶

Police infrequently make outreach visits to communities, their response to incidents is reportedly slow, and progress updates and follow-up on reported incidents occur infrequently.⁴⁶⁷ This has been attributed, in part, to reductions in budgets and to the long-standing focus by development partners "on the rebuilding of central institutional capacity, coupled with the failure to engage with community-based providers of policing and justice services in rural localities."⁴⁶⁸ Reach and legitimacy were neglected critical issues that exacerbated the lack of public confidence.

Respondents in multiple field research locations and national stakeholders also expressed concerns regarding police attitudes towards victims and police treatment of victims, namely blaming the victims rather than looking into the nature of the crime".⁴⁶⁹

Effective response by police is also compromised by diverse forms of ethical breaches of duty. These have been variously described as a refusal to take action due to sympathy, personal or familiar relations with GBV perpetrators.⁴⁷⁰ Participants at the validation workshop noted that prior to reporting, victims must first consider the perpetrator's relationship with the police.⁴⁷¹ Police reportedly tell victims who come to report to come back later, as a means of refusing to take their complaints. Interventions by perpetrators to discourage investigations, conflicts of interest resulting in no investigation being initiated, nepotism and corruption were also cited as concerns.⁴⁷²

457 Men's FGD, Kilokaka, Isabel, 3 July 2022.

458 KII, Kilokaka, Isabel, Traditional leader, 3 July 2022.

459 KII, Sigana, Isabel, Church leader, 30 June 2022.

460 FGD women, Sigana, Isabel, 29 June 2022; Women's FGD, Kilokaka, Isabel, 3 July 2022.

461 KII, Sigana, Isabel, Traditional leader, 30 June 2022.

462 FGD women, Kesa, Choiseul, 30 August 2022.

463 KII, Ruruvai, Choiseul, Church leader, 28 August 2022.

464 KII, Ruruvai, Choiseul, Chief, 28 August 2022.

465 KII, Posarae, Choiseul, Church leader, 27 August 2022.

466 KII, Sigana, Isabel, Chief, 30 June 2022.

467 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, p. 5, 9, 15. Cite to research

468 World Bank, Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands, 2015.

469 KII, Staf, Save the Children, 11 November 2022; KII, Ruruvai, Choiseul, Chief, 28 August 2022; KII, EVAW Coordinator, UN Women, 14 October 2022.

470 KII, Sigana, Isabel, Teacher, 30 June 2022; KII, Isabel, Development Officer, 2 May 2023.

471 Validation workshop, 4 May 2023.

472 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 9, 11; Women's FGD, Kilokaka, Isabel, 3 July 2022, KII, Isabel, Development Officer, 2 May 2023.

It is interesting to note in this regard that although police have the lowest public perception compared to other justice institutions (e.g., community leaders and courts), women expressed the highest preference for reporting crimes to the police (53%), compared to village chiefs (28%) and family and church leaders (7.2% and 6.9% respectively).⁴⁷³ A significant gender divide in domestic violence reporting was also documented, with 46% of women preferring to report to the police, compared to 26% of men.⁴⁷⁴

Women's preference for reporting domestic violence and other crimes to the police (often persons from outside their community) and a clear disinclination to report to family members and church leaders, may signal their desire for a more objective appreciation of the facts surrounding the crime. In response to field research questions, women repeatedly expressed that they wanted to report to and receive counseling from a "neutral" person.⁴⁷⁵ Women's reporting preferences might further reflect an avoidance of those actors for whom the reproduction of patriarchal values might be the strongest.

Multiple stakeholders suggested that police need ongoing training on response to cases involving gender-based violence, noting that the curriculum provided by the Police Academy is not sufficient. The constant rotation of postings further dilutes the impact of police trainings. It was also recommended that the leadership of the RSIPF proactively engage with the MWYCFA to increase police engagement in the implementation of the Family Protection Act.⁴⁷⁶

II. Informal justice

The most accessible mechanism for addressing gender-based violence complaints is through community-level informal justice providers, namely: village chiefs and traditional or church leaders. According to the field research, village chiefs, traditional and church leaders engage in reconciliation in domestic violence cases, in addition to sometimes calling the police.⁴⁷⁷ Even child sexual abuse is seen as an issue for reconciliation.⁴⁷⁸ It was observed that because people come to consult the chief in the common house, there is no confidentiality in reporting through this venue, which also functions as a disincentive.

In addition to reconciliation, customary law in Solomon Islands can also involve retaliation as a common means to resolve disputes, including crimes against women and children. Compensation, described in more detail below, can also be accepted as a full remedy even for very serious crimes.⁴⁷⁹

In its General Recommendation No. 33 on women's access to justice, CEDAW observed that while "chieftancy-based" alternative dispute resolution, in which chiefs and other community leaders resolve interpersonal disputes:

may provide greater flexibility and reduce costs and delays for women seeking justice, they may also lead to further violations of their rights and impunity for perpetrators because they often operate on the basis of patriarchal values, thereby having a negative impact on women's access to judicial review and remedies.⁴⁸⁰

It thus recommended that "under no circumstances" should violence against women cases be referred to alternative dispute resolution procedures.⁴⁸¹

473 UNDP, Solomon Islands Access to Justice Study, 2019, p. 2.

474 Although significantly less than women, police was the highest percentage for men as well.

475 Women's FGD, Ruruvai, Choiseul, 28 August 2022; Women's FGD, Sigana, Isabel, 30 June 2022.

476 KII, Legal officer, Ministry of Justice, 5 May 2023; KII, Country Programme Coordinator, UN Women, 5 May 2023, noting that issues related to police response are elevated to CARECOM.

477 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022, noting that he would "usually warn and discussed with the disputing parties and try to see if they can resolve it peacefully"; KII, Ruruvai, Choiseul, Church elder, 28 August 2022.

478 KII, Ruruvai, Choiseul, Church elder, 28 August 2022.

479 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, p. 88.

480 CEDAW, General Recommendation No. 33 on women's access to justice, CEDAW/C/GC/33, 2015, para 57.

481 CEDAW, General Recommendation No. 33 on women's access to justice, CEDAW/C/GC/33, 2015, para 58(c).

At the same time, the CEDAW Committee has recognized that in pluralist legal systems, such as in Solomon Islands, women are not always able to exercise a choice of forum.⁴⁸² Police unresponsiveness coupled with the limited reference to the use of protection orders and court cases, suggest that most persons living in rural and remote areas face significant barriers in access to formal justice and thus have little choice but to seek assistance from the village chief, and/or traditional and church leaders. According to the 2019 UNDP Solomon Islands Access to Justice Study, community leaders were reported to be the most accessible justice actors; lawyers were categorized as the least accessible, also driving individuals toward informal justice options.

The UNDP study indicated a high overall satisfaction (82%) with the ability of community leaders to effectively resolve disputes, and a lower overall satisfaction rate with the police (65%). As noted above, a significant gender difference was observed with respect to reporting crimes, with the highest percentage of women (53%) preferring to report to the police. This seems to suggest that women may resort to informal justice only in the absence of an alternative.

According to the field research, women tend to use informal justice due to its geographic accessibility and the costs associated with seeking formal justice, particularly travel costs. Women's lower levels of education and gender discriminatory attitudes reduce their confidence to report and to navigate legal proceedings. Family care obligations may be another factor. Women also expressed a clear preference for reporting crimes to village chiefs over family members and church leaders.⁴⁸³

Within the context of the family “female and younger members of households must often comply with decisions taken by elder family members and males, in particular”.⁴⁸⁴ The stark difference between the preferred actors for women to report to—police (preferred by 53% of women), community leaders (preferred by 28% of women) and family members (preferred by 7% of women)—leaves little doubt about the hierarchy of choice.

While apparently free in many communities, costs for the intervention of village chiefs and traditional leaders were also identified in some research locations. For example, the cost for a “normal case” (e.g., not related to land) ranged from 20 - 100 SBD in one village in Isabel.⁴⁸⁵

With few exceptions, traditional leaders and village chiefs are men. Exceptions were reported in two communities in Isabel province, in which women assumed the roles of chief, albeit subordinate to male chiefs.⁴⁸⁶ Respondents in these communities reported a female chief in U'uri who “makes it her business to deal with GBV and other issues affecting women in her village, so that she earned the trust of everyone there”.⁴⁸⁷ This reference to women's engagement in traditional governance clearly demonstrates the ways in which women's inclusion can better “cater [...] to the needs and interests of women”.⁴⁸⁸ It should not be forgotten that women have the right to participate in the political and public life of their country at all levels, including at the community level.⁴⁸⁹

In contrast to the high overall satisfaction with community leaders indicated in the UNDP Access to Justice study, field research respondents held differing opinions as to the availability and effectiveness of informal justice actors. Several indicated that traditional leaders declined to hear domestic violence cases.⁴⁹⁰ One women's FGD participant stated that sometimes chiefs “asked to deal with cases of domestic violence or other disputes, don't do anything, hoping the problem will go away or get better, but the opposite happens”.⁴⁹¹

482 CEDAW, General Recommendation No. 33 on women's access to justice, CEDAW/C/GC/33, 2015, para 62.

483 UNDP, Solomon Islands Access to Justice Study, 2019, p. 2.

484 IOM, *Trafficking in human beings and smuggling of migrants in ACP countries*, 2017, p. 101.

485 KII, Sigana, Isabel, Chief, 30 June 2022.

486 Men's FGD, Kilokaka, Isabel, 3 July 2022, indicating female chiefs within each tribe, with men constituting the “No. 1 chief”; KII, Isabel, Development officer, 2 May 2023.

487 Women's FGD, Sigana, Isabel, 30 June 2022.

488 IDLO, *Navigating complex pathways to justice: Women and customary and informal justice systems*, Issue brief, 2020.

489 Article 7, CEDAW; CEDAW, General Recommendation No. 23 on political and public life.

490 KII, Seif Ples, Staff, 11 November 2022.

491 Women's FGD, Kilokaka, Isabel, 3 July 2022.

At the same time, national stakeholders, community members and the chiefs themselves indicated a limited ability to offer meaningful solutions related to GBV. One respondent described them as “feeling sorry” for the perpetrator.⁴⁹² Others indicated that chiefs and church leaders were trying their best to resolve violence concerns in their communities, but lacked the training to do so effectively. Chiefs also expressed being overwhelmed with the number and complexity of issues to which they are required to respond.⁴⁹³

A national stakeholder stated: “A lot of work needs to be done to be able to provide training on GBV to gatekeepers, such as chiefs and church leaders.”⁴⁹⁴ These comments, including by informal justice actors themselves, suggest training is needed on how to implement laws such as the Family Protection Act, and to mediate cases using gender-sensitive, victim-centred approaches in ways that uphold women’s and girls’ rights.⁴⁹⁵

With respect to FBOs, a Church Elder in Choiseul province explained, for example, that many of the issues of concern were simply against the church rules, so no clear guidance was available on how to solve them.⁴⁹⁶ Church leaders tend to invoke prayer.⁴⁹⁷ The UNDP Access to Justice study indicated a minimal preference for reporting to church leaders.⁴⁹⁸ At the same time, the field research revealed emerging spaces for women to exercise leadership roles through church, with the potential to become more responsive to victims for reporting and referral purposes. KIIs were held with a number of women church leaders who had a clear awareness of the dimensions and dynamics of GBV and CSEC in each research location.⁴⁹⁹

One critical structural barrier faced by victims of domestic violence, human trafficking or other crimes is that the lack of “connection between traditional/village authorities and the formal justice system prevents the proper handling of more serious or complex cases”.⁵⁰⁰ The links between informal justice provision and access to formal justice mechanisms must be solidified in ways that increase rather than decrease women’s participation and effectively address their needs and concerns.

B. Legal framework for protection

Protection is an essential element of GBV response. The FPA establishes a framework for protection of victims of domestic violence, providing for three forms: police safety notices (PSNs) issued by police officers, protection orders (POs) to be issued by magistrate judges, and interim protection orders (IPOs), which are to be issued by an “authorized justice,” but which are currently being issued by police.⁵⁰¹

Police may issue a PSN in a case in which there are “reasonable grounds” to believe that domestic violence has been or is likely to be committed, and the PSN is considered as “necessary,” because of urgent circumstances and obtaining a judicial protection order is not practicable.⁵⁰² Every PSN constitutes an injunction against the commission of domestic violence against the “affected person,” (e.g., victim) or in the presence of an affected vulnerable person,⁵⁰³ and prohibits the respondent from possessing a firearm.

492 KII, Sigana, Isabel, Teacher, 30 June 2022.

493 Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Chief 26 August 2022; Men’s FGD, Kilokaka, Isabel, 3 July 2022; Men’s FGD, Sigana, Isabel, 30 June 2022.

494 KII, Women’s Development Division Director, MYCFA, 16 September 2022.

495 See, IDLO, Navigating complex pathways to justice: Women and customary and informal justice systems, Issue brief, 2020.

496 KII, Ruruvai, Choiseul, Church elder, 28 August 2022.

497 See, e.g., KII, Ruruvai, Choiseul, Church elder, 28 August 2022; Women’s FGD, Ruruvai, Choiseul, 28 August 2022; KII, Posarae, Choiseul, Church leader, 27 August 2022;

498 See also, World Bank, Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands, 2015, stating “women are generally marginalized and absent from dispute resolution by kastom, church, and state authorities”.

499 Women’s FGD, Sigana, Isabel, 30 June 2022; Validation workshop, 4 May 2023, noting the potential for women’s leadership in churches, depending on the denomination.

500 UNDP, Solomon Islands Access to Justice Study, 2019, p. 3

501 See, Sections 12-18, FPA; KII, Legal officer, Ministry of Justice, 5 May 2023.

502 Section 12, FPA

503 The definition of “vulnerable person” set forth in the Act is limited to children, defined as those under the age of 18, and persons with cognitive impairment. Article 3, FPA.

PSNs can be issued *ex officio* and *ex parte*, that is, with immediate effect with or without notice to the perpetrator. They automatically last for a period of 21 days, which can be extended by the police officer in cases in which obtaining an IPO was not possible during the first 21 days.⁵⁰⁴

The PSN remains in effect until a court or “authorized justice” (see below) can make a decision on a PO or IPO, respectively. Two conditions are automatically imposed by PSNs: an injunction against committing additional violence and possessing a firearm. Upon the discretion of the police officer, additional conditions can be added, such as contact bans, including establishing a required distance from the affected person, banning the respondent’s entry into specific places, and possession other types of weapons.⁵⁰⁵

The FPA does not limit police duties to the issuance of the PSN, but requires follow-up, including possible investigation. Section 12(5) states: “The issue of the notice does not limit the duty of the police officer to investigate whether the respondent has committed an offence related to domestic violence under this or any other written law”. The FPA further requires police to “as soon as practicable but within 21 days after issuing the notice, assist the affected person to make an application for a protection order”.⁵⁰⁶

The Ministry of Justice and Legal Affairs provided no data on the issuance of any form of protection, of PSNs, of POs or of IPOs.⁵⁰⁷ In the field research locations, few respondents at the village level had heard of PSNs, with only two exceptions. Notably, village chiefs reported not being aware of the existence of protection orders.⁵⁰⁸ Responses included, *inter alia*:

*Church or even leaders do not know about PSNs. Police need to do more awareness on the PSNs and other services.⁵⁰⁹
People, including the elders, do not know the process and what PSNs are.⁵¹⁰*

According to the Ministry of Justice and Legal Affairs, it takes a long time for police to serve PSNs and IPOs, because the perpetrator runs away.⁵¹¹ A lack of follow-up on domestic violence and other cases was also reported, despite clear requirements to do so under the law.⁵¹² Challenges were also noted in the way cases involving IPOs are forwarded to the magistrate court, requiring legislative reform.⁵¹³

With respect to protection for victims of CSEC and human trafficking, national law does not contemplate out-of-court protection, as required by the Trafficking Protocol.⁵¹⁴ In practice, the protection offered to victims is “inadequate”.⁵¹⁵

504 Section 14, FPA.

505 Sections 14, 15, FPA.

506 Section 16, FPA.

507 KII, Legal officer, Ministry of Justice, 5 May 2023.

508 Exceptions included a traditional leader in Posarae and a Church elder in Ruruvai, Choiseul.

509 KII, Kilokaka, Isabel, Church leader, 3 July 2022.

510 KII, Kesa, Choiseul, Traditional leader, 30 August 2022.

511 KII, Legal officer, Ministry of Justice, 5 May 2023.

512 Women’s FGD, Kilokaka, Isabel, 3 July 2022; KII, Sigana, Isabel, Teacher, 30 June 2022.

513 KII, Legal officer, Ministry of Justice, 5 May 2023.

514 Article 6(5) of the Trafficking Protocol states: “Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.”

515 U.S. 2022 TiP Report: [Solomon Islands](#), [online].

C. “Authorized justices” and “prescribed persons”

The FPA foresees a role for “authorized justices” and “prescribed persons” in its implementation at the local level, linking traditional and formal justice mechanisms in an effort to strengthen access to justice. It defines “authorized justice” as a “[j]ustice of a [l]ocal Court” or “a prescribed person or a person belonging to a prescribed class of persons”,⁵¹⁶ The Chief Justice is responsible for appointing “authorized justices,” who are drawn from registered members of local courts pursuant to the Local Court Act, which primarily addresses land matters. Significantly, they are all men.⁵¹⁷ Authorized justices are currently operational only in Guadalcanal and Malaita provinces. They have been trained on land issues, but are not yet gender sensitized.

“Prescribed persons” also refers to members of the Local Court, retired government officers and/or persons who have status at the village level: traditional leaders, village chiefs or elders.⁵¹⁸ Prescribed persons have been identified for selection as “authorized justices”. Attention was paid to the lack of women’s representation, and those identified for training are 50% women.⁵¹⁹

Not yet fully operational, regulations covering “authorized justices” and “prescribed persons” still need to be adopted. Training for them is pending the adoption of the regulations.⁵²⁰ Linkages between police and authorized justices still remain to be formalized. An emerging issue of concern is the lack of protection for “authorized justices,” who face threats of violence for their engagement on domestic violence issues.⁵²¹

Functioning as a hybrid system of State and local leaders, the use of “authorized justices” holds promise for extending the reach of judicial institutions and, if properly sensitized to gender issues and the use of a victim-centred approach, improving meaningful access to justice to women and girls with limited alternative options.

516 Section 9, FPA. See also, Section 2, Child and Family Welfare Act, defining authorized justice as “a person prescribed to be an authorised justice by regulation or a person belonging to a class of persons prescribed to be authorised justices by regulation”.

517 KII, Legal officer, Ministry of Justice, 5 May 2023; KII, Country Programme Coordinator, UN Women, 5 May 2023.

518 KII, Legal officer, Ministry of Justice, 5 May 2023. A regulation governing the role of authorised justices and prescribed persons is pending.

519 KII, Legal Officer, Ministry of Justice, 5 May 2023. Selected “prescribed persons” were identified among “community facilitators” who received training on gender and domestic violence by Save the Children and World Vision through a programme established by the Secretariat of the Pacific Community (SPC).

520 KII, Legal officer, Ministry of Justice, 5 May 2023.

521 KII, Legal officer, Ministry of Justice, 5 May 2023.

Judicial proceedings

Formal justice institutions face an array of challenges in ensuring access to justice. Judicial backlogs render formal justice an ineffective dispute resolution option for many types of cases. The Public Solicitor's Office (PSO), which offers legal aid, has offices in only three out of the nine provincial capitals, and a growing backlog due to understaffing and limited resources. According to the UNDP Access to Justice study, only 1-2% of survey respondents had considered bringing cases.⁵²² Ongoing barriers to access to justice and accountability can be attributed in part to gaps in, and the lack of harmonization across, the national legislative framework.⁵²³

The Ministry of Justice and Legal Affairs did not provide data on the number of cases involving gender-based violence, CSEC or human trafficking.⁵²⁴ Anecdotal evidence from the field research suggests that few domestic violence cases appear before courts, and many of those that do are dismissed. Domestic violence cases are often prosecuted under the assault provision of the Criminal Code, which provides no meaningful remedy to victims because sanctions are frequently fines, which are taken from the family budget. However, cases were identified on the Pacific Islands Legal Information Institute (PACLI) website that were prosecuted under the FPA.⁵²⁵ The law does not require that the defendant's financial obligations to dependents be considered in the determination of the fine.⁵²⁶

Anecdotal information and the PACLI website suggest that rape cases do get prosecuted.⁵²⁷ One identified barrier in cases involving children is the FPA provision requiring doctors to submit a report to police or social welfare workers.⁵²⁸ Doctors' refusal to serve as witnesses in such cases reportedly limits the introduction of evidence.⁵²⁹

According to the 2022 U.S. TIP Report, three sex trafficking investigations were initiated in 2022, compared with two investigations in 2020. It also observes trafficking cases being prosecuted under different crimes, with lesser penalties.⁵³⁰ One prosecution of an alleged sex trafficker was initiated in 2021, the first trafficking prosecution since 2017. For the second consecutive year, the government did not convict any traffickers.⁵³¹ The 2022 U.S. TIP Report identified several challenges to the prosecution of human trafficking cases, including:

Geographic challenges, insufficient funding of enforcement agencies, lack of technical expertise, low judicial and police capacity, and a lack of awareness of the crime and of the relevant laws among front-line officers, particularly in remote areas of the country (...). Observers ascribed a higher likelihood of acquittals and dismissals of such cases to backlogs in court, incomplete investigations, insufficient evidence or lack of testimony, and safety concerns among victims and their families.⁵³²

Several barriers were identified to CSEC prosecutions. First, the legalization of child marriage at the age of 15 by the Islanders' Marriage Act was considered by numerous stakeholders to be one of the biggest obstacles to prosecuting child sexual exploitation.⁵³³ Another barrier appears to be the use of alternative criminal provisions. For example, one stakeholder indicated that cases involving the prostitution of minors are prosecuted as rape.⁵³⁴

The length of the proceedings, re-traumatization and the likelihood of acquittal are all disincentives for victims to seek formal judicial remedies.⁵³⁵

522 UNDP, Solomon Islands Access to Justice Study, 2019, p. 2.

523 KII, Acting Director of Immigration, MCIL, 16 August 2022.

524 KII, Legal officer, Ministry of Justice, 5 May 2023.

525 R v. Kiriau [2020] SBMC 12; Criminal Case 12 of 2020 (4 May 2020); Regina v. Sare [2020] SBMC 6; Criminal Case 75 of 2019 (27 February 2020).

526 KII, Legal officer, Ministry of Justice, 5 May 2023.

527 KII, Isabel, Development officer, 23 June 2022; see, e.g., Regina v. Luimalefo, 2008, [2008] SBHC 74; HCSI-CRC 224 of 2007 (12 December 2008), conviction for attempted rape.

528 Section 46(e), FPA.

529 KII, Gender Focal Point, MHMHS, 16 November 2022.

530 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

531 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

532 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

533 KII, Staff, Save the Children, 11 November 2022; KII, Gender Focal Point, MHMHS, 16 November 2022.

534 KII, Gender Focal Point, MHMHS, 16 November 2022.

535 Validation workshop, 4 May 2023.

A. Case law

An examination of a few judicial decisions on rape made available through the PACLII website reveals serious concerns related to misapplication of national law and international standards. For the few cases that make it to court, judicial interpretation constitutes another concerning barrier to the effective implementation of the law and victims' access to justice, especially for a common law country.

I. Domestic violence

A review of recent domestic violence jurisprudence revealed numerous positive examples of the implementation of the FPA. Concerns include an ongoing focus on reconciliation as a primary aim of dispute resolution in such cases.⁵³⁶ Reference to provocation or the lack of provocation as an aggravating circumstance is problematic as there should be no legal justification for the use of physical violence.⁵³⁷ In the *Regina v. Garomo* case, the court acquitted the defendant who was a police officer based on the victim's decision not to testify in the case, despite the witness testimony of other police officers who witnessed the violence.⁵³⁸ The judge did consider the numerous reasons a victim of domestic violence might decline to testify, including fear of retaliation.

II. Rape and sexual violence

In the case *Regina v. Patrick Tiliwewe*, the judge required the prosecution to establish lack of consent regarding the rape of a child who was between the ages of 7 and 10-years-old at the time of the five offences. The judge stated:

Rape under section 136F [of the Penal Code Amendment (Sexual Offences) Act] is the act of a person having sexual intercourse with another person without the other person's consent. Section 136F does not exclude consent for persons of tender age. If Parliament had intended that should be the case, it would have clearly stated so as it did for the offences under section 139 of the Penal Code (Amendment) (Sexual Offences) Act 2016, where section 139 (3) clearly excluded the prove of consent is no defence. Thus in charges of rape under section 136F, my view is, even if the complainant or victim is of tender age, the prosecution has to prove that she or he did not consent to sexual intercourse with the accused because lack of consent is an element of the offence and the Crown must prove the element.⁵³⁹

As a result, the defendant was acquitted of all charges.

In the *Regina v. Mola* case, the adult male defendant was convicted and sentenced for raping his 12-year-old niece. The judge considered their difference in age (13 years) as an aggravating factor, not the fact that the victim was a minor.⁵⁴⁰ In the case *Regina v. Tebaia*, in which the defendant raped his niece at knife point, the Court of Appeals found that the defendant had a right to physically strike her.

The Court stated: "he was her uncle and was aware of the power such a relationship had on her and his right to admonish and strike her in public for her behaviour". It further found the fact that he did not directly use the knife to injure her and used only the threat of physical violence to constitute a mitigating circumstance.⁵⁴¹

536 *Regina v. Kiriau* [2020] SBMC 12; Criminal Case 12 of 2020 (4 May 2020).

537 *Regina v. Lomulo* [2019] SBMC 19; Criminal Case 9 of 2019 (19 April 2019); *Regina v. Sare* [2020] SBMC 6; Criminal Case 75 of 2019 (27 February 2020); but see, *Regina v. Foster* [2017] SBMC 58; Criminal Case 148 of 2017 (27 November 2017), stating:

Although your wife might be provocative or acted inappropriately in your marriage relationship, you have absolutely no right to use violence against her. Her right afforded by the law for her protection from ill treatment or other forms of human degradation is exactly the same as yours.

538 *Regina v. Garomo* [2019] SBMC 22; Criminal Case 181 of 2018 (6 May 2019).

539 *Regina v. Patrick Tiliwewe* [2018] SBHC 94; HCSI-CRC 120 of 2014 (19 October 2018).

540 *Regina v. Mola*, [2018] SBHC 95; HCSI-CRC 175 of 2017 (17 October 2018).

541 *Regina v. Tebaia* [2017] SBCA 7; SICOA-CRAC 18 of 2016 (5 May 2017).

Courts have failed to reflect on the age of victims of rape, although they were clearly minors, and often required evidence of the use of force, “like torn cloths, injuries to her body or vagina, or dirt on her body and cloths”.⁵⁴² In the case *Regina v. Sesema*, the defendant forced his wife to have sex with another man, who was the only recognized victim in the case. The decision reads:

That night you ordered your wife to go and have sex with the victim. She was afraid. She went to the victim’s house and woke the victim and told him what you had ordered her to do. You then went into the room. The victim wanted to get away but you punched him in the face. You then forced the victim and your wife to engage in oral sex with each other.

No discussion or sanctions were applied to the defendant for forcing his wife to have sex with a third party.⁵⁴³

III. CSEC

In the case of *Regina v. Saito*, the High Court dismissed multiple counts of CSEC by misinterpreting several legal provisions and what appears to be a willful misreading of the facts.⁵⁴⁴ With respect to a misapplication of the law, the court read heightened requirements into the definition of the words “commercial,” and “procure,” and added a use of force or coercion requirement where there is none.

The court read a business or trade requirement into the definition of “commercial,” in which a simple financial exchange is required by national law and international standards.⁵⁴⁵ In application of Section 143(3) of the Penal Code (Amendment) (Sexual Offences) Act, the court also limits the scope of the original provision, which establishes an offence “if the person induces, invites, persuades, arranges or facilitates the provision of commercial sexual services by a child” to “persuade, induce or influence” only, when the verbs “invite, arrange or facilitate” more closely reflected the factual scenario. “Influence” does not appear in the text of the provision. The court also added the additional requirement that the defendant himself make the offer to the victim. The court’s reading of the statute would thus impede any prosecution for child sexual exploitation involving intermediaries.

Notably, the decision stated:

the evidence depicts a separate and private incident which the defendant had with PW24 to have sex with her, and which she willingly and voluntarily participated in. There is an absence of evidence of any form of coercion, force, pressure or any other inappropriate pressure applied, other than a phone call to meet him at his room at the hotel, which she readily accepted of her own freewill and volition without any form of promises for payment or exchange of any money for sex.

The characterization of sex with a minor as a “private” matter is troubling. The imposition of a coercion or force requirement where none exists contravenes both international standards and national law. Indeed, the “means” element of the crime are not required at all in child sexual exploitation cases pursuant to international law.

The court dismissed one count because the girl brought to the defendant was older than 10 and not to his liking. The judge further rejected the “attempt” charge, finding the acts of the defendant, requesting three persons to bring to him girls aged 10 on multiple occasions, “too remote”.

It is interesting to note the judge’s imposition of an age verification requirement in light of the lack of civil registration for many Solomon Islanders. Moreover, he required that the alleged victims be under the age of 15, when the definition of “child” under the Penal Code (Amendment) (Sexual Offences) Act is a person under the age of 18. Noting that only a few of the errors in the decision are discussed here, the *Saito* decision calls into question not only judicial capacity, but rule of law concerns, including corruption.

⁵⁴² *Magiaro v. Regina* [2017] SBHC 148; HCSI-CRC 197 of 2012 (15 November 2017), in which the Court enumerate unsubstantiated reasons why women in general and the victim specifically falsely allege rape.

⁵⁴³ *Regina v. Sesema* [2022] SBHC 72; HCSI-CRC 406 of 2020 (30 September 2022).

⁵⁴⁴ *Regina v. Saito* [2019] SBHC 108.

⁵⁴⁵ Section 136 of the Penal Code (Amendment) (Sexual Offences) Act defines “commercial sexual services” as “sexual services provided in return for financial or other reward, whether or not the reward is actually received by the person providing the sexual services or by another person”.

The misapplication of law in the Saito case reflects more a generalized lack of clarity related to these crimes. Child prostitution in Solomon Islands is very often a form of survival sex. Some of the minor girls with whom the defendant in the Saito case had sex did so for items of clothing. Several male participants at the validation workshop challenged the notion of survival sex as a form of prostitution, also by reading a higher scale of 'business enterprise' into the definition of prostitution. Effectively addressing child prostitution will remain a serious challenge if stakeholders do not recognize it. As noted above, sexual violence is also commonly understood as requiring physical violence, and this requirement is being read into the legislation by courts.⁵⁴⁶

An examination of the judgments available on PACLII seems to indicate that judicial reasoning continues to improve over time. Yet the ongoing lack of child and gender sensitivity in the dynamics of cases involving sexual violence is striking, and raises concerns related to victims' meaningful access to justice through the courts at a systemic level.

Moreover, many of the judicial decisions reviewed make direct reference to the names and other identifying information of sexual assault victims, including minors, in violation of their right to privacy and protection.⁵⁴⁷ Training is needed for all judicial actors on all forms of GBV, on CSEC, on human trafficking, and on gender-sensitivity.⁵⁴⁸ The provision of training to justice-sector actors is challenged by the absence of a judicial academy.

B. Sexual violence, CSEC and human trafficking linked to extractive industries

Despite progress, there remains an overall culture of impunity for both sexual and gender-based crimes and violations of logging regulations in Solomon Islands.

One of the clear challenges to addressing this manifestation of violence is the widespread involvement of family members in the sexual exploitation of their children. Family members are disinclined to report and to seek the prosecution of other members of the family, particularly as their incarceration can have a devastating economic and social impact on the family. It is also traumatic for child victims to testify against family members, even under the best conditions. In this regard, the legislative framework in Solomon Islands does not yet meet the victim and witness protection requirements set forth by UNTOC and the Trafficking Protocol.

Given the evident capacity challenges of the justice sector to address complex cases involving CSEC and human trafficking, and the barriers to victims to access the justice system, an individual case-by-case approach to combating a widespread problem appears unrealistic. The absence of any publicly available justice-sector data, despite significant international support for data collection,⁵⁴⁹ impedes monitoring its effectiveness and any accountability for justice-sector failures.

Additional, more accessible justice mechanisms are needed to address sexual and gender-based crimes committed in the context of national resource extraction. Complaint mechanisms could be established by the SIG, in coordination with MWYCFA, to specifically address social impacts of logging and other extractive industry projects.

Other countries facing a history of the long-standing and egregious commission of gender-based crimes have engaged in alternative justice processes, including national independent investigations, inquiries, truth and reparation processes and traditional ceremonies to recognize the harm.

Two examples include Ireland's independent public investigation into the mother and baby homes in response to the "barbaric and inhumane treatment" of women and children in the Magdalene laundries;⁵⁵⁰ and, Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls, which is now providing long-term aftercare to survivors.⁵⁵¹ The latter may be a particularly useful example for Solomon Islands as it has been grounded in traditional ceremonies and values.

It is this type of restorative justice process between parents, families, communities and the child victims that women's FGD participants identified when they expressed their desire "to see these relationships with their children restored

546 Validation workshop, 4 May 2023.

547 The adult male victim's name was not indicated in the case *Regina v. Sesema* [2022] SBHC 72; HCSI-CRC 406 of 2020 (30 September 2022); names were protected in other judgments viewed on the PACLII website that were issued in 2022.

548 KII, Legal officer, Ministry of Justice, 5 May 2023; U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online].

549 Through support by UNDP, Australian DFAT and the World Bank, among others.

550 Executive Office, [Statement to the Assembly](#) – Executive decisions on mother and baby institutions, Magdalene Laundries and workhouses, 15 November 2021.

551 National Inquiry into Missing and Murdered Indigenous Women and Girls, The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

through counselling and reconciliation”.⁵⁵² One that holds local cultural relevance and meaning, in addition to formal justice proceedings to hold individual perpetrators accountable.

C. Effective remedies

Pursuant to international human rights law standards, meaningful access to justice requires the provision of an effective remedy. Effective protection (addressed above), perpetrator accountability and judicial decisions vindicating the victim’s rights constitute remedies, as does financial compensation for damages.⁵⁵³ According to CEDAW General Recommendation No. 33 on access to justice, remedies should include:

Restitution (reinstatement), compensation (whether provided in the form of money, goods or services) and rehabilitation (medical and psychological care and other social services). Remedies for civil damages and criminal sanctions should not be mutually exclusive.⁵⁵⁴

It further requires decision-makers (e.g., judges) to take into full account “the unremunerated domestic and caregiving activities of women in assessments of damages for the purposes of determining appropriate compensation for harm in all civil, criminal, administrative or other proceedings”.⁵⁵⁵

In its General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention, the CEDAW Committee observed that Article 2 of the Convention, obliging States parties to take measures to eliminate discrimination against women, “requires that States parties provide reparation to women whose rights under the Convention have been violated. Without reparation the obligation to provide an appropriate remedy is not discharged”.⁵⁵⁶ It sets forth the necessary scope of available remedies to ensure a non-discriminatory legislative framework:

different forms of reparation, such as monetary compensation, restitution, rehabilitation, and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and bringing to justice the perpetrators of violations of human rights of women.⁵⁵⁷

With respect to compensation, CEDAW recommends the creation of specific funds for the purpose of ensuring that “women receive adequate reparation in situations in which the individuals or entities responsible for violating their human rights are unable or unwilling to provide such reparation”.⁵⁵⁸

The FPA foresees an array of aggravating circumstances consistent with international standards, as well as the right to claim compensation for damages. Compensation is also contemplated by the Code of Criminal Procedure, for cases prosecuted using the Penal Code.⁵⁵⁹ A review of the caselaw did not indicate contemplation of damages in GBV cases.

Cases tend to focus only on the extent of the physical injury, and only physical forms of violence are sanctioned, usually with fines. This approach provides little benefit for the victim, especially as fines tend to come out of the family budget.⁵⁶⁰ The law does not require the judge to consider the impact on the victim(s) prior to imposing fines.

The Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), although not binding on Solomon Islands, requires States to ensure that compensation be awarded:

to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim’s safety.⁵⁶¹

552 Women’s FGD, Ruruvai, Choiseul, 28 August 2022.

553 See, CEDAW, General Recommendation No. 33, CEDAW/C/GC/33, para 14(e).

554 CEDAW, General Recommendation No. 33, CEDAW/C/GC/33, para 19(b).

555 CEDAW, General Recommendation No. 33, CEDAW/C/GC/33, para 19(c).

556 CEDAW, General Recommendation No. 28, CEDAW/C/GC/28, para 32.

557 CEDAW, General Recommendation No. 28, CEDAW/C/GC/28, para 32.

558 CEDAW, General Recommendation No. 33, CEDAW/C/GC/33, para 19(d).

559 KII, Legal officer, Ministry of Justice, 5 May 2023. Sections 244, 245, Penal Code. Prosecutions for domestic violence are often brought under the assault provision of the Penal Code.

560 KII, Legal officer, Ministry of Justice, 5 May 2023.

561 Article 30, Istanbul Convention.

In particular, it suggests setting up state compensation schemes in order to ensure adequate funding.⁵⁶² These can be supported through the fines imposed on perpetrators.

I. Customary remedies

Although the FPA clearly provides that traditional remedies cannot be a barrier to formal justice in domestic violence cases, customary compensation is often used to try to prevent the victim from reporting the crime to the police.⁵⁶³ Traditional justice practices involving retribution or informal compensation arrangements between victims' families and traffickers, continued to supplant formal law enforcement efforts and further complicated victims' access to justice.⁵⁶⁴ However, cases were identified during the desk research in which customary remedies did not preclude conviction and sentence for rape and domestic violence.⁵⁶⁵ In addition to low awareness of the law, given the inaccessibility of the legal system for most, formal justice remedies are not pursued.⁵⁶⁶ Stakeholders opined that traditional leaders should receive training as to where their authority ends and when cases should be referred.⁵⁶⁷

Compensation constitutes one remedy under informal justice, serving as a means of keeping the peace.⁵⁶⁸ Concerns relate to the failure of informal justice actors to report crimes involving sexual violence, CSEC and human trafficking to State authorities and to address them through customary payments of compensation.⁵⁶⁹ As observed by one NGO: "This practice has the potential to diminish the seriousness of such offending and reinforce the ability of males to commit sexual crimes against children with minimal consequence."⁵⁷⁰

A traditional leader in Isabel stated that, "when it comes to resolving and deciding on the compensation, it strictly must be within the agreed rates set by the chiefs under the constitution.... There are compensation rates for rape and adultery".⁵⁷¹

In one community in Choiseul, compensation for physically hurting someone is 1 kesa (SBD 1,000); for rape it is 5 kesa (SBD 5,000).⁵⁷² In another community in Choiseul, compensation for both rape and adultery is 1 kesa (SBD 1,000), although compensation is not always paid.⁵⁷³ While a common option to "resolve" domestic violence cases:

the process disempowers women because women are prohibited from participating (they rely on male family members to speak for and represent them). Further, the compensation goes to the family, not the actual victim. This means that while compensation is often claimed on a woman's behalf she is not able to exercise decision-making over how that money is spent.⁵⁷⁴

CEDAW has drawn attention to the "use of community dispute settlement rather than criminal proceedings and of financial compensation made to the victim's family rather than to the victim herself".⁵⁷⁵

562 Explanatory report to the Istanbul Convention, CETS 210, para 70.

563 Validation workshop, 4 May 2023. The FPA precludes the payment of "an amount of money as customary compensation for committing the act of domestic violence" as a defence.

564 U.S. Department of State 2022 Trafficking in Persons Report: [Solomon Islands](#), [online]; Validation workshop, 4 May 2023.

565 [Regina v. Mola](#), [2018] SBHC 95; HCSI-CRC 175 pf 2017 (17 October 2018); [R v. Kiriau](#) [2020] SBMC 12; Criminal Case 12 of 2020 (4 May 2020); [Regina v. Sare](#) [2020] SBMC 6; Criminal Case 75 of 2019 (27 February 2020).

566 KII, Country Director, Save the Children, 2 May 2023; Validation workshop, 4 May 2023.

567 Validation workshop, 4 May 2023.

568 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022; Validation workshop, 4 May 2023.

569 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017, noting the imposition of community-level fines (in the amount of SBD \$50 in one community) in 68 communities for selling female members of the community for sex for personal monetary gain.

570 Save the Children, Solomon Islands Non-government Organisation's Alternative Report on the Combined Second and Third Periodic Reports, 2017.

571 KII, Sigana, Isabel, Church leader, 30 June 2022.

572 See, e.g., KII, Ruruvai, Choiseul, Chief, 28 August 2022.

573 KII, Posarae, Choiseul Chief, 26 August 2022.

574 [NGO Shadow Report](#) on the Status of Women in Solomon Islands, CEDAW.

575 CEDAW, Concluding observations on the combined initial to third periodic reports of Solomon Islands, CEDAW/C/SLB/CO/1-3, 2014, para 24.

Access to essential services

International standards require victims of GBV and human trafficking to be provided with multi-sectoral services using a gender-sensitive, victim-centred, trauma-informed and human rights-based approach.⁵⁷⁶ This section details the availability of key services, including health care, psychosocial and legal services, as well as shelters.

A. International standards on service provision

The Trafficking Protocol, UN Essential Services Package for Women and Girls Subjected to Violence (UN Essential Services Package) and other international conventions set forth standards covering a range of multi-sector services to be provided to victims of diverse forms of GBV, including standards for the coordination of service provision.

At their core, these include health and social welfare services, psychosocial support and counselling, and safe accommodation, as well as justice and policing, which are addressed above. In particular, the UN Essential Services Package calls for women-centred support, namely by ensuring that “staff are trained to work on behalf of, and to represent the interests of, women and girls,” among other guidelines.

B. Coordination: The SAFENET network

The MWYCFA established a formal referral system called SAFENET comprised of both government and non-governmental organizations (NGOs) to provide and coordinate support services to victims of gender-based violence and human trafficking. Participating agencies at the national level include: the Ministry of Health and Medical Services (Honiara City Council clinics and the National Referral Hospital, Integrated Mental Health Services, and the Social Welfare Division), the Royal Solomon Island Police Force (RSIPF) Family Violence Unit and Sexual Assault Unit, the PSO, the Office of the Director of Public Prosecutions, the Ministry of Commerce, Industry, Labour and Immigration (MCILI), the Honiara City Council Women’s Development Division, and NGOs Solomon Islands Planned Parenthood Association (SIPPA), Christian Care Centre, Seif Ples, Family Support Centre and Hope Trust.⁵⁷⁷

A severe lack of funding impedes SAFENET’s implementation. While State funds have been allocated to cover staff and administrative expenses, no State budget has been allocated to the implementation of SAFENET.⁵⁷⁸ Its quarterly meetings are funded by the Pacific Partnership to End Violence Against Women and Girls through UN Women.⁵⁷⁹ Meetings and measures to advance implementation have so far occurred only with funding from development partners.⁵⁸⁰ The lack of resource allocation from SIG was qualified by some as “ridiculous” and a “dinosaur issue”.⁵⁸¹ The absence of funding to support the rehabilitation of numerous victims of severe rights violations is concerning and merits serious and urgent attention.

576 Article 6, Trafficking Protocol; OHCHR Principles and Guidelines on Human Rights and Human Trafficking; UN Essential Services Package for Women and Girls Subjected to Violence.

577 KII, EAW Coordinator, UN Women, 14 October 2022; KII, Women’s Development Division Director, MWYCFA, 16 September 2022.

578 KII, Isabel, Development officer, 23 June 2022, 2 May 2023; KII, Choiseul, Development officer, 5 May 2023.

579 KII, UN Women, EAW Coordinator, 14 October 2022.

580 KII, UN Women, EAW Coordinator, 14 October 2022.

581 Validation workshop, 4 May 2023, noting that gender-responsive budgeting (GRB) is currently being pushed at the national level; KII, Country Programme Coordinator, UN Women, 5 May 2023.

To date, SAFENET is fully functional only in Honiara. While active in Choiseul and Isabel, provincial level MoUs among member agencies have yet to be signed.⁵⁸² The lack of partner organizations in provinces constitutes a significant challenge.⁵⁸³ More specifically, the absence of CSOs and PSOs at the provincial level further constrain the functioning of SAFENET. Informal justice actors in several locations revealed no knowledge of SAFENET and the possibility of service provision beyond police and health care.⁵⁸⁴

Participation in SAFENET meetings in the provinces is reportedly disincentivized by the lack of a sitting allowance offered by SIG. Consequently, many do not attend, despite the fact that they are mandated to do so.⁵⁸⁵ Although strengthening SAFENET coordination at the provincial level and initiating case conferences are a programmatic priority for CARECOM—the national-level body overseeing the implementation of SAFENET—no money has been allocated for implementation at the provincial level.⁵⁸⁶

Overall, the communities of focus in this study in rural areas of Choiseul and Isabel provinces lack all forms of service provision.⁵⁸⁷ Only victims whose families can pay for transportation to the closest police post or medical clinic will receive attention.⁵⁸⁸

KIIs with SAFENET members indicated that increased capacity building across sectors remains necessary, in particular with respect to the gender-sensitive treatment of victims.⁵⁸⁹ Some described a “need to change mindsets” in general, including by some service providers.⁵⁹⁰

Disability inclusion needs to be integrated into SAFENET through the policies, practices and accessibility of its member service providers.⁵⁹¹ Many public facilities are not accessible for persons with disabilities.⁵⁹²

SAFENET is engaged in data collection, and donors are contributing to strengthen its capacity.⁵⁹³ It faces challenges in obtaining data from two of its members: the police and healthcare sectors. Confidentiality remains an issue for data sharing across agencies and there is currently no data protection protocol.⁵⁹⁴ SAFENET also faces obstacles in meeting its quarterly reporting deadlines.

I. Shelters

There are currently few formal shelter options for GBV victims in Solomon Islands, and shelters are primarily located in Honiara. Formal options for accommodating men and boys over the age of 12 do not exist.⁵⁹⁵

At the provincial level, informal shelters have been created using rooms provided by NGOs, for example, within the Provincial Council of Women’s Resource Centres.⁵⁹⁶ However, these informal shelters may not have formal standard operating procedures in place, and could benefit from enhanced protection measures.⁵⁹⁷

582 It is interesting to note that prior to the introduction of SAFENET, Isabel had its own referral network, known as the Isabel Alliance Team; KII, Isabel, Development Officer, 23 June 2022, 2 May 2023.

583 KII, UN Women, 14 October 2022; KII, Women’s Development Division Director, MYYCFA, 16 September 2022.

584 KII, Ruruvai, Choiseul, Chief, 28 August 2022, stating “never heard of it”; KII, Posarae, Choiseul, Chief, 26 August 2022; KII, Sigana, Isabel, Chief, 30 June 2022.

585 KII, Isabel, Development Officer, 23 June 2022.

586 KII, Isabel, Development Officer, 2 May 2023; KII, Country Programme Coordinator, UN Women, 5 May 2023.

587 This was confirmed by nearly all respondents in all research locations.

588 KII, Isabel, Development Officer, 2 May 2023.

589 KII, Isabel, Development Officer, 23 June 2022; KII, EAW Coordinator, UN Women, 14 October 2022; KII, Women’s Development Division Director, MYYCFA, 16 September 2022.

590 KII, Women’s Development Division Director, MYYCFA, 16 September 2022; KII, Staff, Seif Ples, 11 November 2022.

591 KII, Representative, PWDSI, 14 November 2022.

592 KII, Representative, PWDSI, 14 November 2022.

593 KII, Country Programme Coordinator, UN Women, 5 May 2023.

594 KII, Isabel, Development Officer, 2 May 2023.

595 KII, Gender Focal Point, MHMHS, 16 November 2022.

596 KII, Choiseul, Development Officer, 5 May.

597 KII, Isabel, Development Officer, 2 May 2023.

To address this shortage of shelter facilities, sometimes victims, especially children fleeing domestic and sexual violence in the home, are placed with families of police and health workers for lack of an alternative. The situation has been described as traumatizing for everyone, the victims and the families of the police officers, including their children. As described in one KII:

The issue is the families exposed to the victims also get affected by the trauma of hearing what happened and seeing the emotional and physical abuse these victims suffered. This is an issue for the host families, especially the impact on children.⁵⁹⁸

Shelter staff expressed concern with regard to the lack of police sensitivity for victims' protection concerns, and police failure to respect shelter rules, including by bringing perpetrators to the shelter, "causing panic, anxiety and posing risks to the victims".⁵⁹⁹

Respondents in all research areas expressed the urgent need for shelters in or near their communities in order for women and children to have a meaningful escape from violence.

II. Legal services

Legal services are provided to GBV victims through FSC and the PSO. The PSO also coordinates with Persons with Disabilities Solomon Islands (PWDSI) to provide paralegal services to persons with disabilities, including for cases involving gender-based violence.⁶⁰⁰

There are no legal services available in Isabel Province, with the exception of circuit court visits.⁶⁰¹ According to an IOM report, the "nearest service providers (Public Solicitor's Office, Office of the Director of Public Prosecutions and private law firms) are based in Honiara. The high cost of travelling to and staying in Honiara is a critical barrier to accessing legal advice services".⁶⁰²

III. Social welfare assistance

SAFENET partners, including the Social Welfare Division with Ministry of Health and Medical Services, Seif Ples and Family Support Centre, provide forms of social welfare assistance to GBV victims.

KIIs with provincial stakeholders indicated that in-kind social welfare assistance is sometimes provided, for example, by waiving the school fees for the children of victims. No social welfare assistance is offered to the girls themselves. Some government stakeholders made victim-blaming statements when asked about the issue, referring to the fact that the girls had "gotten themselves into trouble".

One key issue surfaced from the field research regarding the provision of social welfare assistance: child welfare assistance for the children born of the "marriage" between loggers and "house girls". Both national stakeholders and women and girls with children born of their relationships with loggers lack knowledge about the right to social welfare services, as well as about the processes for obtaining it.⁶⁰³

598 KII, Isabel, Development Officer, 23 June 2022.

599 KII, Staff, Seif Ples, 11 November 2022; Validation workshop, 4 May 2023, noting that perpetrators seek victims out at shelters.

600 KII, Representative, PWDSI, 14 November 2022.

601 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, p. 7.

602 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, p. 11.

603 KII, Staff, Save the Children, 11 November 2022.

IV. Health services

Access to timely medical care is critical for victims of GBV. Health services are available in provincial hospitals and clinics, but may not be fully accessible to those in remote areas.⁶⁰⁴ Where health services exist in Isabel province, they frequently experience shortages of essential medicines, lack of cold storage facilities and medical equipment; some clinics have a shortage of beds.⁶⁰⁵ Poor infrastructure also constitutes a significant barrier, including the absence of lighting, water and poor roads. High transportation costs are an additional barrier, as is lack of transportation for emergency referrals. From some communities in the research locations, significant amounts of petrol are required to reach a clinic.⁶⁰⁶

A few clinics have only male nurses, which deters some women from seeking care for their sexual and reproductive health needs.⁶⁰⁷ Field research respondents in Isabel expressed the need for upgrades to health clinics in order to “deal with more serious rape cases,” so victims do not have to travel all the way to Buala for necessary care.

An influx of male migratory workers can also lead to increases in sexually transmitted infections and diseases (STIs and STDs).⁶⁰⁸ The Ministry of Health and Medical Services reported an increase in STIs, which it attributes to an increase in sex work.⁶⁰⁹ Health services include testing for HIV and STIs.

The Ministry of Health and Medical Services (MHMS) collects data on violence cases, but does not disaggregate the data by sex, due to the fact that boys are categorically not considered as victims of sexual and gender-based violence. Categories for disaggregation include age, form of violence and the perpetrator.⁶¹⁰

V. Psychosocial counselling

MHMS indicated that counselling services are available for traumatized victims of sexual and gender-based violence.⁶¹¹ NGOs such as Family Support Centre also provide psychosocial assistance. Seif Ples indicated that approximately one third of their case load involves the provision of psychosocial support to victims of rape and sexual violence.⁶¹²

Another current policy priority is the development of a process for regulating domestic violence counsellors, involving guidelines and the creation of a formal professional registration process. Registration and deregistration decisions will fall under the competence of the MWYCFA.⁶¹³

One NGO noted that: “The victims have very low esteem and need some form of recovery to move out of the vicious cycle of GBV.”⁶¹⁴ Participants at the validation workshop indicated that girls who had had sexual relationships with loggers often isolate themselves as a response to the social stigma.⁶¹⁵

Counseling and mental health services are generally not available in rural areas, and where they are they are provided by untrained providers. Village chiefs and religious leaders provide counseling services for GBV victims. However, many expressed feeling inadequate to the task due to a lack of training on addressing such complex issues.⁶¹⁶ Community volunteers trained in psychosocial first aid by SIPPA and FSC are also present in some communities.⁶¹⁷

604 KII, Women's Development Division Director, MYCFA, 16 September 2022.

605 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 8, 12, 14.

606 Women's FGD, Kesa, Choiseul, 30 August 2022.

607 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 8, 12, 18, 20.

608 UN Women, Extractive industries, gender and conflict in Asia Pacific, 2020.

609 KII, Gender Focal Point, MHMS, 16 November 2022.

610 KII, Gender Focal Point, MHMS, 16 November 2022.

611 KII, Gender Focal Point, MHMS, 16 November 2022.

612 KII, Staff, Seif Ples, 11 November 2022.

613 KII, Country Programme Coordinator, UN Women, 5 May 2023.

614 KII, Staff, Seif Ples, 11 November 2022.

615 Validation workshop, 4 May 2022.

616 See, e.g., KII, Kesa, Choiseul, Chief and Church elder, 30 August 2022; KII, Ruruvi, Choiseul, Chief, 28 August 2022; Men's FGD, Kilokaka, 3 July 2022.

617 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022.

In both Choiseul and Isabel provinces, there has been some limited distribution of contact information for accessing psychosocial support services through CSOs and Mental Health Officers stationed within provincial hospitals. It should be noted, however, that while some phone-in counseling services are available, networks are typically unreliable and require victims to have access to both phones and phone credit.⁶¹⁸

Respondents called for access to counseling services in most research locations, in order to deal with stress and post-traumatic responses.⁶¹⁹

C. Awareness-raising

The research evidenced a need for different types of awareness raising activities at the national, provincial and community levels. At every level, increased understanding of the nature of gender-based violence, CSEC and human trafficking are necessary, including their gendered nature, their impact on victims and elements of the crimes. While there is a widespread understanding that physical violence and sexual violence through the use of physical force are wrong, there lacks a broader understanding of the forms of domestic violence, notably economic violence, and the importance of consent in sexual relations. There is also a gap in knowledge that domestic violence and violence against children constitute a crime.⁶²⁰

While prior reports indicated a lack of understanding of the criminal nature of the facilitation of prostitution, including as an act of human trafficking,⁶²¹ the field research revealed increased awareness on this point. Multiple respondents signaled concern that solairs were not held accountable for their facilitation.⁶²² However, there appeared to be no recognition of the fact that child solairs are also victims of exploitation by being coerced or induced into engaging in illegal activity. Attention should be drawn to the impacts of rewarding boys for encouraging girls to engage in sex for money, as well as of modelling children as the preferred sex partners for older men.⁶²³

I. Awareness raising at the national level

National level awareness raising on GBV, through the efforts of the Women's Development Division of the MWYCFA, involves participation in the 16 Days of Activism campaign. It also sponsors radio programs and other communications.⁶²⁴ SIG ministries often go as a team to conduct awareness raising at community and provincial levels.⁶²⁵

While members of SAFENET indicated having undergone training on GBV, they noted needing additional training on trafficking in persons.⁶²⁶ One stated: "Very little is known as to distinguish victims of GBV from human trafficking and they desperately need training on human trafficking to identify cases and build capacity and networking to advocate against human trafficking."⁶²⁷

Stakeholders called for increased awareness of the law, and of the areas in which social norms are likely to be abused by loggers, parents and industry regulators.⁶²⁸ Some key stakeholders (male) also demonstrated a lack of understanding of the definition of prostitution and its multiple manifestations, including survival sex.

618 IOM, Assessment on barriers in access to GBV support services in Isabel Province, Solomon Islands, 2022, pp. 8, 12, 16.

619 See, e.g., Men's FGD, Sigana, Isabel, 30 June 2022.

620 Validation workshop, 4 May 2022.

621 See, e.g., Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

622 Women's FGD, Ruruvai, Choiseul, 28 August 2022; Men's FGD, Posarae, Choiseul, 25 August 2022; KII, Posarae, Choiseul, Teacher, 26 August, 2023.

623 Christian Care Centre, Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region, 2007.

624 KII, Women's Development Division Director, MWYCFA, 16 September 2022.

625 Validation workshop, 4 May 2023.

626 KII, Staff, Seif Ples, 11 November 2022; KII, Gender Focal Point, MHMHS, 16 November 2022.

627 KII, Staff, Seif Ples, 11 November 2022

628 KII, Acting Director of Immigration, MCILI 16 August 2022.

II. Awareness raising needs at the community level

SAFENET members have engaged in training key actors at the community level, including women leaders, chiefs, teachers and elders.⁶²⁹ The field research revealed, however, that many people living in rural and remote areas remain unaware of the existence of services and available protection mechanisms.⁶³⁰ The need for awareness raising among teachers and health workers was specifically identified.

The field research revealed that not everyone has a clear understanding of “what domestic violence is, and what is wrong with it”.⁶³¹ In this regard, increased awareness raising on gender-based violence was requested by community leaders and in FGDs in both provinces. Participants at the validation workshop conveyed that while physical and sexual violence is understood as wrong, other forms of violence, such as economic and psychological violence, often go unrecognized. Further, they asserted that there is an overall lack of understanding of the law prohibiting domestic violence, the Family Protection Act (FPA), and what the law entails.⁶³² The Chief in one village in Isabel suggested violence prevention awareness raising in his community, using video clips targeting youth with information about the Family Protection Act.⁶³³

Greater community awareness is needed with respect to the long-term impacts of extractive industries, including their links with sexual violence and exploitation, and long-term gendered environmental and economic impacts.⁶³⁴

Respondents recommended that awareness raising in communities be conducted in their mother tongue.⁶³⁵ Numerous field research respondents requested that the findings of this situation assessment be shared with their communities to better support awareness raising.

629 KII, Isabel, Development Officer, 2 May 2023.

630 KII, Isabel, Development Officer, 23 June 2022.

631 Men's FGD, Kilokaka, Isabel, 3 July 2022.

632 Validation workshop, 4 May 2023.

633 KII, Sigana, Isabel, Chief, 30 June 2022.

634 Validation workshop, 4 May 2023.

635 Validation workshop, 4 May 2023.

Recommendations

To the **Ministry of Environment, Climate Change, Disaster Management and Meteorology:**

- Ensure long-term public access to EIS/EIAs (approved and rejected) to foster public trust through transparency.
- Amend the Environment Act and Environment Regulations to define the term “social impacts”.
- In coordination with MWYCFA, strengthen the regulatory framework to mainstream social impact assessments through the EIA/EIR processes, incorporating a gender, human rights and conflict analysis, and develop specific guidance materials on social impact assessments.

To the **Ministry of Finance and Treasury:**

- Offer urgent and serious attention to meaningfully funding rehabilitation services for victims of GBV, CSEC and human trafficking.
- Initiate gender-responsive budgeting (GRB) practices.
- Consider increasing allocated financial support to expansion of road networks at the provincial level, in line with Medium Term Strategy 3 of the NDS. Improved road connectivity will reduce barriers in access to essential support services for survivors of GBV and TiP.
- Increase financing for the MWYCFA, specifically to support SAFENET implementation and violence prevention work.
- Provide financial support to NGO service providers for the maintenance and establishment of shelters for victims of gender-based violence.

To the **Ministry of Forestry and Research:**

- In collaboration with MWYCFA, mainstream gender and the social impact of logging into the timber rights acquisition process.
- Make decisions related to the timber rights acquisition process public, including decisions related to exemptions, approvals and rejections.

To the **Ministry of Women, Youth, Children and Family Affairs:**

- Continue to build internal staff awareness and capacity in gender-sensitivity at all levels of operation.
- Increase budget of the Women’s Development Division at the provincial level for community-level engagement.
- Support income-generation, savings programmes, and other forms of women’s economic empowerment.
- In coordination with the Ministry of Education and Human Resources Development, provide awareness raising for teachers on GBV and human trafficking, including gender- and child-sensitive approaches and referrals for services.
- In coordination with other relevant stakeholders, establish a complaint mechanism, accessible at the provincial level and electronically, to address the harmful social impacts of logging and other extractive industry projects, including sexual and gender-based violence, CSEC and human trafficking.

To the **Ministry of Justice and Legal Affairs:**

- Urgently provide trainings to strengthen the capacity of judicial actors on issues related to gender-based violence, CSEC and human trafficking, victims’ rights, children’s rights and gender-sensitivity.
- Make justice-sector data and judicial decisions available to the public to increase transparency in line with democratic values.

To the **Ministry of Traditional Governance, Peace and Ecclesiastical Affairs:**

- Provide capacity-building and awareness-raising trainings for all national and provincial staff on gender equality, gender-based violence and discriminatory customary practices related to bride price and early and forced marriage that lead to CSEC and human trafficking.
- The Traditional Governance Division should provide capacity-building and awareness-raising trainings to village and tribal chiefs (House of Chiefs), and develop standard operating procedures, giving them tools to meaningfully address discriminatory manifestations of customary practices, gender-based violence and human trafficking occurring in their communities using gender-sensitive, victim-centred and gender-transformative approaches. In particular chiefs and traditional leaders should be sensitized to relevant legislation, such as the Family Protection Act.
- Additionally, the Traditional Governance Division should ensure spaces and opportunities for confidential reporting by GBV and TiP victims within traditional governance, and take responsibility for ensuring that local traditional leaders can make safe referrals to police and SAFENET, in collaboration with MWYCFA.
- The Peace and Ecclesiastical Affairs Division should mobilize national-level FBOs to strengthen the capacity of local church leaders to address multiple forms of GBV and TiP at the community level using gender-sensitive, victim-centred and gender-transformative approaches.
- Hire a gender adviser to provide ongoing support for mainstreaming gender into the work of the Ministry at national and provincial levels in line with Goal 7 of its Corporate Strategic Plan.
- Take decisive measures to prevent and respond to the participation of traditional leaders in CSEC, human trafficking and other forms of GBV.

To **Provincial Secretaries:**

- Formalize criteria foreseeing wider notification about timber rights hearings and timber rights acquisition processes to community members and potential customary landowners, including criteria to ensure notification of women.
- Formalize criteria for rights awareness activities in all current and future logging-affected communities on:
 - The rights of the general public (irrespective of landownership) to participate in timber rights hearings, and of their substantive rights.
 - The rights of customary landowners, in negotiating the terms and conditions of logging agreements, including supplementary agreements.
- Take targeted measures to promote women's participation and representation in public decision-making processes related to natural resource management at provincial and community levels.

To **Parliament:**

- Amend the Islanders' Marriage Act to prohibit marriage before the age of 18.
- Eliminate Section 165 of the Penal Code, which criminalizes girls and women over the age of 15 for engaging in incest, without reference to consent.
- Amend Section 144 of the Penal Code, which sets the definition of a child as being below the age of 15 for crimes related to child sexual exploitation material.
- Amend the Political Party Integrity Act and other relevant legislation to provide for TSMs to ensure women's political participation at the national and provincial level in line with international standards, and above the currently foreseen 10%.
- Amend Sections 8(1), (3) of the FRTUA to add social impacts as an issue to be considered during timber rights acquisition processes, reflecting a detailed and amplified scope of the social rights to be addressed, including gender-based violence and other human rights issues.
- Amend the FRTUA to more closely regulate the role of Provincial Secretaries as the gatekeeper for negotiations with customary landowners, such as by establishing criteria for the dissemination of notices to customary landowners.
- Amend the FRTUA, Environment Act and Environment Regulations to define the term "social impacts".

To the **Royal Solomon Islands Police Force:**

- Build capacity among law enforcement officers to effectively respond to GBV and TiP cases by employing victim-centred, gender- and child-sensitive and human rights-based approaches, to ensure meaningful protection and response to victims.
- Ensure sufficient allocation of fuel to police posts, to support increased outreach to rural communities as well as rapid response to crimes reported, including GBV and TiP.
- Ensure police contact numbers are available to the general public in all locations of the country.
- Proactively engage with the MWYCFA to increase police engagement in the implementation of the Family Protection Act.

To the **Solomon Islands Forestry Association:**

- Encourage membership to adopt gender-sensitive practices and policies for engaging with community-level stakeholders, managing risks and impacts, as well as ensuring fair and adequate compensation and functional grievance mechanisms regardless of what is required by law.

To **Faith-Based Organizations:**

- Continue to provide women's leadership opportunities at all levels.
- Build the capacity of local church leaders to meaningfully address gender-based violence and trafficking in persons beyond prayer and reconciliation, including through referrals to the police and other SAFENET service providers.

To **Development Partners:**

- Support women's CSOs to strengthen independent constituencies able to advocate for the rights of women and girls and to raise public awareness of the social harm caused by patriarchal norms and gender stereotypes.
- Support CSOs and women's groups in building informed awareness campaigns and platforms to share information on gender equality and human rights issues related to logging, mining and other natural resource extraction projects, targeted specifically towards local communities.
- Support programmes to build women's leadership capacity and economic empowerment.
- Support ministries, CSOs and communities to develop community-based protection mechanisms and enhance service delivery at provincial and community levels.

Annex

Annex 1: List of Validation Workshop Stakeholders

1. Choiseul Women's Development Division
2. Christian Care Centre
3. Empower Pacific
4. Family Support Centre
5. Guadalcanal Provincial Council of Women
6. Hope Trust Foundation
7. International Organization for Migration (IOM)
8. Isabel Women's Development Division
9. Law Reform Commission
10. Ministry of Commerce, Industry, Labour and Immigration
11. Ministry of Women, Youth, Children, and Family Affairs
12. National Council of Women
13. Office of the Director of Public Prosecution
14. Office of the High Commissioner for Human Rights (OHCHR)
15. People with Disabilities Solomon Islands
16. Public Solicitor's Office
17. Royal Solomon Islands Police Force
18. Salvation Army
19. Seif Ples
20. Social Welfare Division, Ministry of Health and Medical Services
21. Solomon Islands National University
22. UNFPA
23. UNICEF
24. USAID

Annex 2: List of Key Informant Interviews

No.	Organization	Position	Gender
National Counterparts			
1	Ministry of Commerce, Industry, Labour and Immigration	Acting Director of Immigration	Male
2	Honiara Central Police Station	Director of National Criminal Prevention Department	Male
3	Ministry of Health and Medical Services, Social Welfare Division	Gender Focal Point	Male
4	Ministry of Women, Youth, Children and Family Affairs	Director, Women's Development Divisions	Female
5	Family Support Centre	Case Manager	Female
6	Ministry of Forestry and Research	Representative	Male
7	Ministry of Justice and Legal Affairs	Legal Officer	Male
8	People with Disabilities Solomon Islands	Representative	Male
9	Save the Children	Country Director	Female
10	Save the Children	Staff	Male
11	Save the Children	Staff	Female
12	Save the Children	Staff	Female
13	Seif Ples	Staff	Female
14	Seif Ples	Staff	Female
15	UN Women	Country Programme Coordinator	Female
16	UN Women	EVAW Coordinator	Female
17	Ministry of Traditional Governance, Peace and Ecclesiastical Affairs	Director Peace	Male
18	UNDP	Project Assistant	Female
Choiseul Province			
19	Kesa, Choiseul Province	Church elder	Male
20	Kesa, Choiseul Province	Traditional leader	Male
21	Kesa, Choiseul Province	Chief and church elder	Male
22	Kesa, Choiseul Province	Women leader	Female
23	Posarae, Choiseul Province	Church leader	Male
24	Posarae, Choiseul Province	Teacher	Female
25	Posarae, Choiseul Province	Chief	Male
26	Posarae, Choiseul Province	Church leader	Female
27	Ruruvai, Choiseul Province	Church elder	Male

No.	Organization	Position	Gender
28	Ruruvai, Choiseul Province	Teacher	Male
29	Ruruvai, Choiseul Province	Chief	Male
30	Ruruvai, Choiseul Province	Church leader for women and youth	Female
31	Reproductive Health Unit, Taro, Choiseul Province	Staff	Female
32	Reproductive Health Unit, Taro, Choiseul Province	Staff	Female
33	Provincial Health Services, Taro, Choiseul Province	Director	Male
34	Choiseul Provincial Government Office, Taro, Choiseul Province	Provincial Secretary	Male
35	Choiseul Women's Development Division, Taro, Choiseul Province	Development Officer	Female
36	Choiseul Women's Development Division, Taro, Choiseul Province	Staff	Female
37	RSIPF, Taro Choiseul Province	Provincial Police Commissioner	Male
38	RSIPF, Taro Choiseul Province	Representative	Male
Isabel Province			
39	Susubona, Isabel Province	Church representative	Male
40	Susubona, Isabel Province	Church representative	Male
41	Susubona, Isabel Province	Church representative	Male
42	Susubona, Isabel Province	Teacher	Male
43	Susubona, Isabel Province	Traditional leader	Male
44	Susubona, Isabel Province	Traditional leader	Male
45	Susubona, Isabel Province	Traditional leader	Male
46	Susubona, Isabel Province	Church leader	Female
47	Susubona, Isabel Province	Nurse	Male
48	Sigana, Isabel Province	Traditional leader	Male
49	Sigana, Isabel Province	Traditional leader	Male
50	Sigana, Isabel Province	Traditional leader	Male
51	Sigana, Isabel Province	Teacher	Male
52	Sigana, Isabel Province	Church leader	Male
53	Kilokaka, Isabel Province	Church representative	Male
54	Kilokaka, Isabel Province	Teacher	Female
55	Kilokaka, Isabel Province	Chief	Male
56	Isabel Provincial Forestry Department, Buala, Isabel Province	Representative	Female
57	Isabel Provincial Council of Women, Isabel Province	Representative	Female

No.	Organization	Position	Gender
58	Isabel Provincial Council of Women, Isabel Province	Representative	Female
59	RSIPF, Buala Isabel Province	Representative	Male
60	Isabel Women's Development Division, Buala, Isabel Province	Representative	Male
61	Isabel Women's Development Division, Buala, Isabel Province	Representative	Male
62	Isabel Women's Development Division, Buala, Isabel Province	Development Officer	Female

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