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Make it 18

Community Voices on Child
Marriage Reform in Solomon Islands

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1

Executive Summary

All children in Solomon Islands have the right to be protected against child marriage.¹

Child marriage is expressly prohibited under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Convention on the Rights of the Child (CRC) protects children from the practice of child marriage and its harmful consequences.

Despite these international protections, child marriage is legal in Solomon Islands. Under the Islanders' Marriage Act 1945 (the Act), children as young as 15 years of age are able to marry with parental consent. Additionally, children can be married in accordance with customary law, which provides no minimum marriage age. Because of these legal loopholes, 21% of girls and 4% of boys in Solomon Islands are married before the age of 18 with 6% of girls married before the age of 15.²

The Government of Solomon Islands has ratified the CRC and the CEDAW and so is legally obligated to implement legislative and policy measures to prevent child marriage. In a positive step towards discharging this obligation, the Government has tasked the Solomon Islands Law Reform Commission (SILRC) to inquire into whether the Act is consistent with the CRC and CEDAW and recommend any changes to the law.

To contribute to this effort, ChildFund, Save the Children and World Vision, as members of the Solomon Islands Endim Vaelens Agenstim Pikinini (SIEVAP) Coalition, undertook a series of community consultations with children, youth, parents, caregivers, and faith and community leaders on child marriage and if the Act should be amended to prevent it.

Through these consultations, children, youth, parents, caregivers, and faith and community leaders expressed clear support for changing the law to raise the minimum marriage age to 18, including for customary marriages.

They also supported additional law changes that would help prevent child marriages, such as requiring proof of age and consent, and increasing the penalties for conducting and facilitating child marriages.

The SIEVAP Coalition also convened a workshop with key stakeholders to discuss potential implementation and enforcement challenges if the law is reformed to prevent child marriage, identify potential solutions to these challenges, and consider if any other changes are required, legal or otherwise, to address the root causes of child marriage in Solomon Islands.

Workshop participants identified cultural and social resistance, geography, resourcing and infrastructure as key challenges to implementing and enforcing new marriage laws. They recommended a range of solutions to these challenges, including the formulation of complementary policies and other law reforms, targeted training and resourcing, empowerment of local communities and leaders, widespread community outreach and awareness raising, development of strong local level registration, monitoring and enforcement systems, improved access to services, and economic support programmes to address the root causes of child marriage.

¹ Child marriage is any marriage where at least one of the parties is under 18 years of age.

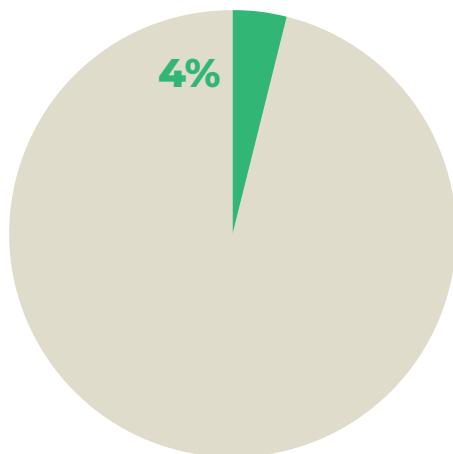
² See <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/solomon-islands/#:~:text=What's%20the%20prevalence%20rate%3F,before%20the%20age%20of%2018.> This data is from the Solomon Island's 2015 Demographic and Health Survey.

Despite international protections, child marriage is legal in Solomon Islands

**15
YEARS**

Under the Islanders' Marriage Act 1945 (the Act), children as young as 15 years of age

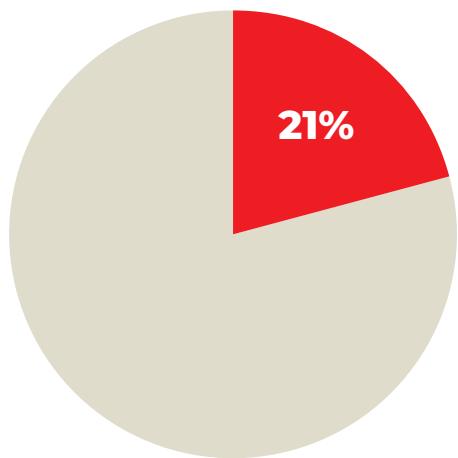
are able to marry with parental consent



**4% OF
BOYS**

in Solomon Islands

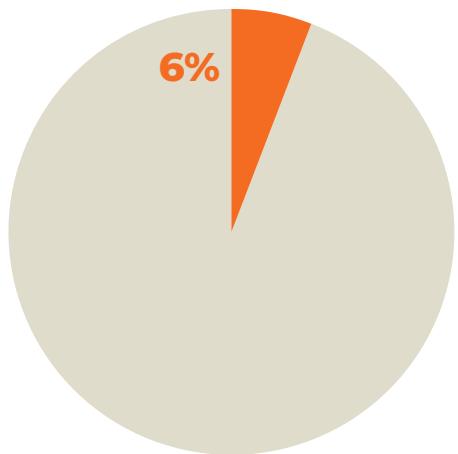
are married before the age of 18²



**21% OF
GIRLS**

in Solomon Islands

are married before the age of 18²



**6% OF
GIRLS**

in Solomon Islands

are married before the age of 15²

Based on these consultations, and the analysis in this report, the SIEVAP Coalition calls on the Government of Solomon Islands to take the following actions to ensure the Act is consistent with the CRC and CEDAW and that a comprehensive approach is taken to protect all children in the Solomon Islands from child marriage and its harmful consequences:

ONE

Define Child as a Person Under 18

To ensure alignment with the CRC's definition of a child.

CRC Alignment: Article 1 (definition of a child).

TWO

Raise the Minimum Age of Marriage to 18

To protect children from child marriage and commercial sexual exploitation and ensure they can fully enjoy their childhood, complete their education, and achieve physical and mental maturity before taking on marital responsibilities.

CRC Alignment: Article 1 (definition of a child), Article 2 (non-discrimination), Article 3 (best interests of the child), Article 6 (survival and development), Article 19 (protection from violence, abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 28 (education), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

THREE

Apply the Minimum Age of Marriage to Customary Marriages

To protect all children from child marriage, commercial sexual exploitation, and associated risks.

CRC Alignment: Article 2 (non-discrimination), Article 19 (protection from violence, abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping), Article 6 (trafficking and exploitation), Article 15 (rural girls) and Article 16 (marriage and family life).

FOUR

Require Age Verification Before Marriage

To ensure that only individuals who meet the minimum age requirement can legally marry, preventing child marriages and commercial sexual exploitation of children.

CRC Alignment: Article 7 (birth registration), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

FIVE

Verify Consent of Each Person to Be Married

To ensure that marriages are entered into willingly by both parties and prevent forced marriages, the commercial sexual exploitation of children, and associated negative outcomes.

CRC Alignment: Article 12 (respect for the views of the child), Article 19 (protection from abuse and neglect), Article 34 (protection from sexual exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping), Article 6 (trafficking and exploitation), Article 15 (law) and Article 16 (marriage and family life).



Pictured: A child from Solomon Islands shares their dreams of becoming a teacher during the child consultations.

Photo credit: Save the Children

SIX

Remove Parental Consent to Marriages of 15-17 year olds

To ensure the law provides no exceptions to the minimum marriage age of 18.

CRC Alignment: Article 1 (definition of a child), Article 2 (non-discrimination), Article 3 (best interests of the child), Article 6 (survival and development), Article 24 (protection from traditional practices prejudicial to health), Article 28 (education), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

SEVEN

Explicitly Prohibit Child Marriage and Increase Penalties for Facilitating Child Marriages

To make it clear child marriage is illegal, to deter individuals from facilitating child marriages and to emphasise the seriousness of the offence.

CRC Alignment: Article 19 (protection from abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

EIGHT

Promote Awareness and Education on the Legal Age of Marriage and Child Rights

To inform children, youth, and communities about the legal age of marriage and the rights of children, fostering an environment that supports child development and protection, and compliance with the Act.

CRC Alignment: Article 17 (access to information) and Article 42 (awareness of the rights of the child).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 5 (gender stereotyping) and Article 10 (education).

Pictured: Youth involved in community consultations.

Photo credit: ChildFund



³ UNICEF, the UN Global Compact and Save the Children (2012). Children's Rights and Business Principles. <https://www.unicef.org/documents/childrens-rights-and-business-principles>

NINE

Require Extractive Industries to Implement the Children's Rights and Business Principles³

To meet their responsibility to respect and protect children's rights, understand and address the impact of their business on the rights and well-being of children, and prevent their staff from engaging in the commercial sexual exploitation of children including, but not limited to, child marriage.

CRC Alignment: Article 4 (implementation of rights), Article 19 (protection from abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

TEN

Support Effective Implementation and Enforcement of Child Marriage and Commercial Sexual Exploitation of Children Laws

To ensure all children are protected from child marriage and commercial sexual exploitation, communities are supported and empowered to comply with the new child marriage laws, and individuals who facilitate child marriages or are involved in the commercial sexual exploitation of children are held to account.

CRC Alignment: Article 4 (implementation of rights), Article 19 (protection from abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

ELEVEN

Implement Comprehensive Policy, Programming and Budgetary Interventions

To support families and communities to protect children from child marriage and commercial sexual exploitation, address the root causes and key consequences of child marriage and commercial sexual exploitation, increase girls' access to secondary school education as a means of protection from the risk of child marriage, ensure child marriage laws are effectively implemented and enforced, and provide children, including those affected by child marriage and commercial sexual exploitation of children, and their families with access to support services.

CRC Alignment: Article 4 (implementation of rights), Article 26 (social and economic help), Article 27 (standard of living) and Article 28 (access to education).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 4 (special measures), Article 10 (education), Article 11 (employment), Article 12 (health), Article 13 (economic and social life), Article 14 (rural girls) and Article 16 (marriage and family life).

Solomon Islands Endim Vaelens Agenstim Pikinini (SIEVAP) 2022-2025

SIEVAP is a collaborative initiative enabled through New Zealand's Ministry of Foreign Affairs and Trade's Negotiated Partnerships with ChildFund, Save the Children and World Vision (SIEVAP Coalition). SIEVAP is implemented at the community level through to government and policy levels to share learnings and raise voices together to jointly influence systemic change and seek a demonstrable impact on

ending violence against children in Solomon Islands. This is achieved through increasing children's participation in society as agents of change and advocates for ending violence against children; raising awareness of the types of, and frequency of, violence that children experience; supporting families and communities to protect children from all forms of violence, respond to, and address child protection issues; and working closely with the Solomon Islands Government on policy and legislative reforms to protect children from all forms of violence.

Pictured: Children in Solomon Islands being consulted and trained to advocate on issues that affect them, including the legal age of marriage.

Photo credit: World Vision





Photo credit: Save the Children

2

Introduction

In 2018, the SILRC was instructed by the Minister of Justice and Legal Affairs to undertake a review of the Act (and divorce laws).

The review was prompted by recommendations from UN bodies, the Committee on the Rights of the Child (CRC Committee) and Committee on the Elimination of Discrimination against Women (CEDAW Committee), that Solomon Islands should amend the Act to ensure consistency with the CRC and CEDAW, particularly in relation to child marriage.

In setting the Terms of Reference⁴ for the SILRC's review, the Minister noted that the Solomon Islands Government has ratified the CEDAW and the CRC and instructed the SILRC to undertake a review of the the Act and report on:

- whether the Act is consistent with the protection of human rights and the provisions of the CEDAW and the CRC;
- whether the current provisions of the Act in relation to the age of marriage and consent that were enacted in 1945 are appropriate in the current circumstances;
- the benefits and challenges of amending the current law to comply with human rights obligations and the best interests of the families, communities and parties of the marriage; and
- recommendations for changes to the law to strengthen and protect the sanctity of marriage and the rights of the parties to the marriage.

In 2022, the SILRC initiated a public consultation on the Act and divorce laws asking for submissions on a range of issues, including whether the Act should change to provide a minimum marriage age of 18, require consent and age verification, and impose higher penalties, and if these law changes should also apply to customary marriages.

In 2023, ChildFund, Save the Children and World Vision, as members of the Solomon Islands Endim Vaelens Agenstim Pikinini (SIEVAP) Coalition, undertook a series of community consultations with children, youth, parents, caregivers, and faith and community leaders on these issues to assist the SILRC's review of the Act.

To further inform the SILRC's consideration of these issues, the SIEVAP Coalition also convened a workshop with key stakeholders to discuss potential implementation and enforcement challenges if the law is reformed to prevent child marriage, identify potential solutions to these challenges, and consider if any other changes are required, legal or otherwise, to address the root causes of child marriage in Solomon Islands.

This report sets out the key findings from these consultations, reviews the Act's consistency with the CRC, the CEDAW and international best practice relating to child marriage laws, and recommends actions the Government of Solomon Islands should take to ensure the Act is consistent with the CRC and CEDAW and that a comprehensive approach is taken to protect all children in Solomon Islands from child marriage and its harmful consequences.

⁴ Solomon Islands Law Reform Commission (2022). Marriage and Divorce Laws: Consultation Paper. <https://www.paclii.org/cgi-bin/sinodisp/sb/lawreform/SBLawRComm/2022/1.html?stem=&synonyms=&query=marriage%20law>



Photo credit: Save the Children

3 Child Marriage Globally

There are an estimated 640 million girls or women who married in childhood around the world.⁵

The highest prevalence of child marriage is in Sub-Saharan Africa, followed by Central and Southern Asia and Oceania (excluding Australia and New Zealand).⁶ Girls are disproportionately affected by child marriage with the prevalence of child marriage among boys only one sixth that of girls.⁷

While child marriage rates have declined globally – the prevalence rate has dropped 15% since 2010 and an estimated 25 million child marriages have been prevented in the last decade - child marriage remains widespread with up to 12 million girls estimated to marry each year.⁸

Key drivers for child marriage include: social norms and attitudes towards child marriage and roles for women and girls broadly; poverty and economic factors that encourage child marriage as a coping strategy for financial instability, insecurity or as a livelihood strategy for girls; lack of agency among girls to decide when and whom to marry; lack of opportunity for girls and women in education and livelihood alternatives to marriage; and, fear of girls' sexuality and pregnancy that drive child marriage as a means to preserve honour or protect against out of wedlock pregnancy that may be associated with shame.⁹

Girls living in contexts affected by multiple crises including conflict, climate shocks, ongoing impacts of the COVID-19 pandemic and poverty are more at risk of child marriage.¹⁰ It is estimated that an additional 10 million girls will marry before age 18 by 2030 because of COVID-19 alone.¹¹ Climate change, and its related economic shocks, is also emerging as a key driver for child marriage with recent studies indicating for every 10% change in rainfall due to climate change, child marriage increases 1%.¹² Globally, Asia and the Pacific is predicted to be most impacted by heavy precipitation, followed by agricultural drought, high temperatures and heat waves, and warming winds with intensifying tropical cyclones.¹³

⁵ UNICEF (2023). Is An End To Child Marriage Within Reach? Latest Trends and Future Prospects. <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

⁶ According to the Child Marriage Data Portal, the prevalence rate of child marriage (based on data from 2016 to 2022) in Sub-Saharan Africa is 32%, 25% in Central and Southern Asia and 25% in Oceania (excluding Australia and New Zealand). The countries included in the Oceania prevalence rate are Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Tonga and Vanuatu. See <https://childmarriagedata.org/global-trends/>.

⁷ See <https://www.unicef.org/press-releases/115-million-boys-and-men-around-world-married-children-unicef>

⁸ Girls Not Brides, UNFPA and UNICEF (2023). Evidence Review: Child marriage interventions and research from 2020-22. https://www.girlsnotbrides.org/documents/1904/CRANK_Evidence_review_Child_marriage_interventions__research_2020-22.pdf

⁹ Psaki, S., Melnikas, A.J. et al (2021). Conceptual Framework of the Drivers of Child Marriage: A Tool To Guide Programs and Policies. GIRL Center Research Brief. https://www.girlsnotbrides.org/documents/1610/GC_Research_Brief_7_Child_Marriage_Final.pdf

¹⁰ See <https://www.girlsnotbrides.org/learning-resources/events/the-latest-evidence-on-child-marriage-trends-in-prevalence-and-burden-around-the-world/>

¹¹ UNICEF (2021). COVID-19: A Threat to Progress Against Child Marriage. <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>

¹² UNICEF (2023). Is An End To Child Marriage Within Reach? Latest Trends and Future Prospects. <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

¹³ United Nations Population Fund and Queen Mary University of London (2023). Taking stock: sexual and reproductive health and rights in climate commitments – an Asia and the Pacific review. <https://www.unfpa.org/sites/default/files/pub-pdf/2553-UNFPA-NDC-Asia%20Pacific%20Report.pdf>

Child marriage can have significant, lifelong consequences for girls. Girls who marry before 18 are more likely to experience domestic violence¹⁴ and less likely to remain in school.¹⁵ Married girls are also highly likely to become pregnant during their adolescence and are more likely to experience health complications during pregnancy and childbirth,¹⁶ which are among the leading causes of death for 15 to 19 year old girls globally.¹⁷ Married girls are also likely to experience worse economic outcomes with child marriage reducing a girl's earnings in adulthood, on average, by 9%.¹⁸ These negative health, education and economic outcomes are also likely to be passed down to their children. Children born of child brides face greater health risks and even death compared to those born to older mothers. They are also more likely to have low birth weight and poor nutritional status throughout their childhood.¹⁹ Child marriage has also been found to lower the educational prospects of the children of child brides, which leads to additional economic costs over time.²⁰ Due to the disproportionate impact that child marriage has on girls, it is a form of gender discrimination and a harmful practice.²¹

3.1 International protections against child marriage

There is international agreement that child marriage is a violation of children's human rights.²² Prohibiting children from marriage until they are at least 18 years of age recognises that childhood is a special, protected time, in which children must be allowed to grow, learn, play, develop and flourish with dignity.²³ It also recognises that, if children marry before 18, it can deny them the opportunity to develop to their full potential and can have far-reaching consequences for their health and well-being.

Children are explicitly protected from marriage under the CEDAW, which states that:²⁴

The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

¹⁴ Globally, girls married before the age of 15 are almost 50% more likely to have experienced either physical or sexual intimate partner violence than those married after 18. See <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/>

¹⁵ UNICEF (2022). The power of education to end child marriage. <https://data.unicef.org/resources/child-marriage-and-education-data-brief/>

¹⁶ Girls Not Brides (2019). Child Marriage And Sexual And Reproductive Health And Rights. https://www.girlsnotbrides.org/documents/1495/CM_and_SRHR_ENG_2020.pdf

¹⁷ See https://www.who.int/health-topics/adolescent-health/pregnancy-and-childbirth-complications-are-the-leading-cause-of-death-among-15-19-year-old-girls#tab=tab_2

¹⁸ International Center for Research on Women (2018). The Economic Impacts of Child Marriage: Key Findings. https://www.icrw.org/wp-content/uploads/2018/07/EICM-GlobalSynthesisSummary_Report_v3_WebReady.pdf

¹⁹ Girls Not Brides (2019). Child Marriage and Sexual and Reproductive Health And Rights. https://www.girlsnotbrides.org/documents/1495/CM_and_SRHR_ENG_2020.pdf

²⁰ Girls Not Brides (2018). Economic Impact of Child Marriage: An Information Sheet. <https://www.girlsnotbrides.org/documents/880/Economic-Impact-of-CM-Final-LR.pdf>

²¹ Committee on the Elimination of Discrimination Against Women and Committee on Rights of Child (2019). 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 (2019) on harmful practices. <https://documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf>

²² Inter-Parliamentary Union and World Health Organization (2016). Child, early and forced marriage legislation in 37 Asia-Pacific countries. <http://archive.ipu.org/pdf/publications/child-marriage-en.pdf>

²³ <https://www.unicef.org/child-rights-convention>

²⁴ Article 16.2.

Additionally, the CEDAW,²⁵ along with the Universal Declaration of Human Rights,²⁶ the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages²⁷ and the International Covenant on Civil and Political Rights,²⁸ all recognise that marriage can only occur if both parties provide free and full consent (which children, given their age, are unable to provide).

While child marriage is not referred to directly in the CRC, it requires governments to take measures to abolish traditional practices prejudicial to the health of children,²⁹ protect children from all forms of sexual exploitation and sexual abuse,³⁰ and protect children's right to express their views on matters that affect them.³¹

The CRC Committee and the CEDAW Committee have issued a joint general recommendation/comment on harmful practices, which defines child marriage as "any marriage where at least one of the parties is under 18 years of age" and in which the Committees recommend "that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years."³²

The United Nations General Assembly and the United Nations Human Rights Council have also issued resolutions on child marriage, calling on member states to end child marriage and, amongst other initiatives, establish a minimum marriage age of 18 years without exceptions.³³ Ending child marriage is also included as a key target for achieving gender equality and empowering all women and girls under Sustainable Development Goal 5.³⁴

3.2 International best practice regarding child marriage

To be compliant with international standards on the age of marriage, at a minimum, countries are expected to update their domestic legislation to increase the minimum marriage age to 18 years, provide no exceptions (i.e. parental or judicial consent, customary marriages), and require free and full consent of both parties.

In addition to these core requirements, it is also important that the law explicitly prohibits child marriage, imposes sufficient penalties for facilitating child marriages to deter the practice and send a clear signal that it will not be tolerated. It is also imperative that the law ensures all persons involved in the facilitation of child marriages – including parents, family and community members and leaders, third party facilitators, those who officiate religious and civil marriages, and registry officers – are held to account and penalised.

²⁵ Article 16.1(b).

²⁶ Article 16.

²⁷ Article 1.

²⁸ Article 23.

²⁹ Article 24(3).

³⁰ Article 34.

³¹ Article 12.

³² Committee on the Elimination of Discrimination Against Women and Committee on Rights of Child (2019). 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 (2019) on harmful practices. <https://documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf>

³³ For more detail on these resolutions see: UN Women (2023). Legislating and Enforcing the Minimum Age of Marriage: a comparative study of experiences and lessons learned in ending the legalization of child marriage. <https://www.unwomen.org/sites/default/files/2023-09/legislating-and-enforcing-the-minimum-age-of-marriage-a-comparative-study-of-experiences-and-lessons-learned-en.pdf>

³⁴ See <https://sdgs.un.org/goals/goal5#overview>

Conversely, children who are involved in child marriages should be treated as survivors rather than perpetrators and not be subject to penalties.³⁵ Other steps, such as requiring the registration of all births and marriages, including customary marriages, are also key tools for preventing child marriage. Compulsory marriage registration is also important for protecting the legal status of married, divorced, separated and widowed women and girls and enabling their access to their lawful rights and entitlements, including spousal support, child custody, ownership of property, and inheritance.³⁶

The Southern African Development Community Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (the SADC Model Law) was developed to assist South African member states to develop robust and uniform laws relating to the prohibition and prevention of child marriage. The SADC Model Law also provides a useful framework for other countries to assist their development of effective national laws to end child marriage.³⁷

Pictured: Child consultations.

Photo credit: Save the Children



³⁵ For more information on best practice criminalisation and enforcement of child marriage see: UNICEF and UNFPA (2020). Child Marriage and the Law: Technical Note for the Global Programme to End Child Marriage. <https://www.unicef.org/media/86311/file/Child-marriage-the-law-2020.pdf>

³⁶ UNFPA (). Technical Brief: Registration of Marriages. https://india.unfpa.org/sites/default/files/pub-pdf/unfpa_note_-_registration_of_marriages_formatted2.pdf

³⁷ Girls Not Brides, UNFPA East and Southern Africa Regional Office and the SADC Parliamentary Forum (2018). A Guide to Using the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage. <https://www.girlsnotbrides.org/learning-resources/resource-centre/a-guide-to-using-the-sadc-model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage/#resource-downloads>

The UNFPA-UNICEF Global Programme to End Child Marriage has also developed a technical note on child marriage laws to compliment the SADC Model Law and support a better understanding and more nuanced approaches to child marriage laws and enforcement.³⁸

At the same time, while law reform is a key step to ending child marriage, several studies have shown it is not enough to reduce or end child marriage in isolation, particularly when legislative change is not implemented in tandem with other interventions.³⁹ This was recognised by the Human Rights Council in its 2019 resolution on child, early and forced marriage, which states that making child marriage illegal is insufficient when laws are introduced without complementary measures and support programmes.⁴⁰

Therefore, in addition to law reform, countries must take a comprehensive approach to child marriage by implementing a range of policy, practice and budgetary interventions that protect children from violence and exploitation, promote their rights and access to services, address the root causes and key consequences of child marriage, foster greater awareness and compliance in communities, and ensure the law is effectively enforced and perpetrators are held to account.



Pictured: A child shares their hopes for the future during consultations.

Photo credit: Save the Children

³⁸ UNICEF and UNFPA (2020). Child Marriage and the Law: Technical Note for the Global Programme to End Child Marriage. <https://www.unicef.org/media/86311/file/Child-marriage-the-law-2020.pdf>

³⁹ Idris, I. (2019). Interventions to reduce forced marriage. https://gsdrc.org/wp-content/uploads/2019/11/694_Interventions_to_reduce_forced_marriage.pdf; Malhotra, A., Warner, A., McGonagle, A. et al (2011). Solutions to End Child Marriage: What the evidence shows. <https://www.icrw.org/wp-content/uploads/2016/10/Solutions-to-End-Child-Marriage.pdf>

⁴⁰ Human Rights Council (2019). Consequences of child, early and forced marriage. <https://undocs.org/en/A/HRC/RES/41/8>



Photo credit: Save the Children

4

Child Marriage in Solomon Islands

According to data from 2015, 21% of girls and 4% of boys in Solomon Islands are married before the age of 18 with 6% of girls married before the age of 15.⁴¹

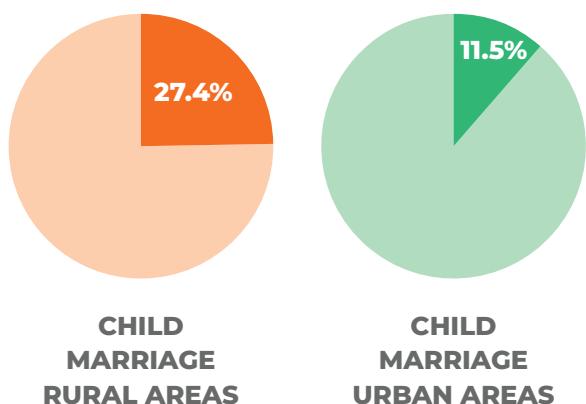
The prevalence of child marriage is higher in rural areas (24.7%) compared to urban (11.5%).⁴² The global child marriage prevalence rate is 19%.⁴³

4.1 Legal context

The prevalence of child marriage in Solomon Islands is significantly influenced by current marriage laws and what is permissible under customary law.

There are three types of legal marriage in Solomon Islands: civil, religious and customary marriage. Civil and religious marriages are regulated by the Act, which sets the legal age of marriage at 18 years of age, but allows 15-17 year olds to marry with parental (father)⁴⁴ or judicial consent in the absence of parents or a guardian. There is no legal requirement under the Act to provide birth certificates to confirm the ages of the parties, which means that if the parties have the physical appearance of adults and parental or judicial consent is provided, they can easily marry.

Marriage can also occur in accordance with custom in Solomon Islands. As recognised under the Constitution of Solomon Islands, customary law has effect as part of the law of Solomon Islands.⁴⁵ This legal recognition along with the societal and cultural significance of customary law gives it its legitimacy.⁴⁶ Under customary law, there is no minimum age for marriage; rather the marriageability of girls is seen as depending on their physical development, not their age. According to traditional custom, marriages are often arranged by parents with a bride price⁴⁷ negotiated and paid to the girl's family, which can make girls more vulnerable to child marriage. Additionally, while customary marriages can be registered there is no legal requirement that they must be registered, which makes it difficult to monitor how widespread customary marriage is as a practice and the age at which people marry according to custom. Lack of customary marriage registration can also affect women and girls' access to their lawful rights and entitlements, especially if they become separated, divorced or widowed.



⁴¹ See <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/solomon-islands/#:~:text=What's%20the%20prevalence%20rate%3F,before%20the%20age%20of%2018>. This data is from the Solomon Island's 2015 Demographic and Health Survey.

⁴² See <https://childmarriagedata.org/country-profiles/solomon-islands/>

⁴³ UNICEF (2023). Is An End To Child Marriage Within Reach? Latest Trends and Future Prospects. <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

⁴⁴ If the father is "dead or of unsound mind or absent from the district", the mother can consent or if both are dead or of unsound mind or absent from the district, a guardian can consent. If the child has no father, mother or guardian, a Judge or Magistrate can consent "if satisfied after due inquiry that the application to marry is a proper one" (Section 10(3) of the Islanders' Marriage Act 1945).

⁴⁵ Schedule 3(1). As per Schedule 3(2), however, customary law that is inconsistent with the Constitution or an Act of Parliament will not have legal effect. See <https://sihc.org.nz/wp-content/uploads/2017/05/Solomon-Islands-Constitution.pdf>

⁴⁶ Kafa,Z. (2023). Marriage in Accordance with Custom: Issues with Marriage Under Customary Law in Solomon Islands. <https://www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/clpjdcp-journals/volume-29-2023/10-kafa-pdf>

⁴⁷ For more background on the practice of bride price see: Homan, S., Honda, T. et al (2019). Transforming Harmful Gender Norms in Solomon Islands: A study of the Oxfam Safe Families Program. <https://www.oxfam.org.au/wp-content/uploads/2019/10/Transforming-Gender-Norms-Report-FINAL.pdf>

4.2 Consistency of child marriage laws with the CRC and CEDAW

The Act is inconsistent with the CRC and CEDAW and international best practice as it:

- only prohibits the marriage of children under the age of 15;
- allows 15-17 year olds to marry with parental or judicial consent;
- does not explicitly require the free and full consent of both parties;⁴⁸ and
- does not apply any of these restrictions on customary marriages or require the registration of customary marriages.

As identified by UN bodies, these inconsistencies in the Act along with other practices, such as bride price, enable child marriage in Solomon Islands and heightens children's vulnerability to commercial sexual exploitation by parents and other parties.

In 2014, the CEDAW Committee noted its concern about "the extremely low" minimum age for marriage of 15 years for both boys and girls under the Act, the absence of a minimum age for marriage under customary law, the fact that marriages are normally authorised by the father only, the lack of mandatory registration of customary marriages, the absence of legal safeguards to ensure that women enter into marriage only with their free and full consent, and the continued existence of bride price payment practices, which it considers to be a harmful traditional practice. The CEDAW Committee called on the Government to address these issues through legislative change.⁴⁹

In 2018, the CRC Committee also expressed its serious concern that the minimum age for marriage is still set at 15 years under the Act and urged the Government to review the Act promptly to ensure that the minimum age for marriage is established at 18 for girls and boys and that it takes all measures necessary to eliminate child marriages.⁵⁰

In 2019, on bride price payments in general, the CRC and CEDAW Committees jointly acknowledged that:⁵¹

The payment of dowries and bride prices, which varies among practising communities, may increase the vulnerability of women and girls to violence and to other harmful practices. The husband or his family members may engage in acts of physical or psychological violence, including murder, burning and acid attacks, for failure to fulfil expectations regarding the payment of a dowry or its size. In some cases, families will agree to the temporary "marriage" of their daughter in exchange for financial gains, also referred to as a contractual marriage, which is a form of trafficking in human beings. States party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography have explicit obligations with regard to child and/or forced marriages that include dowry payments or bride prices because they could constitute a sale of children as defined in article 2 (a) of the Protocol.

⁴⁸ Section 6(1) of the Act requires each party to make certain declarations before marriage but declaring their free and full consent to the marriage is not an explicit requirement.

⁴⁹ Committee on the Elimination of Discrimination against Women (2014). Concluding observations on the combined initial to third periodic reports of Solomon Islands. <https://documents.un.org/doc/undoc/gen/n14/627/66/pdf/n1462766.pdf>

⁵⁰ Committee on the Rights of the Child (2018). Concluding observations on the second and third periodic reports of the Solomon Islands. <https://documents.un.org/doc/undoc/gen/g18/052/57/pdf/g1805257.pdf>

⁵¹ Committee on the Elimination of Discrimination against Women and Committee on Rights of Child (2019). 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 (2019) on harmful practices. <https://documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf>

In 2021, the Working Group on the Universal Periodic Review of Solomon Islands, also recommended the Government, as a priority, take steps to eliminate child marriage, criminalise the sale and sexual exploitation of girls and boys, step up measures to combat child trafficking, child marriage and sexual abuse, and end child, early and forced marriage by raising the minimum age for marriage from 15 to 18 years.⁵²

4.3 Key drivers of child marriage

In addition to an enabling legal context, other key drivers of child marriage in Solomon Islands are cultural practices, gender norms, poverty and low secondary school completion.

CULTURAL PRACTICES AND GENDER NORMS

Cultural traditions and social norms and attitudes about the role and place of women and girls are a key driver of gender-based violence, including child marriage, in Solomon Islands.⁵³ Like many societies where child marriage is present, women and girls in Solomon Islands are traditionally accorded a lower status than men and boys within the household, the community and society. Their expected responsibilities within the household are those of caregiver, wife, and mother.⁵⁴

This view of gender roles reinforces the assumption that marriage is the best way to ensure a girl's future (or protect her honour) so the earlier it occurs, the better.⁵⁵ As a result of these gender norms, women and girls are more likely to experience child marriage. They are also likely to experience other forms of gender-based violence. In 2018, Solomon Islands ranked among the top five countries with the highest lifetime prevalence of violence against women.⁵⁶ Gender norms also make girls more vulnerable to sexual abuse and commercial sexual exploitation of children.⁵⁷

As explored in more detail below, the practice of customary marriage, and particularly the tradition of bride price, in Solomon Islands also heightens girls' vulnerability to child marriage and commercial sexual exploitation of children, especially if they are from households experiencing financial difficulties. As expressed by a group of female caregivers from Solomon Islands in recent research on child protection in the Pacific:⁵⁸

⁵² Human Rights Council (2021). Report of the Working Group on the Universal Periodic Review: Solomon Islands. <https://documents.un.org/doc/undoc/gen/g21/164/82/pdf/g2116482.pdf>

⁵³ Asian Development Bank (2015). Solomon Islands: Country Gender Assessment. <https://www.adb.org/sites/default/files/institutional-document/176812/sol-country-gender-assessment.pdf>

⁵⁴ Manjoo, R. (2013). Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Solomon Islands. <https://www.refworld.org/reference/countryrep/unhrc/2013/en/96076>

⁵⁵ Inter-Parliamentary Union and World Health Organization (2016). Child, early and forced marriage legislation in 37 Asia-Pacific countries. <http://archive.ipu.org/pdf/publications/child-marriage-en.pdf>

⁵⁶ <https://www.who.int/publications/i/item/9789240022256>

⁵⁷ ECPAT International (2019). Perceptions of Frontline Welfare Workers on the Sexual Exploitation of Children in the Pacific. <https://ecpat.org/wp-content/uploads/2021/05/Perceptions-of-Frontline-Welfare-Workers-on-the-Sexual-Exploitation-of-Children-in-the-Pacific-ECPAT-research-June-2019.pdf>

⁵⁸ Gilbert, K., Mackaway, H. et al (2023). Regional Child Protection Situation Analysis - Pacific. https://www.savethechildren.org.nz/assets/Files/Reports/FINAL-Child-Protection-Pacific-Situational-Study-Report_-SC-Nossal-v3.pdf

The females have a strong feeling of insecurity towards this issue due to cultural practices and the stereotypical perspective of girls as sources of income. This has given rise to opportunities for parents to think less of females in encouraging them to pursue education and treat them as assets to support younger siblings. Their bride price could help finance school fees for the younger ones or to start up money-generating income to support families.

POVERTY

Poverty is another key driver of child marriage in Solomon Islands, which is one of the poorest countries in the Pacific region and is ranked at 156 out of 193 countries on the Human Development Index.⁵⁹ It is estimated 26% of people live below the poverty line.⁶⁰

From 2020, Solomon Islands experienced two major shocks (COVID-19 and civil unrest) that contributed to a three-year period of recession.⁶¹ Poverty in Solomon Islands is also exacerbated by economic shocks associated with climate change. Solomon Islands faces significant disaster risks and is highly vulnerable to earthquakes, volcanoes, landslides, cyclones, coastal flooding, tsunami and wildfire.⁶²

It is ranked 33 out of 193 countries on the World Risk Index for disaster risk.⁶³ Climate change impacts, particularly rising sea levels and on key industries and community food sources, such as fisheries and agriculture, are key areas of concern for the small island nation.⁶⁴ The economic shocks that come with disasters and climate change has been found to increase the risk of child marriage,⁶⁵ especially in contexts where the practice of bride price is prevalent.⁶⁶

In a recent study on child protection in the Pacific, 77% of stakeholders and 100% of caregivers surveyed from Solomon Islands reported that being poor puts children at significant risk or risk of violence, including child marriage and commercial sexual exploitation of children.⁶⁷ Economic challenges, especially in rural areas, can drive some families to use the custom of bride price to arrange marriages of young girls in return for money.

⁵⁹ <https://hdr.undp.org/data-center/specify-country-data#/countries/SLB>

⁶⁰ Based on data from the latest Household Income and Expenditure Survey undertaken in 2012-13. See https://datacatalogfiles.worldbank.org/ddh-published/0064942/DR0092463/Global_POVEQ_SLB.pdf?versionId=2023-09-28T16:00:55.9617397Z

⁶¹ <https://www.dfat.gov.au/geo/solomon-islands/solomon-islands-country-brief>

⁶² UN Women (2022). Pacific Risk Profile: Solomon Islands. https://wrd.unwomen.org/sites/default/files/2022-01/PACIFIC%20RISK%20PROFILE_Solomon%20Islands.pdf

⁶³ Institute for International Law of Peace and Armed Conflict (2023). World Risk Report 2023. https://weltrisikobericht.de/wp-content/uploads/2024/01/WorldRiskReport_2023_english_online.pdf

⁶⁴ World Bank Group (2021). Climate Risk Country Profile: Solomon Islands. https://climateknowledgeportal.worldbank.org/sites/default/files/country-profiles/15822-WB_Solomon%20Islands%20Country%20Profile-WEB.pdf

⁶⁵ Save the Children International (2023). Global Girlhood Report 2023: Girls at the Centre of the Storm. <https://resourcecentre.savethechildren.net/document/global-girlhood-report-2023-girls-at-the-centre-of-the-storm/>

⁶⁶ Girls Not Brides, UNFPA and UNICEF (2023). Research Spotlight: Addressing Child Marriage and Supporting Married Girls in Conflict and Crisis-Affected Settings. https://www.girlsnottbrides.org/documents/1993/CRANK_Spotlight_Child_marriage_in_conflict_and_crisis-affected_settings_Vvnyfo1.pdf

⁶⁷ Gilbert, K., Mackaway, H. et al (2023). Regional Child Protection Situation Analysis - Pacific. https://www.savethechildren.org.nz/assets/Files/Reports/FINAL-Child-Protection-Pacific-Situational-Study-Report_-SC-Nossal-v3.pdf

This is of particular concern in the logging industry, a major export sector in Solomon Islands, contributing to 20% of domestic revenue and over 70% of exports.⁶⁸

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.⁶⁹ In 2018, the CRC Committee also expressed its serious 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”, and recommended the criminalisation and prosecution of the sale of girls to foreign workers for sex and marriage.⁷⁰ In 2024, the U.S. State Department placed Solomon Islands on its Tier 2 Watchlist for Human Trafficking for the second consecutive year, noting that “[t]raffickers exploit Solomon Islander children in labor and sex trafficking within the country, sometimes in exchange for money or goods, particularly near foreign logging camps.”⁷¹

Children from neighbouring villages, particularly those from households whose members are unemployed,⁷² seek out employment opportunities in logging camps. These children are highly vulnerable to commercial sexual exploitation, particularly girls who take on domestic service jobs in logging camps.

As a poverty-related coping mechanism, parents may facilitate these arrangements in advance, sometimes with the assistance of a third party (referred to as solairs), using the bride price system and customary marriage to legitimise the sale of girls to foreign logging workers for sexual and domestic services. Alternatively, if a girl enters a relationship with a foreign worker, parents may agree to the arrangement and consider the girl “married” if compensation is paid to the family. Girls may also be directly approached by solairs, who are often young men or boys from their communities, and lured into these arrangements with promises of money or other material goods.⁷³

Recent research confirms that certain socioeconomic indicators, particularly household unemployment, heighten children’s vulnerability to child trafficking and commercial sexual exploitation of children in extractive industries. Gender power relations also play a significant role, with girls often coerced into marriages by males in their households and communities, including intermediaries.⁷⁴

⁶⁸ UN Committee for Development Policy (2023). Monitoring of countries graduating and graduated from the LDC category: Solomon Islands. <https://www.un.org/development/desa/wp-content/uploads/sites/45/CDP-PL-2023-9-7-Monitoring.pdf>

⁶⁹ Committee on the Elimination of Discrimination against Women (2014). Concluding observations on the combined initial to third periodic reports of Solomon Islands. <https://documents.un.org/doc/undoc/gen/n14/627/66/pdf/n1462766.pdf>

⁷⁰ Committee on the Rights of the Child (2018). Concluding observations on the second and third periodic reports of the Solomon Islands. <https://documents.un.org/doc/undoc/gen/g18/052/57/pdf/g1805257.pdf>

⁷¹ U.S. Department of State (2024). 2024 Trafficking in Persons Report: Solomon Islands. <https://www.state.gov/reports/2024-trafficking-in-persons-report/solomon-islands/#:~:text=Traffickers%20Exploit%20local%2C%20South%20Asian,or%20coerced%20into%20commercial%20sex>

⁷² Save the Children (2015). Dynamics of Child Trafficking and Commercial Sexual Exploitation of Children in Solomon Islands: Cross provincial study. <https://resourcecentre.savethechildren.net/pdf/child-trafficking-and-csec-in-solomon-islands.pdf/>

⁷³ IOM (2023). A Situational Analysis of the Nexus between Gender-Based Violence, Trafficking in Persons and the Logging Industry in Solomon Islands. https://roasiapacific.iom.int/sites/g/files/tmzbdl671/files/documents/2023-11/solomon-island-report_fa_pws_v2.pdf

⁷⁴ Save the Children (2021). Sexual Exploitation of Children By Travelling Workers In The Solomon Islands. <https://ecpat.org/wp-content/uploads/2021/08/Save-the-Children.pdf>

LOW SECONDARY SCHOOL COMPLETION

Another key driver of child marriage in Solomon Islands is the low secondary school completion rate of girls. Due to a range of factors, including gender norms and poverty, only one in five girls complete junior secondary school and seven in 100 girls complete senior secondary school.⁷⁵ Being out of school, particularly during adolescence, increases girls' vulnerability to child marriage. Conversely, being in school is a key protective factor against child marriage. In one study, across 18 of the 20 countries with the highest prevalence of child marriage, girls with secondary schooling were up to six times less likely to marry as children when compared to girls who have little or no education.⁷⁶

1 in 5
girls complete junior secondary school⁷⁵

7 in 100
girls complete senior secondary school⁷⁵

Pictured: Children in Solomon Islands being consulted and trained to advocate on issues that affect them, including the legal age of marriage.

Photo credit: World Vision



⁷⁵ Plan International Australia (2019). Our Education, Our Future. <https://www.plan.org.au/wp-content/uploads/2020/08/our-education-our-future-pacific-girls-leverage-change-to-create-greater-access-to-secondary-education-solomon-islands.pdf>

⁷⁶ ICRW (2006). Child Marriage and Education. <https://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf>

4.4 Government's commitments to ending child marriage and the commercial sexual exploitation of children

Solomon Islands is a State party to the CRC, the CEDAW and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and is obligated to ensure that domestic legislation complies with the CRC, CEDAW and OPSC.

At the national level, the Government of Solomon Islands has made significant progress on strengthening legislation and developing national policies to comply with the CRC, CEDAW and OPSC and to protect children from abuse, including commercial sexual exploitation of children. Key legislation includes: the Child and Family Welfare Act 2017,⁷⁷ the Family Protection Act 2014, the Penal Code (Amendment) (Sexual Offences) Act 2016,⁷⁸ and the Adoption Act 2017.⁷⁹

As outlined in this report, the Government also initiated the review of the Act in 2018 and instructed the SILRC to inquire into and report on its consistency with the CEDAW and CRC, including the Act's provisions relating to the marriage age and consent.

The Government has also committed to eliminate violence against women and girls through its National Policy to Eliminate Violence Against Women and Girls 2016-2020, which provides a framework to implement Solomon Islands' national, regional and international commitments in this regard.⁸⁰

Through the National Children Policy 2023-2028,⁸¹ the Government has committed to promoting awareness on human trafficking and child abuse especially for girls, raising the minimum marriage age to 18 by 2024, establishing an independent national mechanism to monitor the implementation of the CRC by 2028, registering all births by 2028, and ensuring government commitment to children's issues through budget and financial support. The Government's National Youth Policy 2017-2030⁸² further commits to promote and enhance opportunities for the development and empowerment of Solomon Islands' youth with an overall policy objective to leave no one behind.

⁷⁷ Noting that children who have been or are married are excluded from the protections provided under the Child and Family Welfare Act.

⁷⁸ While the changes to this Act are a significant step towards protecting children from commercial sexual exploitation and holding perpetrators to account, there remains gaps in terms of enforcement, prosecutions, the protection of survivors, and their access to services. See U.S. Department of State (2024). 2024 Trafficking in Persons Report: Solomon Islands. <https://www.state.gov/reports/2024-trafficking-in-persons-report/solomon-islands/#:~:text=Traffickers%20exploit%20local%2C%20South%20Asian,or%20coerced%20into%20commercial%20sex>

⁷⁹ Save the Children (2024). Regional Child Protection Situational Analysis – Pacific. <https://resourcecentre.savethechildren.net/document/regional-child-protection-situational-analysis-pacific/>

⁸⁰ Ministry of Women, Youth, Children and Family Affairs (2016). National Policy to Eliminate Violence Against Women and Girls 2016 to 2020. <https://solomons.gov.sb/wp-content/uploads/2020/02/National-Policy-to-Eliminate-Violence-Against-Women-and-Girls-2016-2020.pdf>

⁸¹ <https://solomons.gov.sb/wp-content/uploads/2023/10/Solomon-Islands-National-Children-Policy-2023-2028.pdf>

⁸² Ministry of Women, Youth, Children and Family Affairs (2017). Solomon Islands National Youth Policy 2017-2030. <https://solomons.gov.sb/wp-content/uploads/2020/02/SOLOMON-ISLANDS-NATIONAL-YOUTH-POLICY-2017-2030.pdf>



Photo credit: Save the Children

5 Make It 18 Consultations

5.1 Key background

To inform the SILRC's review of the Act, the SIEVAP Coalition undertook consultations with 185 children (11- 17 years), 79 youth (18-34 years), 21 parents and caregivers, and 19 faith and community leaders from Honiara, Malaita, Western, and Choiseul Provinces.



Save the Children consulted a total of 143 children aged between 13-17 years – 77 children (36 females, 41 males) from three schools in Choiseul (Choiseul Bay, Nukiki and Moli) and 66 children (29 females, 37 males) from three areas in the Western region (Babanga, Baguri and Barasipo).



World Vision consulted a total of 40 adults - 21 parents and caregivers (10 females, 11 males) and 19 faith and community leaders (6 females, 13 males) – and 42 children aged between 11-17 years (24 females, 18 males) and 25 youth aged 18-25 years (17 females including 1 person with a disability, 8 males) from three areas in Malaita (Luma'alu, Sisifiu, Rame'ae).



Child Fund consulted 54 youth aged between 18-34 years⁸³ (20 females, 34 males) from three areas in Honiara (Rock Valley, Lio Creek and April Valley).

Each organisation conducted their consultations via a series of focus group discussions. Each organisation asked their focus groups a series of questions that related to the Act and reflected the key questions posed by the SILRC in its consultation paper. Each organisation also tailored their questions, as appropriate, to the age group being consulted.⁸⁴

Accordingly, not all participants were asked the same questions but many of the questions asked were similar and related to the following key themes:

- Participants' understanding of what defines a child;
- Should a child be able to marry from 15 years of age;
- Should the marriage age be raised to 18 years of age;
- If the marriage age is raised, should it also apply to customary marriages;
- Should the age and consent of parties to be married be verified before marriage; and
- Should the penalties for illegal marriages be increased.

Each group's responses to a given question were recorded and then analysed according to the themes outlined above. A summary of key findings, as outlined in the next section, was generated based on the responses most frequently given by the groups in relation to each theme.

All consultations were undertaken in Solomon Islands Pijin or local dialects and then translated into English.

⁸³ The Solomon Islands National Youth Policy 2017-2030 defines the upper youth age as 34 years. See <https://solomons.gov.sb/wp-content/uploads/2020/02/SOLOMON-ISLANDS-NATIONAL-YOUTH-POLICY-2017-2030.pdf>

⁸⁴ Please see Appendix 1 for the list of questions asked by each agency.

Ensuring the safety of children and adults is central to all activities and programs carried out by the coalition member agencies. Prior to the consultations commencing, special safeguarding measures were prepared to address the sensitive nature of the topics discussed in focus group discussions, particularly given the involvement of children under 18.

The three agencies collaboratively developed a comprehensive safeguarding risk management framework through a series of workshops. This framework outlines potential risks that may arise during activities, including the consultations, and details the coalition's response to instances of abuse, neglect, exploitation, or other forms of violence experienced by children or adults. Informed consents were gained from all adult participants and children's parents or caregivers prior to the consultations.

Save the Children's consultations were conducted in accordance with *The Nine Basic Requirements for Meaningful and Ethical Children's Participation*,⁸⁵ World Vision's consultations were undertaken in accordance with its *Child and Adult Safeguarding Policy*,⁸⁶ and ChildFund's consultations were conducted in accordance with its *Keeping Children Safe: Child Safeguarding Policy*.⁸⁷

5.2 Key findings

5.2.1 Children and youth

Main findings

- Most children did not know a person is a child up to 18 years of age or the legal rules around marriage;
- Most children and youth agreed children should not be able to marry from 15 years of age;
- All children and youth supported raising the minimum age of marriage to 18 years of age;
- Most children and youth supported applying a minimum age of marriage of 18 to customary marriages;
- Most children and youth agreed the consent of each person to be married should be verified before marriage;
- All youth agreed that parental consent should still be required;
- All youth agreed that the age of persons to be married should be verified before marriage; and
- All youth agreed that penalties for facilitating child marriages should be increased.

⁸⁵ Save the Children (2021). The Nine Basic Requirements for Meaningful and Ethical Children's Participation. <https://resourcecentre.savethechildren.net/document/nine-basic-requirements-meaningful-and-ethical-childrens-participation/>

⁸⁶ World Vision International (2022). Child and Adult Safeguarding Policy. https://res.cloudinary.com/mkrstudio/image/upload/wvnzcontent/resources/worldvision/media/resources/child-and-adult-safeguarding-policy_april-2022.pdf

⁸⁷ ChildFund New Zealand (2018). Keeping Children Safe: Child Safeguarding Policy. <https://cdn.sanity.io/files/ai1rjr6/production/36fc5e56a60ed37842e237a967c0091624835003.pdf>

BEING A CHILD

When asked what activities children are typically meant to do, the majority of children consulted from Choiseul and the Western region reported play-based activities and going to school. Some children also mentioned it was typical for children to help with household chores, with more girl groups from Choiseul mentioning this compared to boys.

When asked what they enjoy doing as a child, children from Choiseul and the Western region said they most enjoyed playing with their friends, playing sports, going to school, swimming and fishing.

When asked what decisions children make, most children from Choiseul reported that children did not make many, if any, decisions, other than about simple things, like playing and eating. Children from the Western region also said children mostly made decisions about playing but also mentioned they make decisions about whether to go to school and church, help around the home or obey their parents. Some older children mentioned children can make decisions about family planning or whether to have “special relationships”.

When children were asked if they knew up to what age someone is considered a child, most children from Choiseul did not know. While some children from the Western region and Malaita knew a person was a child up until 18 years of age, others thought the age definition of a child was much lower (between 10 and 15 years).

When they were asked what makes children different from adults, children from Choiseul mostly reported that children are not allowed to drink or smoke, get married or be in relationships, like adults. In comparison, the key differences reported by children from the Western region were that children cannot provide for the family and are physically different from adults with few children mentioning marriage.

Children from Malaita also spoke about how children are different from adults because they are immature, depend on their parents, and cannot do chores, make their own decisions or get married.

When asked what it means to be an adult and if they make different decisions to children, children from Choiseul and the Western region said adults can make all kinds of decisions from who to marry, how to spend their money, where to go and whether to drink. When asked if they knew of any activities that had legal age limits most children from Choiseul mentioned drinking and voting. In comparison, children from the Western region mostly mentioned marriage, drinking and smoking as activities with a legal age limit.

When asked what they would like to do when they become adults, children from Choiseul spoke mostly about having a job with the majority aspiring to work in a profession, such as a teacher, doctor, nurse, or pilot. Children from the Western region also regularly mentioned earning an income but also regularly reported getting married, food gathering (e.g. fishing, diving, gardening) and providing for their family (e.g. building a house, household chores) as the key things they would like to do as adults.

HOPES AND DREAMS FOR THE FUTURE

When asked about their hopes and dreams for the future, children from Choiseul and the Western region spoke about securing a good job with the majority dreaming of working in a particular profession, such as a doctor, teacher, nurse, businessperson, pilot or pastor.

When children from Choiseul and the Western region were asked what they would do if they could do anything, most children reiterated that they wanted to work in a profession but many children also reported they would like to work in their communities to help people. Children from Choiseul spoke about helping children to access education and avoid drugs and alcohol, and helping parents treat children the right way.

When asked what they would need to make their dreams possible, most children from Choiseul reported they needed to complete their education. Children from the Western region also recognised they needed to finish school, but they also said obeying their parents and praying was key to making their dreams a reality.

When asked who would help them achieve their dreams most children from Choiseul and the Western region said their parents, family members or teachers.

When asked what might get in the way of achieving their dreams, children from Choiseul reported school fees as the main barrier followed by peer pressure, pregnancy, drinking and smoking. Children from the Western region reported drinking, smoking and drug use as their main barrier followed by getting married early, having relationships or getting sick. Some children also mentioned barriers to finishing their education, including school fees and travelling distance to school.

AWARENESS OF CURRENT MARRIAGE LAWS

When asked if they knew any rules around getting married or how old someone must be before they can marry, most children from Choiseul did not know of any rules related to getting married or what the minimum age was for marriage. Some children thought they knew the minimum age for marriage but often identified an incorrect age of 21. More children from the Western region correctly identified the minimum age for marriage and what the current law says - that children cannot marry until they turn 18 or with parental consent - but they more regularly cited rules relating to marriage that exist outside the legislation, such as how the family must help plan the marriage, how the village chairman must be consulted and how a person cannot get married before they have a job, build a house or make a garden.

WHETHER A CHILD SHOULD BE ABLE TO MARRY FROM 15 YEARS OF AGE

When children and youth from Choiseul, the Western region and Malaita were asked if children should be able to marry as young as 15, most groups disagreed that children should be able to marry at this age. Key reasons cited were, children at this age were too young, too small and not ready for marriage and the responsibilities it brings, such as pregnancy and providing for the household. Some children and youth from Malaita disagreed and said 15-year-olds should be able to get married because this would give them more time to bear children.

When asked what problems children might face or how their life might change if they married as young as 15, children in Choiseul and the Western region identified not being able to get a proper job, provide for their family and violence in the home as the key problems that were likely to arise. Some girls also reported health issues (for girls and their babies) as a key problem; whereas, some boys mentioned stress, drinking and drug use as key issues of concern. Children and youth from Malaita also reported not being able to support their children, not completing school, pregnancy, health risks and divorce as key issues.

When asked if they thought girls and boys would experience different problems if they married under 18, overall, most children and youth from Choiseul, the Western region and Malaita felt that boys and girls would face the same challenges. However, some children recognised key differences, including that girls were likely to be more affected and would face more health problems than boys and that boys, as heads of household, were likely to face more pressure to provide for the family and experience stress. Some children from Malaita linked this stress with boys also drinking more alcohol.

RAISING THE MINIMUM AGE OF MARRIAGE TO 18 YEARS OF AGE

When asked what the benefits are of raising the marriage age to 18, children and youth from Choiseul, the Western region, Malaita and Honiara identified allowing children to complete their education, enjoy childhood activities and continue to learn life skills from their parents (such as gardening, looking after babies and fishing) as key benefits. Allowing children time to mature, get a job and be able to provide for their families were also seen as important benefits of raising the age.

Many children and youth also spoke about raising the minimum age higher than 18. Most children in Choiseul advocated for a minimum age of 21 years with some also suggesting 25 years, particularly for girls. Children and youth from Malaita suggested a minimum age of between 20-30 years. Some youth from Honiara also suggested the minimum age should be between 20-25 years and that the minimum age should be different for boys and girls (some saying it should be 18 years for girls and 20 years for boys and vice versa).

APPLYING A MINIMUM AGE OF 18 TO CUSTOMARY MARRIAGES

Children and youth from Malaita and Honiara agreed that the minimum marriage age should also apply to customary marriages. Youth from Honiara noted that customary marriage is the most common form of marriage in Solomon Islands and applying the same minimum age to customary marriages was important to ensure couples were ready for marriage, prevent teen pregnancy, forced marriage and conflict, and ensure the same rules, including penalties, applied to customary marriages.

VERIFYING AGE BEFORE MARRIAGE

When youth in Honiara were asked if there should be a requirement for a religious minister or district registrar to be given proof of the parties' ages before marriage, all agreed the law should require this.

CONSENT AND MARRIAGE

When asked who should decide when it is time for them to marry and who they should marry, nearly all children from Choiseul said it was up to them to decide. More children from the Western region said their parents would make the decision about their marriage. When asked why it should be their decision to marry, children from both Choiseul and the Western region said they know best if they are ready for marriage and who they would want to marry. Some children also talked about how it is their right to choose who they marry.

All the children recognised that others (such as parents, extended family and community leaders) might have a say in their marriages. When asked what the positives might be if other people were involved in decision-making about marriage, most children from Choiseul and the Western region acknowledged that their families would be supportive of the marriage and help them financially if they were involved in the decision.

When asked about the negatives of someone else deciding when and who they marry, many children said the marriage would be unhappy, they would regret the marriage and there could be violence in the marriage. Some children recognised this would be forced marriage and that it would make them feel afraid and sad.

Most children and youth from Malaita and Honiara agreed each party's consent should be confirmed before marriage. Some noted it would ensure each party is able to express their views and make their own decisions about marriage. Others noted it would also prevent the marriage being forced with one group from Malaita saying marriage without consent could lead to suicide.

When youth from Honiara were asked if parental or guardian consent still be required if the minimum age of marriage is increased to 18, they agreed that parental consent should still be required even if the minimum age of marriage is raised to 18 with some expressing it is important to involve parents in marriage decisions to seek their views and avoid disagreement.

INCREASING PENALTIES FOR CHILD MARRIAGE

When youth from Honiara were asked if the penalties should increase for those involved in facilitating underage marriages, all youth agreed financial penalties should increase from \$100 to between \$600-\$15,000 (with \$5,000 being the most mentioned figure) and the imprisonment term should increase from six months to between one and seven years (with two years being the most mentioned length of time).

5.2.2 Parents, caregivers, and faith and community leaders

Main findings

- Most parents, caregivers and faith and community leaders correctly identified a person is a child up to 18 years of age;
- Most parents, caregivers and faith and community leaders agreed children should not be able to marry from 15 years of age;
- All parents, caregivers and faith and community leaders supported raising the minimum age of marriage to 18 years of age;
- Most parents, caregivers and faith and community leaders supported applying a minimum age of marriage of 18 to customary marriages;
- Most parents, caregivers and faith and community leaders agreed the age of persons to be married should also be verified before marriage;
- Most parents, caregivers and faith and community leaders agreed the consent of each person to be married should be verified before marriage;
- Most parents, caregivers and faith and community leaders agreed that parental consent should still be required up to a certain age, if not at all ages;
- All parents, caregivers and faith and community leaders agreed the penalties for facilitating child marriages should be increased.

BEING A CHILD

When asked up until what age a person is a child, most parents, caregivers and faith and community leaders said 18 years; however, more faith and community leaders defined someone as a child according to how they act, look or how much they depend on their parents rather than their age.

When asked what things children should have the opportunity to do or complete before marriage, most parents, caregivers and faith and community leaders spoke about children achieving milestones that would enable them to have a successful marriage or support their family, such as physical and mental maturity, good decision-making skills, and knowledge of how to manage and provide for their family. Parents and caregivers were also more likely to mention giving children the opportunity to become self-reliant, get a job and complete their education before marriage.



Photo credit: Save the Children

WHETHER A CHILD SHOULD BE ABLE TO MARRY FROM 15 YEARS OF AGE

When asked whether children should be able to marry from 15, most parents, caregivers and faith and community leaders disagreed but some said they would agree for a child to marry from 15 if they were physically ready.

When asked what problems children might face if they married from 15, most parents, caregivers and faith and community leaders said that children would not be able to look after or provide for their family due to lack of knowledge, income or because they were not mentally and physically mature. Other key concerns raised were that children would not have had a chance to complete their education, children would be more likely to divorce if they married young, and girls would likely suffer difficulties in childbirth and breastfeeding and other health issues as their bodies were not ready.

When asked about their experience of child marriage, either personally or in their communities, parents, caregivers and faith and community leaders reported experiencing or witnessing many of the same problems noted above as well as early pregnancy, challenges with managing household workload, unfaithfulness, violence and other problematic behaviours, and missing out on childhood activities.

Most parents, caregivers and faith and community leaders felt that girls and boys faced the same problems if they married under 18, although some adults recognised girls were likely to face more issues, noting boys were more likely to avoid responsibilities and leave girls to take full responsibility for the household, and girls were more likely to face health issues.

RAISING THE MINIMUM MARRIAGE AGE TO 18 YEARS OF AGE

All parents, caregivers and faith and community leaders supported raising the minimum age to 18. When asked what the benefits are of raising the marriage age to 18, most parents, caregivers and faith and community leaders reported that by this age children would be more mature physically and mentally, have the capacities and skills to provide for and manage their own families, have completed their education and be better prepared for marriage.

APPLYING A MINIMUM AGE OF 18 TO CUSTOMARY MARRIAGES

Most parents, caregivers and faith and community leaders also supported applying a minimum age of 18 to customary marriages with some groups suggesting a higher minimum age ranging between 20-25 years while others acknowledged that applying a minimum age to customary marriages would help reduce forced marriages and child trafficking. Some parents and caregivers however did not support imposing a minimum age on customary marriages, stating that children should be able to get married if their bodies were ready.

VERIFYING AGE BEFORE MARRIAGE

When parents, caregivers and faith and community leaders were asked if there should be a requirement for a religious minister or district registrar to be given proof of each party's age before marriage, most agreed that some kind of legal documentation, like a birth certificate, should be provided to verify age; however, some parents and caregivers suggested it was enough for community leaders to verify age.

CONSENT AND MARRIAGE

When asked if the law should be revised to confirm each party has consented to the marriage, most of the parents, caregivers and faith and community leaders agreed, with some noting that listening to their child's views was important as their child will know best if they are ready for marriage and it will help to avoid disappointment. One group of parents and caregivers specifically mentioned it was important for their child to consent to marriage to avoid suicide. Some faith and community leaders disagreed, however, saying representatives of the parties must consent, not the parties themselves.

When asked if parental consent to marriage should also be required after a person turns 18, most parents, caregivers and faith and community leaders agreed. All faith and community leaders said parents must consent to their children's marriages, with most saying this requirement should apply at all ages. Most parents and caregivers agreed that parental consent is also required but were more likely to apply an age limit to this requirement of between 20-25 years.

INCREASING PENALTIES FOR CHILD MARRIAGE

When parents, caregivers and faith and community leaders were asked if the penalties should increase for those involved in facilitating underage marriages, all agreed financial penalties should increase from \$100 to between \$300-\$20,000 (with \$1,000 being the most mentioned figure) and most adults agreed the imprisonment term should also increase from six months to between one and five years (with one year being the most mentioned length of time).



Pictured: Children in Solomon Islands being consulted and trained to advocate on issues that affect them, including the legal age of marriage.

Photo credit: World Vision





Pictured: Children in Solomon Islands being consulted and trained to advocate on issues that affect them, including the legal age of marriage.

Photo credit: World Vision

6

Implementation and Enforcement – Key Challenges and Solutions

6.1 Key background

While amending the Act to set a minimum marriage age of 18 for all forms of marriage, requiring consent and age verification, and increasing penalties for facilitating child marriages are critical steps towards preventing child marriage in Solomon Islands, for these law changes to be effective they must also be implementable, comprehensively enforced and part of a comprehensive strategy to address the root causes and key consequences of child marriage.

To further inform the SILRC's consideration of this issue, the SIEVAP Coalition convened a workshop with key stakeholders⁸⁸ to:

- Identify potential implementation and enforcement challenges if the law is reformed to prevent child marriage;
- Identify potential solutions to these challenges; and
- Identify if there are any other changes required, legal or otherwise, to address the root causes of child marriage in Solomon Islands.



Photo credit: Save the Children

6.2 Raising the minimum marriage age to 18 and applying it to customary marriages

KEY IMPLEMENTATION AND ENFORCEMENT CHALLENGES

Workshop participants identified the following implementation and enforcement challenges if the minimum marriage age is raised to 18 and also applied to customary marriages:

Conflicting Legislation:

Current laws may have different provisions regarding marriage age and harmonizing these laws could be complex and time-consuming.

Stakeholder Involvement:

Implementing the new law will necessitate the involvement of many stakeholders, including government agencies, NGOs, religious groups, and traditional leaders, to conduct widespread awareness campaigns.

Geographic Challenges:

Solomon Islands' geographical diversity, with many remote and hard-to-reach islands, makes it difficult to disseminate information and enforce laws consistently across the country.

Infrastructure Limitations:

Limited infrastructure in rural and remote areas could hinder the implementation of the law and the establishment of effective monitoring systems.

⁸⁸ The workshop included representatives from the Ministry of Police and National Security and Correctional Services, Ministry of Home Affairs, Social Welfare Division, Law Reform Commission, People with Disability Solomon Islands, Solomon Islands Christian Association, Christian Care Centre, UNICEF, Hope Trust, community youth leaders and representatives from the SIEVAP Coalition.

Budget and Resourcing:

Adequate financial and human resources are essential for effective law enforcement. However, Solomon Islands may face challenges in allocating sufficient budget and trained personnel to oversee and implement the law. Training officials, community leaders, and other relevant stakeholders on the new legal requirements is critical but will also be resource intensive.

Changing Cultural and Social Mindsets:

Shifting long-standing cultural practices and beliefs about marriage, particularly in customary settings, will be challenging. Resistance from communities that view early marriage as a norm is likely and may make uniform enforcement of the law challenging.

Varied Age Norms:

Customary norms around marriage age might differ significantly from the proposed legal age of 18. Aligning these norms with the law could be challenging, especially in areas where early marriage is deeply rooted in tradition.

Parental Consent and Influence:

In many communities, parents play a significant role in deciding when and whom their children marry. Changing this dynamic to comply with the new law could be difficult.

Resistance to Change from Community Leaders:

Community leaders, who are key figures in customary marriages, may resist the new law if they feel it undermines their authority or conflicts with long-standing traditions. Their involvement and support are essential for the law's success, but without clear guidelines, their role in enforcement may be limited.

Lack of Registration of Customary Marriages:

Customary marriages are often not formally registered, which complicates the enforcement of any new legal age requirements. Without proper registration, many marriages may go unnoticed by authorities, rendering the law ineffective in practice.

Limited Oversight:

Monitoring customary marriages, especially in remote areas, is a significant challenge. The absence of a robust monitoring system allows early marriages to continue without detection or intervention.

Resource Constraints:

There may be insufficient resources allocated for monitoring customary marriages, particularly in rural communities, where traditional practices are more prevalent.

Challenges in Outreach:

Educating communities about the new marriage age law will be difficult, especially in areas with limited access to communication channels or where there is resistance to change from traditional practices.



Photo credit: Save the Children

Potential solutions

Workshop participants identified some potential solutions to these challenges for the SILRC's consideration, including:

Legal Review:

Review existing marriage-related acts to ensure they align with the new minimum marriage age and compulsory verification and registration requirements and address any inconsistencies.

Constitutional Amendments:

Consider amending the Constitution to ensure the effective implementation and enforcement of the new marriage laws, particularly their application to customary marriages.

Compulsory Registration of Customary Marriages:

Make the registration of customary marriages compulsory, with penalties for non-compliance. This could be enforced through regular audits and checks by local authorities, with the support of community leaders.

Leverage Existing Systems:

Utilize existing channels for civil and religious marriages to register customary marriages. This approach could involve integrating customary marriage registration into the current civil registration system to ensure consistency and oversight.

Simplified Procedures:

Streamline the registration process to make it accessible for communities, especially in rural areas, ensuring that customary marriages are recorded without imposing undue burdens.

Monitoring Systems:

Establish an effective system to monitor marriages from urban to rural areas. This includes ensuring that marriage registrations are properly conducted and that any violations of the law are reported and addressed.

Enforcement Mechanisms:

Develop strong enforcement mechanisms that can operate across the country, including remote areas.

Community Involvement:

Empower community-based mechanisms by involving traditional leaders, chiefs, and local organizations in the enforcement and monitoring of the new marriage age law. This could include training and capacity-building programs to equip them with the necessary knowledge and tools.

Cross-Sector Coordination:

Strengthen coordination between government agencies, NGOs, religious organizations, and community leaders to create a unified approach to enforcing the law. This could involve establishing local committees or task forces dedicated to monitoring and reporting on marriage practices.

Clear Role Definition:

Clearly define the roles and responsibilities of community actors, such as chiefs and traditional leaders, within the legal framework. This will enable them to effectively enforce the law and ensure compliance within their communities.

Legal Empowerment:

Provide legal backing to community actors to act against violations, ensuring they have the authority to intervene in cases of underage or forced marriages.

Culturally Relevant Education:

Conduct awareness campaigns that contextualize the new marriage age laws within the cultural and traditional practices of the communities. Use local languages, stories, and symbols to make the message resonate with different cultural groups.

Widespread Outreach:

Ensure that awareness efforts reach all parts of the country, including remote and rural areas, using various media channels, community meetings, and educational programs.

6.3 Requiring consent and age verification before marriage

KEY IMPLEMENTATION AND ENFORCEMENT CHALLENGES

Workshop participants identified the following implementation and enforcement challenges if the law was changed to require age and consent verification for all marriages, including customary marriage:

Cultural Resistance:

Customary practices often place significant authority in the hands of parents or community leaders, with less emphasis on the consent of the young individuals themselves. Changing this dynamic could face resistance from communities that value traditional roles and hierarchies.

Lack of Documentation:

Many individuals, especially in rural areas, might lack formal birth certificates or identification documents, making it difficult to verify their age.

Inconsistent Enforcement:

The enforcement of age and consent verification could be inconsistent, particularly in remote areas where law enforcement is limited and customary practices dominate.

Limited Resources:

Implementing a system for age and consent verification requires resources, including trained personnel, technology for record-keeping, and accessible legal services, which may be lacking in certain regions.

Geographical Challenges:

The geographical diversity of Solomon Islands, with many remote and isolated communities, poses significant challenges for consistent enforcement and monitoring.

Lack of Awareness:

Ensuring that communities understand and comply with the new requirements for age and consent verification will require extensive awareness campaigns, which might be difficult to implement effectively in all areas.

Resistance to Change:

Even with awareness, there might be reluctance to change established practices, particularly in areas where parents and elders traditionally control marriage arrangements.

Photo credit: ChildFund



Potential solutions

Workshop participants identified some potential solutions to these challenges for the SILRC's consideration, including:

Culturally Sensitive Campaigns:

Develop and implement awareness campaigns that are culturally sensitive and tailored to different communities. These campaigns should emphasize the importance of age verification and individual consent while respecting cultural norms.

Community Engagement:

Engage community leaders, including chiefs and religious figures, families and children in understanding and promoting the new laws. The endorsement of community leaders along with support from families can help overcome traditional resistance and encourage community buy-in.

Empower Youth:

Educate children and youth about consent provisions and provide access to counselling services for individuals considering marriage, helping them understand their rights and the implications of marriage before giving consent.

Documentation Initiatives:

Initiate programs to ensure that all individuals, especially in rural areas, have access to birth registration and identification documents. This could involve mobile registration units or community-based documentation drives.

Local Verification Committees:

Establish local committees or use existing community structures to verify the age and consent of individuals before marriage. These committees could include representatives from government agencies, traditional leaders, and civil society organizations.

Capacity Building:

Provide training for local authorities, traditional leaders, and law enforcement on the new legal requirements and how to enforce them effectively.

Budget Allocation:

Advocate for sufficient budgetary allocation to support the implementation of age and consent verification, including infrastructure development, personnel training, and community outreach.

Photo credit: Save the Children



6.4 Increasing and enforcing penalties for child marriage

Workshop participants recommended that penalties for underage marriages should increase to serve as a deterrent against illegal marriages, including forced marriages. They also recommended that the law should be amended to penalise a wider range of individuals involved in facilitating child marriages or bypassing any new legal requirements on age and consent, such as parents, caregivers, guardians, bride and groom (18 and over), religious ministers, officials, community leaders, relatives and arrangers.

Workshop participants recommended increasing the minimum financial penalty of \$100 to \$5,000 and minimum imprisonment term from six months to two years to reflect the gravity of the offences and create a stronger deterrent effect compared to current penalties. They also proposed setting a maximum financial penalty of \$15,000 and maximum imprisonment term of five years for repeat offenders or particularly egregious cases, including forced marriages and child trafficking.

KEY IMPLEMENTATION AND ENFORCEMENT CHALLENGES

Workshop participants identified the following implementation and enforcement challenges with increasing penalties:

Inability to Pay Fines:

Many families, particularly those in rural or impoverished areas, may lack the financial resources to pay increased fines. This could lead to additional financial burdens, exacerbating their economic difficulties.

Impact on Vulnerable Families:

In cases of abusive families, higher penalties could worsen the situation, potentially leading to further abuse or neglect.

Rehabilitation Services:

There may be insufficient facilities, including rehabilitation services, to support perpetrators who are penalized. Without proper rehabilitation, the cycle of abuse or illegal practices may continue.

Geographical Isolation:

In remote areas, enforcing penalties and ensuring compliance with the law could be difficult due to the lack of infrastructure, resources, and legal presence.

Language Barriers:

Language differences and literacy levels in various communities may hinder the effective communication and understanding of the new penalties and legal requirements.

Cultural Resistance:

Communities that adhere strongly to traditional practices may resist the increased penalties, viewing them as an intrusion on their cultural norms and autonomy.

Social Stigma:

Families penalized under the new laws might face social stigma, leading to further isolation or division within communities.

Harmonization with Other Laws:

Ensuring that the increased penalties are harmonized with existing criminal laws might require extensive legal review and adjustments.

Need for Wider Consultation:

Implementing increased penalties without sufficient consultation with stakeholders could lead to opposition and challenges in enforcement.

Potential solutions

Workshop participants identified some potential solutions to these challenges for the SILRC's consideration, including:

Include Specific Clauses in the Law:

Clearly outline the increased penalties within the legal framework, including any mitigating circumstances that might apply. This could help in ensuring that the law is applied consistently and fairly.

Harmonize Penalties with Other Criminal Acts:

Align the increased penalties for illegal marriages with existing penalties for similar criminal acts in the penal code. This will help in maintaining consistency within the legal system and reduce potential conflicts.

Engage Churches and Religious Leaders:

Collaborate with religious leaders who have significant influence in many communities. Their support can help in both enforcing the law and providing moral and ethical guidance to their congregations.

Involve Civil Society and NGOs:

Partner with civil society organizations and NGOs to support enforcement efforts, provide education and awareness, and offer services such as legal aid, counselling, and rehabilitation for both children affected by child marriage and perpetrators.

Work with Traditional Leaders:

Engage traditional leaders in the enforcement process by involving them in consultations, training, and awareness campaigns. Their endorsement is crucial in ensuring community acceptance and compliance with the new laws.

Establish a Mitigation Fund:

Create a fund or financial assistance program to support families who are unable to pay fines. This could include community service options or other forms of restitution as alternatives to financial penalties.

Enhance Rehabilitation Services:

Invest in the development of rehabilitation services for perpetrators, including counselling, education, and skills training, to help them reintegrate into society and reduce the likelihood of reoffending.

Conduct Culturally Sensitive Awareness Campaigns:

Develop campaigns that address cultural resistance by contextualizing the importance of the new penalties within local traditions and values. Use local languages, symbols, and respected community figures to convey these messages.

Wider Consultation and Involvement:

Ensure that there is broad consultation with stakeholders, including local communities, before implementing the increased penalties. This could involve public forums, surveys, and dialogues to gather input and build consensus.

Decentralize Enforcement:

Consider decentralizing enforcement mechanisms by empowering local authorities and community leaders to oversee the implementation of the law in their areas. This could include training and equipping them with the necessary resources.

Provide Incentives and Allowances:

Offer incentives or allowances to local officials and community leaders who actively participate in enforcing the law, helping to motivate and sustain their involvement.

6.5 Addressing commercial sexual exploitation of children

Workshop participants also considered whether the proposed law changes would help address forced marriage and child trafficking or if other law changes are also needed.

Workshop participants agreed that the proposed law changes could significantly help address forced marriage and child trafficking by:

Consent:

By legally requiring the consent of the individuals getting married, the law would directly combat forced marriages where consent is often not given or bypassed.

Age Verification:

Ensuring that all marriages involve individuals who are at least 18 years old would reduce the incidence of child marriages, which are often linked to trafficking and exploitation.

Monitoring and Accountability:

With mandatory age and consent verification, there would be a clearer framework for monitoring marriages and holding violators accountable, thereby reducing the risk of forced marriages and trafficking.

Workshop participants also agreed that increasing penalties and expanding liability to include a broader range of individuals involved in illegal marriages would help address forced marriage and child trafficking by:

Deterring Participation:

Higher penalties would discourage individuals from participating in or facilitating illegal marriages.

Ensuring Accountability:

Holding a wide range of people accountable, including those who arrange marriages, would ensure that the law is taken seriously at all levels of society.

Strengthening Enforcement:

Clear and severe penalties would support law enforcement efforts to prevent forced marriages and trafficking, making it more difficult for offenders to evade consequences.

However, workshop participants noted that additional legal changes might also be needed, such as:

Protection for Survivors:

Laws that provide protection and support for survivors of forced marriage and trafficking.

Enhanced Law Enforcement:

Strengthening the capacity of law enforcement agencies to detect, prevent, and prosecute cases of forced marriage and trafficking.

6.6 What else is needed beyond law change

Workshop participants also identified what key changes are required beyond the law to ensure the proposed changes to current marriage laws are effective and address the root causes of child marriage in Solomon Islands:

Policy Review and Development:

Develop and review policies that specifically address the prevention of child marriage such as greater inclusion of girls in secondary education and policies to mitigate household poverty, focusing on early intervention and response strategies. These policies should be integrated into broader national strategies on child protection, education, and gender equality.

Incorporate into School Curriculum:

Include education about the legal marriage age, the importance of consent, and the rights of children in the school curriculum. This can help raise awareness from a young age and empower children to understand and assert their rights.

Development of By-Laws:

Encourage local communities to develop by-laws that align with national laws but are tailored to the specific cultural and social contexts of each community. These by-laws can help reinforce the national legal framework at the grassroots level.

Empowerment and Capacity Building:

Strengthen community mechanisms by empowering local actors, such as chiefs, religious leaders, and community groups, families and children through capacity-building initiatives. This includes training on legal rights, early intervention techniques, and how to support children affected by child marriage.

Response Systems:

Establish and support early intervention and response mechanisms within communities to identify and address potential cases of child marriage before they occur. This could involve setting up reporting and referral systems, as well as providing support services for at-risk children and their families.

Community-Based Monitoring:

Implement community-based monitoring systems to track marriages and ensure compliance with the legal requirements. This could involve regular community meetings, oversight by local authorities, and the involvement of civil society organizations.

Survivor Support Services:

Establish services for children affected by child marriage, including forced marriages and child trafficking, that provide access to legal aid, counselling, and rehabilitation programs.

Awareness Campaigns:

Conduct widespread awareness campaigns at the community level, focusing on educating people about the new laws, the consequences of child marriage, and the importance of consent and legal marriage age. These campaigns should be culturally sensitive and involve local leaders and influencers.

Positive Parenting Programs:

Promote positive parenting practices that discourage early marriage and emphasize the importance of education and the well-being of children. This could include community workshops, peer education, and support groups for parents.

Economic Support Programs:

Develop and implement economic support programs aimed at alleviating the financial pressures that often lead to child marriage. This could include vocational training, income-generating activities, and access to microfinance for families in vulnerable situations.

Social Safety Nets:

Strengthen social safety nets to support families, especially those in poverty, ensuring they have access to basic needs such as education, healthcare, and housing. This can reduce the economic incentives for marrying off children at an early age.

Collaboration with NGOs and Civil Society:

Foster partnerships with non-governmental organizations, civil society groups, and international organizations to support the implementation of the laws and community initiatives. These partners can provide resources, expertise, and advocacy to strengthen efforts against child marriage.

Engage Religious Institutions:

Work closely with religious institutions to promote messages that support the legal framework and discourage child marriage. Religious leaders can play a critical role in changing attitudes and behaviours within communities.



Photo credit: ChildFund

7

Conclusion and Recommendations for Action

Children in Solomon Islands, particularly girls, are not adequately protected against child marriage due to significant gaps in legislation and customary law and other key drivers, including cultural practices, gender norms and poverty.

All children in Solomon Islands have a right to be protected from child marriage. This protection is provided for in international human rights conventions, including the CRC and CEDAW. As a State Party to these Conventions, the Solomon Islands Government is obligated to give effect to this right domestically through legislative change and policy measures.

Children, parents and caregivers, and faith and community leaders have made it clear that they support changing the law to protect children from child marriage and its harmful consequences and, importantly, that these protections should also apply to customary marriages. As underscored by key stakeholders and in accordance with international best practice, the Solomon Islands Government must also undertake a comprehensive approach to ensure law changes are effective and enforced and the root causes of child marriage are addressed.

Based on the key findings from the Make it 18 community consultations, consultations with key stakeholders on implementation and enforcement, and the analysis outlined in this report, the SIEVAP Coalition calls on the Government of Solomon Islands to take the following actions to ensure the Act is consistent with the CRC and CEDAW, that any amendments to the Act are effective and enforced, and that a comprehensive approach is taken to address the root causes of child marriage in Solomon Islands:



Photo credit: Save the Children

ONE

Define Child as a Person Under 18

To ensure alignment with the CRC's definition of a child.

CRC Alignment: Article 1 (*definition of a child*).

TWO

Raise the Minimum Age of Marriage to 18

To protect children from child marriage and commercial sexual exploitation and ensure they can fully enjoy their childhood, complete their education, and achieve physical and mental maturity before taking on marital responsibilities.

CRC Alignment: Article 1 (*definition of a child*), Article 2 (*non-discrimination*), Article 3 (*best interests of the child*), Article 6 (*survival and development*), Article 19 (*protection from violence, abuse and neglect*), Article 24 (*protection from traditional practices prejudicial to health*), Article 28 (*education*), Article 34 (*protection from sexual abuse and exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*), Article 6 (*trafficking and exploitation*) and Article 16 (*marriage and family life*).

THREE

Apply the Minimum Age of Marriage to Customary Marriages

To protect all children from child marriage, commercial sexual exploitation, and associated risks.

CRC Alignment: Article 2 (*non-discrimination*), Article 19 (*protection from violence, abuse and neglect*), Article 24 (*protection from traditional practices prejudicial to health*), Article 34 (*protection from sexual abuse and exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*), Article 6 (*trafficking and exploitation*), Article 15 (*rural girls*) and Article 16 (*marriage and family life*).

FOUR

Require Age Verification Before Marriage

To ensure that only individuals who meet the minimum age requirement can legally marry, preventing child marriages and commercial sexual exploitation of children.

CRC Alignment: Article 7 (*birth registration*), Article 24 (*protection from traditional practices prejudicial to health*), Article 34 (*protection from sexual exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 6 (*trafficking and exploitation*) and Article 16 (*marriage and family life*).

FIVE

Verify Consent of Each Person to Be Married

To ensure that marriages are entered into willingly by both parties and prevent forced marriages, the commercial sexual exploitation of children, and associated negative outcomes.

CRC Alignment: Article 12 (*respect for the views of the child*), Article 19 (*protection from abuse and neglect*), Article 34 (*protection from sexual exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*), Article 6 (*trafficking and exploitation*), Article 15 (*law*) and Article 16 (*marriage and family life*).

SIX

Remove Parental Consent to Marriages of 15-17 year olds

To ensure the law provides no exceptions to the minimum marriage age of 18.

CRC Alignment: Article 1 (*definition of a child*), Article 2 (*non-discrimination*), Article 3 (*best interests of the child*), Article 6 (*survival and development*), Article 24 (*protection from traditional practices prejudicial to health*), Article 28 (*education*), Article 34 (*protection from sexual abuse and exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*), Article 6 (*trafficking and exploitation*) and Article 16 (*marriage and family life*).

SEVEN

Explicitly Prohibit Child Marriage and Increase Penalties for Facilitating Child Marriages

To make it clear child marriage is illegal, to deter individuals from facilitating child marriages and to emphasise the seriousness of the offence.

CRC Alignment: Article 19 (*protection from abuse and neglect*), Article 24 (*protection from traditional practices prejudicial to health*), Article 34 (*protection from sexual abuse and exploitation*) and Article 35 (*protection from trafficking*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*), Article 6 (*trafficking and exploitation*) and Article 16 (*marriage and family life*).

EIGHT

Promote Awareness and Education on the Legal Age of Marriage and Child Rights

To inform children, youth, and communities about the legal age of marriage and the rights of children, fostering an environment that supports child development and protection, and compliance with the Act.

CRC Alignment: Article 17 (*access to information*) and Article 42 (*awareness of the rights of the child*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 5 (*gender stereotyping*) and Article 10 (*education*).

⁸⁹ UNICEF, the UN Global Compact and Save the Children (2012). Children's Rights and Business Principles. <https://www.unicef.org/documents/childrens-rights-and-business-principles>

NINE

Require Extractive Industries to Implement the Children's Rights and Business Principles⁸⁹

To meet their responsibility to respect and protect children's rights, understand and address the impact of their business on the rights and well-being of children, and prevent their staff from engaging in the commercial sexual exploitation of children including, but not limited to, child marriage.

CRC Alignment: Article 4 (implementation of rights), Article 19 (protection from abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

Photo credit: World Vision



TEN

Support Effective Implementation and Enforcement of Child Marriage and Commercial Sexual Exploitation of Children Laws

To ensure all children are protected from child marriage and commercial sexual exploitation, communities are supported and empowered to comply with the new child marriage laws, and individuals who facilitate child marriages, or are involved in the commercial sexual exploitation of children, are held to account.

CRC Alignment: Article 4 (implementation of rights), Article 19 (protection from abuse and neglect), Article 24 (protection from traditional practices prejudicial to health), Article 34 (protection from sexual abuse and exploitation) and Article 35 (protection from trafficking).

CEDAW Alignment: Article 2 (policy measures), Article 3 (gender equality), Article 6 (trafficking and exploitation) and Article 16 (marriage and family life).

ELEVEN

Implement Comprehensive Policy, Programming and Budgetary Interventions

To support families and communities to protect children from child marriage and commercial sexual exploitation, address the root causes and key consequences of child marriage and commercial sexual exploitation, increase girls' access to secondary school education as a means of protection from the risk of child marriage, ensure child marriage laws are effectively implemented and enforced, and provide children, including those affected by child marriage and commercial sexual exploitation of children, and their families with access to support services.

CRC Alignment: Article 4 (*implementation of rights*), Article 26 (*social and economic help*), Article 27 (*standard of living*) and Article 28 (*access to education*).

CEDAW Alignment: Article 2 (*policy measures*), Article 3 (*gender equality*), Article 4 (*special measures*), Article 10 (*education*), Article 11 (*employment*), Article 12 (*health*), Article 13 (*economic and social life*), Article 14 (*rural girls*) and Article 16 (*marriage and family life*).

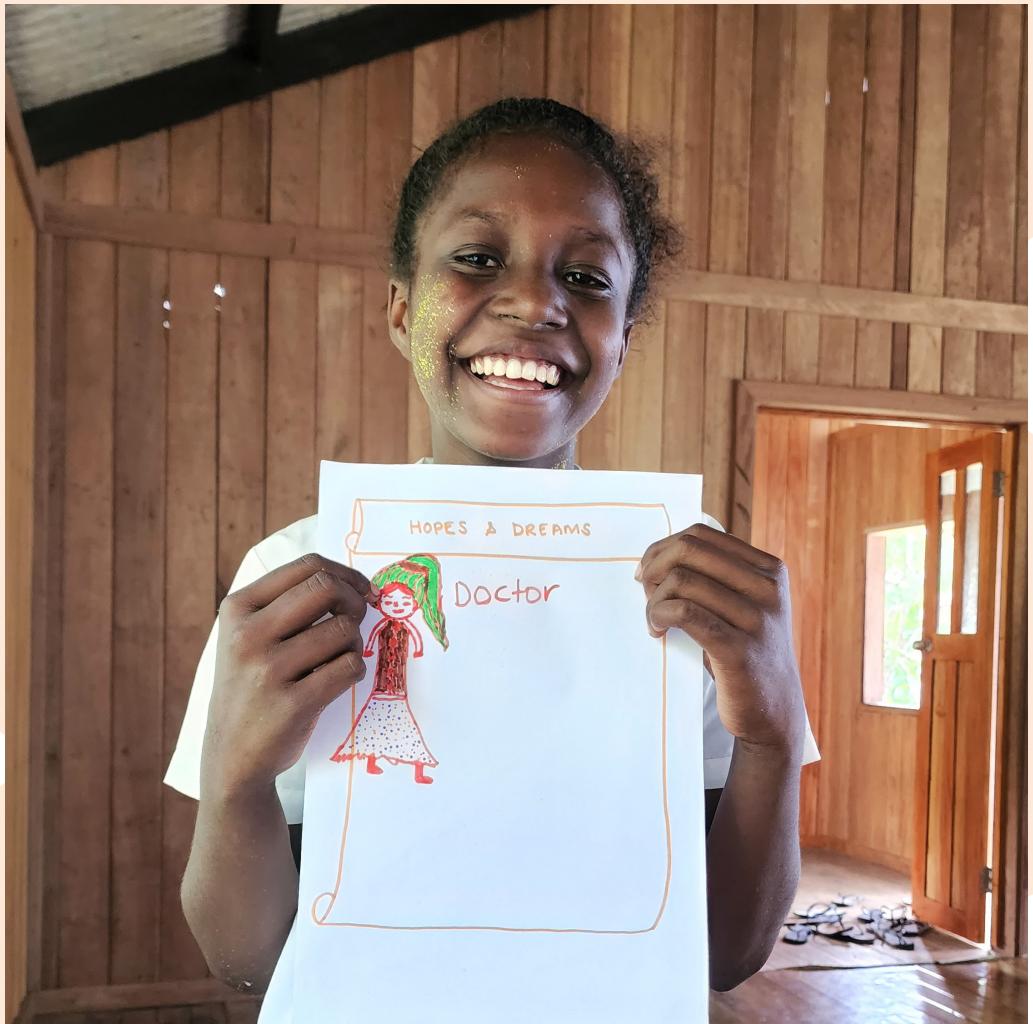


Photo credit: Save the Children

Appendix

Make it 18 Consultation Questions

Consultation questions asked by Save the Children

1. Being a child is based on a person's age, do you know the definition of age for being a child?
2. Can you share some typical things that children do?
3. What are some of the things you enjoy doing?
4. What do you think makes a child different to an adult?
5. What are your ideas for things you might like to do when you are an adult?
6. What are your dreams for the future?
7. If you could do anything what you would love to do?
8. To achieve your dreams, what do you think you need to do now or in the future?
9. Who might be able to help you achieve your dreams?
10. What are some things that you think could get in the way?
11. Do you have any examples of decisions we make as children?
12. Do you think these are different as you become an adult? How do they change?
13. What are some examples you can think of things that adults can do and do you know if there is a legal age limit for those things?
14. Are there any rules that you know about getting married?
15. Do you know how old a person must be before they can get married?
16. Do you think 15-year-olds should or should not be getting married?

17. What do you think the problems might be if a person was getting married at 15?
18. Do you think this is different for girls than boys?
19. What do you think might be some positives of waiting til a person is 18 years old before they can get married?
20. If a person decides they don't want to get married when they are younger than 18, what are other things they might want to do instead?
21. Who do you think should make decisions about a person getting married? The person themselves or someone else?
22. Why is it important for the person getting married to make their own decisions about this?
23. Who else might have a say, and might be some of the positives or negatives of another person having a say?

Consultation questions asked by World Vision

1. Adults usually get married, not children. Being a child is based on a person's age. What is the definition of age for being a child?
2. There are differences between being a child and being an adult. Those things are around a person's body, understanding, and decisions they must make. Often age defines things we can do. Some things have legal restrictions, like voting for example is for persons aged 18 years and above. What things should a child have the opportunity to do or complete before marriage?
3. Do you think 15-year-olds should or should not be getting married?
4. What do you think the problems might be if a person was getting married at 15?
5. Do you think this is different for girls than boys?

6. The government wants your thoughts about marriage laws and whether they should make the age to get married older, like to at least 18 years old. What do you think might be some positive reasons for waiting until a person is 18 years old before they can get married?
7. We'd like to know your experiences. Have any participants been married when they were under the age of 18? How did it impact your lives? Have participants seen people married under the age of 18? How did the marriage change that person's life? Did they miss out on anything? Have your own children married under the age of 18? Why? What impact did it have?
8. Should the minimum age of marriage be increased to be above 15 years? If so, why and to what age? If not, why?
9. Should any raised age of marriage also apply to customary marriages?
10. Should there be a requirement for the Minister of Religion or District Registrar/Officer to be given any document (birth certificate or Affidavit – legal written statement) to prove the couple's ages prior to marriage?
11. If a person is under 18, they currently need written parental or guardian consent to be married. Why is this important or not?
12. For a young person's consent - should the ones to be married need to state that they freely and willingly consent to being married?
13. If a person is 18 years or older they do not currently need written parental or guardian consent to be married. At what age should this requirement be present or removed?
14. It is an offence for any party who knowingly contracts or administers a marriage of persons under 15 years of age. The offence is punishable by up to a \$100.00 fine or six months' imprisonment. Should this penalty change?
15. Are there any other reforms you think are needed?



Consultation questions asked by ChildFund

1. Should the minimum age of marriage be increased? If so, to what age?
2. Should the raised age of marriage also apply to customary marriages?
3. Should there be a requirement for the Minister of Religion or District Registrar to be given any document to prove the parties' age prior to marriage?
4. Should the revised law provide for the need for the consent of the persons to be marriage for the marriage?
5. Should parental or guardian consent still be required if the minimum age of marriage is increased?
6. Should the penalty increase for administering those not eligible to be married?



Photo credit: Save the Children