

Access to Justice Study

SOLOMON ISLANDS



Empowered lives.
Resilient nations.

The Access to Justice Project is supported by the Australian Government and by the United Nations Development Programme.

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FOREWORD «

In late 2018, the Ministry of Justice and Legal Affairs requested support to better understand existing justice needs of its citizens in line with its mandate to ensure that:

“[A]ll people in Solomon Islands have timely and relevant access to a robust and independent justice system, which they have confidence will support a safe and peaceful society”

– Justice Sector Strategic Framework 2014-2020

The Access to Justice Technical Working Group comprising representatives from across the justice sector and development partners, set the direction, scope and focus of the Study which explores the challenges and issues that affect access to justice services as well as the resources, systems and institutional reforms that are required to meet people’s demands going forward.

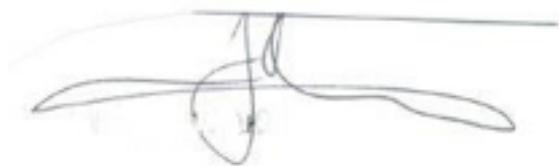
It is with immense pleasure that we present the results of the Access to Justice Study. In particular, we commend the work undertaken in rural areas where access issues are most pressing. The Study visited all provinces, engaging with Solomon Islanders who live outside of Honiara where much of the formal justice system is located.

The results presented in the pages ahead represent a fresh insight into the state of the justice sector with a focus on the needs, perceptions and experiences of a broad cross-section of Solomon Islanders. They show in detail the state of Access to Justice across the country and represent the culmination of the real-life experiences and perceptions of some 3,000 Solomon Islanders.

This Report will serve as a baseline for monitoring progress of reforms and service delivery in the formal justice system. It will also support review of the Justice Sector Strategic Framework 2014-2020 and feed into reporting against Sustainable Development Goals 16 and 5 and corresponding goals in the Solomon Islands National Development Strategy.

The Recommendations contained in this Report lay out a pathway for future action. We commit to working together to turning priority Recommendations into concrete action to improve the lives of Solomon Islanders. Only through continued partnership within and across the broader Sector will we be able to strengthen and ensure access to Justice to the people of Solomon Islands.

Together we must act to make sure that all Solomon Islanders have access to justice no matter who they are or where they live.



The Hon Dr Kaitu'u Tautai Agikimua
Minister of Justice and Legal Affairs

ACKNOWLEDGEMENTS «««

As the Permanent Secretary of Justice and Legal Affairs, I am honoured to see this Study come to fruition. This report and the Recommendations that have stemmed from it are the result of the collaborative efforts of the whole Solomon Islands justice sector. Particular thanks must go to Access to Justice Technical Working Group who helped to design, implement and ultimately validate the Recommendations.

I also extend my heartfelt gratitude to the literally dozens of partners across government, civil society and the thousands of ordinary Solomon Islanders across all Provinces who participated in this Study. It is this latter group who we must endeavour to serve in all that we do as a sector. Given the sheer number of participants, contributions will be further recognized formally in an Annex to the Report. A special thanks must be extended, however to the Law Reform Commission and the Public Solicitor's Office who provided Government Officers to assist in undertaking the Study.

Just as this Study is due to the efforts of many partners, so too are the successes and indeed challenges of our Sector. While the various agencies, organizations, Ministries and NGOs have different mandates, links to—or indeed

independence from— government, the reality is, we are all but links in a chain of interlocking agencies working towards a common Mission. Unless we work as one we will never be able to achieve our Mission: to deliver transparent, accountable and effective justice services which protect the fundamental rights and freedoms of all people in the Solomon Islands.

I would like to acknowledge the Australian Government and UNDP for their support in undertaking this Study. We have already achieved so much together. And yet, as the Recommendations of this Study highlight the challenges in this Sector remain substantial. We can only address these significant challenges collaboratively. The Study represents a solid body of evidence of our successes and challenges. With the publication of this Study, the real work must now begin.

I would like to reiterate my sincere thanks to all community members who took part in this research. Together we must turn words, graphs and data into concrete outcomes for our people.



Ethel Sigimanu
Permanent Secretary
Ministry of Justice and Legal Affairs

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ACRONYMS «««

A2J	Access to Justice
ODPP	Office of the Director of Public Prosecutions
FGD	Focus Group Discussion
FPA	Family Protection Act
GBV	Gender-Based Violence
JIMS	Justice Information Management System
JSCC	Justice Sector Consultative Committee
JSSF	Justice Sector Strategic Framework
KAP	Knowledge, Attitude and Perceptions
LC	Local Courts
MJLA	Ministry of Justice and Legal Affairs
PPD	Police Prosecutions Department
PSO	Public Solicitor's Office
RSIPF	Royal Solomon Islands Police Force
RAMSI	Regional Assistance Mission to the Solomon Islands
SIG	Solomon Islands Government
TWG	Technical Working Group
UNDP	United National Development Programme
WB	World Bank

EXECUTIVE SUMMARY «««

The Solomon Islands Access to Justice Study Final Report is the culmination of a 6-month study on context, barriers and challenges to the resolution of disputes and justice problems in the Solomon Islands. This report summarizes the main components of the study: 1) Background, 2) Methodology, 3) Results, 4) Analysis, and 5) Recommendations. Complementary reports are available that go into greater detail on literature review, methodology, and data analysis. These will be made available online and to partners and are omitted in this Report in the interests of brevity.

Background

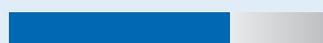
UNDP is assessing access to justice needs in the Solomon Islands in support of the Solomon Islands Government (SIG), Access to Justice Technical Working Group (TWG), and Justice Sector Strategic Framework (JSSF). Based on recommendations from initial reports in 2017 and with the approval of SIG, UNDP initiated an Access to Justice Study (A2J Study) in August 2018. The A2J Study assesses justice needs and barriers to access to justice and effective dispute resolution. It includes a representative population survey of legal knowledge and perceptions and justice service delivery needs and an analysis of institutional and user costs. The evidence and data generated will help the Justice Sector Consultative Committee (JSCC), Technical Working Group, and other stakeholders to better understand justice sector needs and make evidence-based policy decisions. The Study will also serve as a baseline for monitoring progress of reforms and improvements to the administration of justice and reach of the formal justice system. The results will support the ongoing review of the JSSF and feed into reporting against the Sustainable Development Goals 16 and 5 and the relevant corresponding goals under the Solomon Islands' National Development Strategy. Finally, the Study will provide recommendations for the design of access to justice programming by donors and sector partners.

The A2J Study examines the following justice issues:

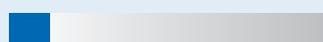
- Justice needs and behaviours, by geographical location, gender and other factors
- Perceptions of justice and fulfilment of their justice needs, or lack thereof
- Existing mechanisms available to meet people's justice needs – formal and informal
- Gaps in the availability and operation of justice mechanisms
- Barriers in accessing justice and meeting their justice needs, with a focus on vulnerable populations (women, youth, people with disabilities)
- Experiences in using the justice system – "justice stories"
- Costs of providing justice services in Solomon Islands and the opportunity cost for its citizens of justice delayed/foregone -- how much is spent and what are the gaps and costs to meet the identified demands?
- Efficiencies and inefficiencies of current institutional practices and systems.

The A2J Study Team decided upon a mixed methodology study divided into complementary qualitative and quantitative components. The quantitative aspect included a nationwide survey, with two primary components: 1) a legal needs and perception survey of a representative cross-section of citizens across the Solomon Islands, including rural communities on remote islands; and 2) a costing survey of justice sector users, as well as JIMS data and annual report data from justice sector institutions. The qualitative aspect included community focus group discussions (FGDs), key informant interviews (KIIs), literature reviews, and justice stories.

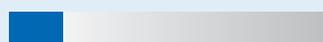
70% rural communities



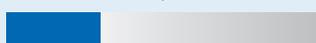
13% peri-urban



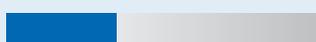
17% urban



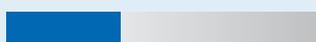
29% 18-25 years old



35% 26-40 years old



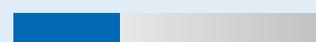
36% over 41 years old



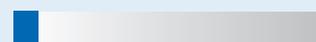
42% had a secondary level of education



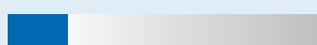
34% only primary class



8% no school



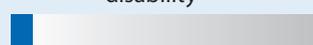
19% indicated availability of an indoor toilet



41% have a roof made of leaves



6.9% disabled or having a disability



Results

Perception of the national government justice system was found to be more positive than not, with 65% indicating satisfaction versus 32% indicating dissatisfaction. Figures were consistent across population subgroups, except people with a disability, who reported much higher rates of dissatisfaction.

Community leaders are perceived as the most effective justice institution in the Solomon Islands – accessible (90%) and resolve disputes “well” (82%). Other justice sector institutions are viewed as more “accessible” than not, with lawyers the lowest at 51%. Police have the lowest perception for effectively resolving disputes at 65% well, and 35% not well, compared to Courts at 75% well and Community Leaders at 82% well.

If a victim of crime, men reported they would go first to a Village Chief (42%), while women would go first to the Police (53%) – See Table 10. Women only indicated a 28% preference for reporting crimes to Village Chiefs, but interestingly still far above the third and fourth place options, Family (7.2%) and Church leaders (6.9%).

For domestic violence, police figured prominently in the preferences of all respondents, but decidedly more for women - 46% v. 26% for men. See Table 1.

Now when chiefs want to attend a youth who is disorderly in the community, the youths would say, we don't want you to speak because you are also a kwaso man. We lost confidence in the chief."

- FGD Participant

For land disputes, village chiefs are preferred in almost 50% of cases, consistent across gender, with Police second at 16% (women prefer 21% to 12%), and House of Chiefs third with men preferring 12% to women at 3%.

More than one in five Solomon Islanders surveyed (21.2%) reported they had been involved in a dispute in the past two years. Land disputes and family or domestic disputes (including domestic violence) represent the majority (over 60%) of all surveyed disputes. 134 violent crimes were reported, out of 1820 respondents, equivalent to a two-year crime rate of 7,363 per 100,000 (58% women; 72% rural).¹

55% of all respondents reported that it was frequent for men to use violence to resolve issues with women, but only 5% felt that it can be justified, and 86% that the man should be punished (equal across gender). 85% felt there are national legal provisions protecting women.

Recent improvements in the Magistrates' Court provincial circuit activity have closed many older cases and improved clearance rates significantly, even as backlogs in Honiara continue to grow. Chronic adjournments due to various factors, is a predominant characteristic of cases before the court, resulting in prolonged, delayed trial even for summary matters from the Court of Appeal down to the Local Courts, annual case intake outpaces resolution, with many cases stuck in a cycle of delay for years on end.

Prosecution services are characterized by a lack of human resources in the Office of the Director of Public Prosecutions and ineffective management and unnecessary adjournment requests in the Police Prosecutions Department (PPD). The Public Solicitor's Office (PSO) only has permanent offices in three out of nine provincial capital cities, with most consisting of only one lawyer, meaning that only about 60% of Solomon Islanders live in a province with a PSO. This lack of coverage corresponds with survey responses, where very few (1-2%) considered bringing disputes to the PSO. As with other justice sector institutions, their backlog is growing.

Table 1. "If you or someone in your family were a victim of violence by the hand of their partner, where would you first go for help?"

			
Police 843	46.3%	25.9%	36.4%
Village Chief 622	20%	22.8%	21.4%
Family 566	13.6%	23.9%	18.6%
Church Leader 279	6.2%	15.9%	10.9%

¹Excluding the category of “family dispute/child support”

Conclusions

- The centralization of justice administration has reduced access to justice for people living in more remote areas.
- A lack of connection between traditional/village authorities and the formal justice system prevents the proper handling of more serious or complex cases, including awareness and information on options for appeal for wrongly decided cases.
- Police presence is too low and not dispersed sufficiently throughout the country.
- While some justice sector services will improve with increased budget, funds alone will not address the key gaps in the sector. Improved management and reforms to practices, rules, and standards would have a greater effect and better value for money.
- A lack of legal awareness and access to information affects users ability to address injustices that cannot be effectively handled by the traditional system.
- As a citizen-facing institution with a mandate that spans civil, criminal, victims, defense, and legal information the PSO is understaffed, under-resourced and overburdened.
- The Local Court system is overly centralized, too expensive, and under-utilized, given their wider jurisdiction and proximity to the population.
- Poor coordination and case management (especially adjournments) are more to blame for the high backlogs and delay in justice than a lack of resources.
- Solomon Islanders with disabilities reported greater dissatisfaction with the provision of justice services.
- Land and natural resource disputes are a major impediment to sustainable development and growth, and a likely cause of underlying instability.
- The high rate of violence against women in the Solomon Islands has high economic costs due to lost productivity, out of pocket health expenditures, and developmental effects from women/girls dropping out of school.
- Despite notable successes in raising awareness, implementation of protection orders and police safety notices under the FPA has been ineffective in comparison to the reported frequency of violence against women.

Recommendations

Analysis of qualitative and quantitative data – survey, institutional data, KIs, FGDs, literature review – was combined with international comparative experiences to develop thirteen recommendations for further efforts to enhance access to justice in the Solomon Islands.

1. The MJLA, Chief Justice, and other SIG institutions should develop a decentralized administration justice services model that utilizes provincial and local institutions and resources. The system should be flexible enough to allow provinces input in the design to account for unique local justice institution characteristics.
2. Trust and use of traditional authorities – village chief, house of chiefs, religious leaders – is very high, especially in rural areas. They should be harnessed and strengthened to extend state presence, taking care to bolster, not dismantle or deem ineffective. Traditional leaders should be chosen by their communities, but supervised by the courts and provincial government. Establishing practice regulations, standards, jurisdiction and authority hierarchies for village chiefs will help address conflicts of interests, bias, and corruption. It's worth noting the draft Traditional Governance Bill before Parliament as a potential step to address some of these issues.
3. Reform the structure and operations of the Local Courts to make them more local, relevant, and cost-effective, including potentially leveraging traditional authorities. A structure should be set up explicitly linking village chiefs with the Local Courts, thereby decentralizing operations of Local Courts to the village level, while reinforcing the authority of local leaders. Local courts would only sit en banc in the provincial capital a few times a year to hear cases on appeal from the village level courts. Otherwise each local court justice would sit within his/her community as a village chief. Incorporating village chiefs into a reformed Local Court system will also help improve oversight and regulation of cases and provide recourse for conflicts of interest.
4. Expand police presence in the communities to formalize access to justice service alternatives beyond the traditional system through a series of potential reforms: continuation of community policing efforts; establishment of community-based police; and establish formal connection between the police and traditional authorities/village chiefs that reinforces community leader authority while providing a check on harmful practices. Each provincial police post should have community policing focal points composed of village chiefs or other local authorities within all communities under their jurisdiction. This should link to the traditional and local court structure established above, as opposed to creating a parallel structure. These points of contact will help police identify claimants, witnesses, and defendants and help to resolve minor disputes and provide a link between traditional and formal justice services for cases such as domestic violence. The community Crime Prevention Committee model being implemented by the RISPF in a few hundred villages is a good basis upon which to build.
5. Sustain recent efforts by the Magistrates' Court to expand formal justice sector services to the provinces through a reinvigorated court circuit with commitment from all institutions. Care should be taken not to sacrifice higher backlogs in Honiara for the sake of the circuits. The expanded circuit courts should be leveraged to increase resources for new lawyers and clerk staff, as needed.
6. As is commonly done in other jurisdictions, the courts, ODP, and PPD should each conduct a comprehensive analysis of their case files to identify mismanagement and other causes

² The Papua New Guinea village court system is a relevant regional model that is worth studying further for potential application in the Solomon Islands

and frequency of case delay, case dismissals, and adjournment requests, including the origin of the request and instances where acquiescence from the bench was unnecessary. Ideally, this analysis would be conducted on a regular basis, including the systematic collection of adjournment data through dedicated JIMS fields.

7. While chronic case adjournments have multiple causes and complicating factors, ultimately the bench is in a unique position of authority to address and stem this practice. As indicated by the backlog and delayed cases, and verified through key informant interviews, court-directed adjournments or acquiescence to adjournment requests by unprepared counsel is common across both civil and criminal cases, pointing to the courts as the underlying cause. This mirrors analysis of case delay in other comparable jurisdictions. Courts should enact reforms to address case backlogs, such as regulating adjournments, requiring continuous trials, pre-trial settlement, and mandatory mediation, that are proven approaches to improving case management and increase efficiency. Strict adjournment rules would have a multiplier effect in requiring efficiency and preparedness across the other justice sector institutions, while also strengthening due process rights such as habeas corpus. Judges have the ability to curtail this practice but need to be incentivized to do so. The courts should also consider implementing a case backlog reduction campaign that would consist of, *inter alia*, the use of retired judges on a temporary basis, relaxed procedural rules for older cases, and pooling of cases emanating from common disputes.
8. The structure and authority for police investigations and prosecutions needs to be reformed to introduce more effective management and coordination. Investigators' files are often mismanaged and the PPD has limited authority over prosecutors in the provinces. Police prosecutors should be raised in rank to have authority over investigators and the PPD in Honiara should have authority and direct supervision of the performance of provincial prosecutors. Police prosecutors should also be recruited from the legal industry, in addition to within the police force, prioritizing education and formal training. In absence of necessary reforms, SIG should consider combining prosecution services in a single unified department.
9. An increase in ODPP prosecutors and improvements in salary and professional opportunities are options for addressing backlogs by improving staff retention and incentivizing performance. Absent and in addition to this, improvements to capacity and management would likely prove effective in increasing prosecutor efficiency, reducing adjournment requests and addressing backlogs, especially in order to handle the anticipated higher caseloads in the Magistrates' Court.
10. With legal awareness and access to a lawyer alarmingly low across the Solomon Islands, PSO operations could be greatly strengthened and allowed to expand to the provinces to provide legal representation, assistance and information to a greater segment of the population. Each provincial capital should have a PSO office staff with a minimum of two lawyers to handle circuit and non-circuit cases. In addition, a proof of concept for a PSO community-based paralegal should be developed and piloted for possible replication and expansion across the country. The paralegals should be multi-tiered from village-based volunteers, to staffed, salaried paralegals, to lawyer apprentices on 6 month or 1-year public service requirements as part of the admission to the practice. The pilot could potentially lead to development of a legal aid bill for the Solomon Islands that formalizes the paralegal as an important profession for extending the rule of law. The PSO expansion should be done in coordination and with support from provincial governments, including the provision of office space, and incorporating the World Bank Community Liaison Officer (CLO) networks as legal information resources.
11. The lack of legal information resources and scarce presence of NGOs, law clinics, or PSO offices to provide legal information and assistance suggests a need for development of a Legal Information and Outreach Justice Sector Plan, including a referral network linked to existing initiatives, such as the SafeNET expansion, the provincial CLO initiative (WB-funded), and community policing committees. An outreach plan would also incorporate new approaches such as legal aid clinics, a PSO paralegal program, expanded police posts and Magistrates' circuits, and a revitalized local court/traditional authorities system. Emphasis should be placed on improving coordination and the work of existing institutions, including at the village-level, rather than provide extra compensation. The legal information and referral network would provide information on rights and resources under the FPA and referrals of GBV cases.
12. 55% of survey respondents indicated that domestic violence is present in their communities. Yet it is increasingly seen as unjustified (>90%) and worthy of punishment (>80%). Enforcement, however, lags behind awareness. Coordination and consistency in the reporting of PSNs, IPOs and other FPA provisions needs to be improved. Enforcement of the FPA should be strengthened by expanding referral networks and establishing enhanced protection mechanisms. Local court justices have not been effective as authorized justices under the FPA, issuing few protection orders in the past year. Training more/different authorized justices should be considered, including in tandem with effective reforms to local courts and the identification and improvements in supervision of village chiefs. In addition, expanded sensitization training and incentives from within the RSIPF are needed to improve police response to violence against women. An expanded PSO presence to include women support units will also help strengthen enforcement.
13. Given the frequency of land disputes and their value, there is a strong need for a more comprehensive approach to land disputes that goes beyond judicial mechanisms. It is recommended that an extensive customary land administration and governance policy be developed. Community land should be mapped and registered with all tribal/community members having a say in decisions over the land, with a reinvigorated dispute resolution process in support. The Traditional Lands Support Bill is an additional, promising proposal to enhance land dispute resolution by devolving customary land dispute resolution back to the community and traditional authorities.
14. The Solomon Islands Government should ratify the Convention on the Rights of Persons with Disabilities. Additional research and programming should be undertaken to identify practical accommodations that can be taken to make service provision for people with disabilities more accessible and appropriate. Additional training on inclusiveness should also be offered for those working in the administration of justice, including police, prison staff and court officials.

³ A2J Study interview notes

⁴ A2J Study interview notes

I. BACKGROUND «««

A. Objective

The Solomon Islands Government 2014-2020 Justice Sector Strategic Framework (JSSF) established the objective that “all people in Solomon Islands have timely and relevant access to a robust and independent justice system which they have confidence will support a safe and peaceful society”. The Framework represents a shift from a predominant focus on stability and law and order from the RAMSI period, towards the development of sustainable, functioning, indigenous institutions that ensure access to justice and the peaceful resolution of conflicts. The Justice Sector Consultative Committee (JSCC) led by the Chief Justice assists to coordinate and oversee efforts in pursuit of these priorities. UNDP has undertaken to support the JSCC, through the MJLA, to better understand existing justice needs, including in remote areas, and explore the related implications for service delivery. This has included the need to identify, quantify and ultimately address challenges and issues that affect people’s access to services, resource allocation, systems and institutional set up, including implementation of important recent legislation such as the Family Protection Act (FPA), which provides for increase protection to victims of gender-based violence (GBV). The results will enable decision makers and coordinating bodies such as the JSCC and the Access to Justice Technical Working Group (TWG) to make evidenced based policy decisions and to better monitor reform progress and effectiveness of justice.

In support of the JSCC and TWG, UNDP is assessing access to justice needs in the Solomon Islands. Initial work in March 2018 included a Recommendations Report from Professor David McQuoid-Mason in 2017 and a Justice Sector Mapping Report in March 2018. Per the recommendations from these reports and with the approval of the SIG, UNDP initiated an Access to Justice Study (A2J Study) in August 2018 to assess justice needs and barriers to access to justice and effective dispute resolution. The A2J Study includes a cost/benefit analysis and population survey of legal knowledge and perceptions and justice service delivery needs. The survey is one component in the A2J Study’s assessment of needs, capabilities, and cost effectiveness across the justice sector.

The evidence and data generated by the A2J Study is intended to assist justice sector stakeholders to better understand justice sector needs and make evidence-based policy decisions. The Study will also serve as a baseline for monitoring progress of reforms and improvements to the administration of justice and reach of the formal justice system. The results support review of the JSSF and feed into reporting against the Sustainable Development Goals 16 and 5 and the relevant corresponding goals under the Solomon Islands’ National Development Strategy. Finally, the Study provides recommendations for the design of access to justice programming by UNDP and others in the Solomon Islands that addresses the issues and dynamics identified by the Study.

B. Background and Literature Review

Existing literature on recent justice sector reform and access to justice efforts in the Solomon Islands is substantial. Much of the recent relevant research on the justice sector – formal and informal (kastom) – comes from the World Bank Justice for the Poor (J4P) program, which operated from 2010 to 2015. The subsequent World Bank-funded Community Governance and Grievance Management and Community Liaison Officer programs have been piloted and implemented in Rennell and Bellona (Renbel) and Malaita provinces. The WB research differs from the A2J study, as it was mostly qualitative in nature. Conclusions were drawn from community visits, focus groups, and individual interviews, using open-ended questions. The research covered five provinces - Guadalcanal, Malaita, Isabel, Renbel, and Western – over 15 months, ending in December 2011.⁵ In all 235 focus group discussions and 310 individual interviews were conducted.

From this and other reports, three common main categories of disputes were identified:

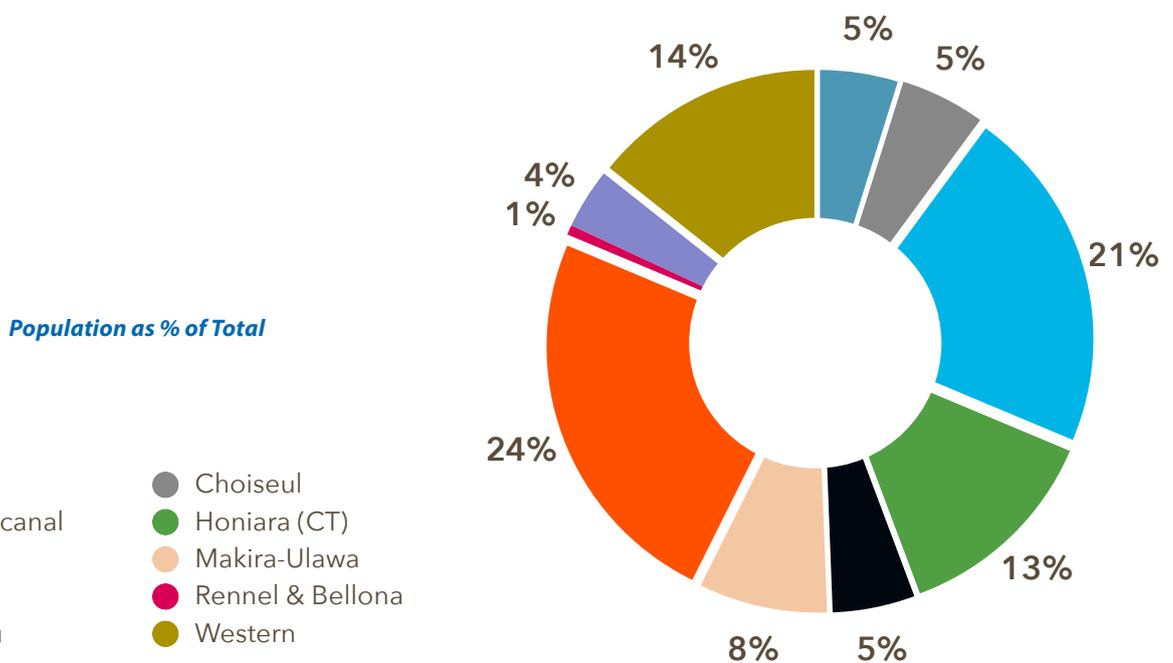
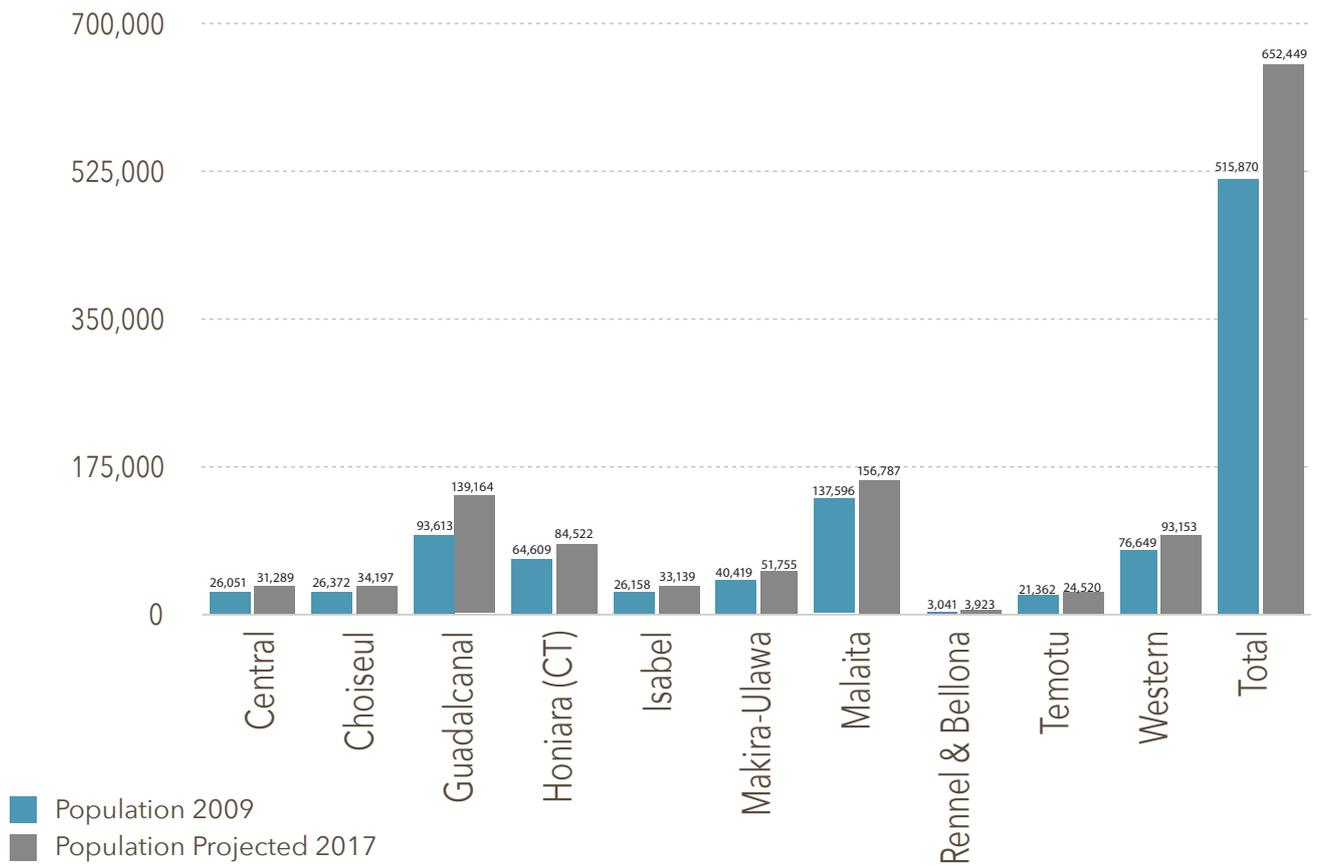
1. Social order disputes – including family disputes, domestic violence, and other criminal acts, often exacerbated by consumption of alcohol and kwaso. Crime statistics from 2016, reported by the Royal Solomon Islands Police Force, reflect this to some degree, See Table 2.⁶
2. Land and natural resources disputes - including common land and border disputes, and more serious disputes from logging operations.
3. Disputes arising from development funds - including disputes arising from the allocation and use of donor and government funds for local projects (roads, schools, etc) – specifically the Constituency Development Funds⁷

⁵ Matthew Allen, Sinclair Dinnen, Daniel Evans, and Rebecca Monson, *Justice Delivered Locally: Systems, Challenges, and Innovations in Solomon Islands*, World Bank, July 2013; See also, Sinclair Dinnen and Nicole Haley, *Evaluation of the Community Officer Project in Solomon Islands*, World Bank, Justice for the Poor, May 2012

⁶ Solomon Islands Annual Crime Statistics Report, RSIPF, 2016

⁷ Ibid.

Table 1: Projected Population Distribution by Province



Research from UN Women in 2015 analysed access to justice issues for women in particular. Statistics cited from a 2009 survey stated that 64% of women aged 15-49 had been victims of domestic or sexual violence. Yet only 17.9% sought help from a formal service, including the police, health, legal services, or women organizations.⁸

Past research has also shown that the *kastom* system is the most commonly used dispute resolution mechanism. These local non-state systems are not, however, always functioning, due to a

number of reasons, including preferred alternative options, such as church leaders. Where functioning, they are generally seen as culturally relevant, responsive to local needs, accessible, and well understood. Yet while citizens expressed a preference for these non-state systems, they also wanted improved responsiveness from state justice and governance mechanisms.⁹ Also, while there is considerable geographical variation, in some places the local *kastom* system has broken down, in some part due to conflicts of interest, and in some church leaders have taken on a larger dispute resolution role.

Table 2. Crime Statistics 2016

Crime Against	Reported	Not Est	Est	Det	Det %	Acquit	Fine	Imp	Other	Male	Female
Person	2,367		2,367	740	31%		10	9	35	877	21
Property	1,956		1,956	524	27%		4	11	10	671	29
Morality	175		175	50	28%						
Lawful Authority	546		546	335	61%						
Statute	2,388		2,388	1,884	79%		137	510	44	1,955	72
Total	8,128		8,128	3,543	43%						

Opinions on the formal justice systems differ for women. According to a 2013 UN Women survey, 74% of women believe the formal justice system is the most effective forum for pursuing justice, however, only 33% use it (See Figure 1). This indicates severe gaps in access to formal justice dispute services for women. The UN Women report details many of the contributing factors across institutions including the police, courts, and PSO. Data for the report was obtained through interviews with 80 people in Honiara and Gizo in 2013-2014, including justice sector and other public employees, and members of the public.

What system do you primarily use to pursue justice?

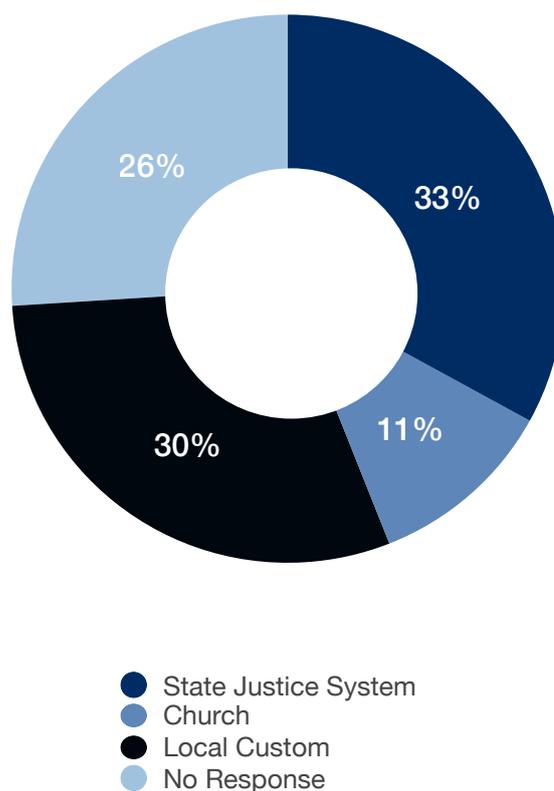
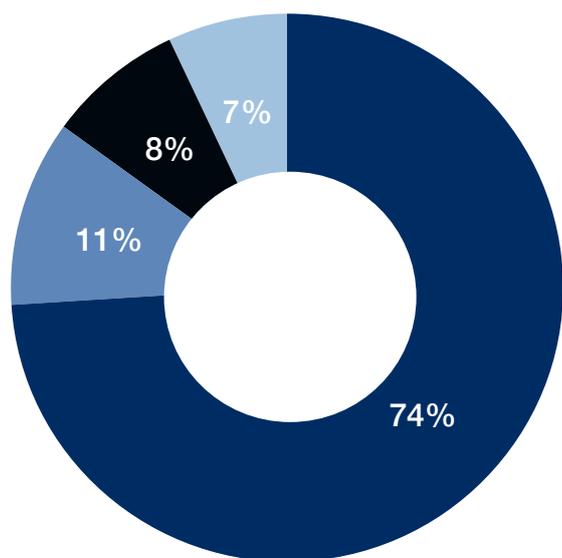


Figure 1. Women's perceptions and use of justice system¹⁰

What is the most effective way of pursuing justice in Solomon Islands?



⁸ A *Seeking Redress: Challenges and Recommendations to Increase Women's Access to Justice in Solomon Islands*, UN Women, 2015

⁹ *Ibid*

¹⁰ *Ibid*

Findings from other reports corroborate the preference for local kastom and church dispute resolution systems, but also that all systems are neither separately and nor collectively able to meet justice demands.¹¹ Despite a lack of trust in the state justice system, citizens express desire for a more present, active and effective state system.

The structure, jurisdiction, resource allocation, and operational deficiencies of the courts play a significant part of the access to justice issues in SOI. In theory, local courts feed cases from the community into the formal justice system.¹² However, recent research from various institutions has pointed to a critical shift in local justice administration in the 1990s when processes were centralized, leading to the suspension of area councils and the administrative support for local courts. This occurred at a time when public sector budgets were being cut to save money as government finances were in a perilous state. This largely remains the current context in SOI, as corroborated by observations from the inception trip and review of recent analysis.¹³ Local courts do not function locally, but rather in permanent Magistrates' courts or with circuit courts. In 2012, there were only 12 sittings nationwide (See Table 3). When they do sit in provincial capitals, it is often a costly endeavour, with high travel and per diem expenses for judges.¹⁴ Per the WB 2015 report, cost per sitting in Eastern District in 2012 was SBD\$96,058 (USD\$12,872) – See Table 4.¹⁵

According to the 2015 WB Report, using 2012 data, local Courts have significant backlogs, delays and cancellations while working with manageable caseloads. Substantive decisions are rarely made – only 4 trials were held in 2011/2012.¹⁶ As a result, citizens are filing cases in Magistrates' Courts instead of Local Courts. 30% of the cases filed in the Magistrates' Courts are within the jurisdiction of Local Courts.

Per past research from 2011-2012, over 80% of the Magistrates' Courts caseload is criminal. Civil cases are far less frequent and are composed largely of domestic and debt matters. Official statistics were not sufficient for a country-wide analysis, but some trends from these years include:

Court case data from this period (2012-2013) gives some indication of the volume and performance of magistrates' courts in different parts of the country (See Table 5). Most Magistrates' Court districts studied by the WB report show clearance rates insufficient to address backlogs.

Table 3. Criminal caseloads in District Courts¹⁷

Location	Pending Criminal	Pending Civil Debt	Pending Civil Domestic
Gizo (Western District)	154	53	45
Malaita (Malaita District)	399	25	n.d.
Makira (Eastern District)	202	63	55

¹¹ E.g., *Supra* note 5

¹² *Institutional and Fiscal Analysis of Lower-level Courts in Solomon Islands, The World Bank, February 2015; See also, Daniel Evans, Michael Goddard, Don Paterson, They Hybrid Courts of Melanesia, World Bank, Justice and Development Working Paper Series, 2011*

¹³ See UNDP, *A Mapping of Justice Sector Service Provision in the Solomon Islands, UNDP, November 2018; Recommendations from Report on Mission to the Solomon Islands by Professor David McQuoid Mason, UNDP Consultant, February 2017*

¹⁴ *Supra* note 12

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ *Ibid*, 26

The Justice Information Management System (JIMS), developed over the past five years with support from DFAT, is a promising development that allows the monitoring of progress of justice institutional improvement efforts. JIMS also helps justice sector management by assisting evidence-based decisions at the national level on reform priorities, staffing and resource allocation to improve overall sector performance. However, as JIMS data does not extend to Local Courts or cover non-state actors, perception and cost information, design of this Study included the addition of perception and cost survey tools for users of the justice system.

From a review of past research and currently available institutional data for the justice system, no comprehensive, quantitative baseline for legal needs of the SOI population exists. Past World Bank research and programs have been mostly qualitative in nature, relying on focus groups and individual interviews to draw conclusions on the legal needs and available recourses for dispute resolution. Furthermore, much of this qualitative data was collected 7 years ago. Institutional data available from past records, as well as the current JIMS database provide a good understanding as to how the courts, ODP, police and PSO operate and allocate resources. But they too do not provide data that can be used for a broader understanding of justice needs that lay outside of the formal system, which represents the vast majority of disputes and legal issues.

In addition, while SIG conducts a national census, it does not delve into justice needs or issues, and it will likely not be conducted until 2019-2020. The National Statistics Office is conducting a nationwide village-level survey in 2019 that could provide useful, complementary data at the village, rather than individual level, which is the focus of the A2J Study.

The result of this desk study reinforced the need, purpose and focus of the A2J Study. The timing of the A2J study is also opportune given the lack of recent work (within the past 5 years). The Study aims to provide a renewed, more quantitative and individual-focused analysis of access to justice at the local level that will demonstrate how the SOI justice sector continues to evolve, post-RAMSI. The study will also provide strong baseline data that can be used by institutions such as the MJLA and JSSC for strategic resource allocation decisions. Robust institutional data on case types, caseloads, clearance rates, and other performance metrics now available through JIMS, also allows for a more accurate cost/benefit analysis for expansion of justice services to underserved areas/populations that currently largely rely on kastom, church-based, or other informal dispute resolution services.

II. METHODOLOGY «««

The A2J Study uses a mixed-method analytical approach that combines quantitative and qualitative data across legal needs, perceptions, actions (behaviour), and cost. The Study includes substantial desk review of recent research, reports, project documents, and institutional data available on the Solomon Islands justice sector to ensure that questions, conclusions and recommendations build on recent, relevant work in this area.

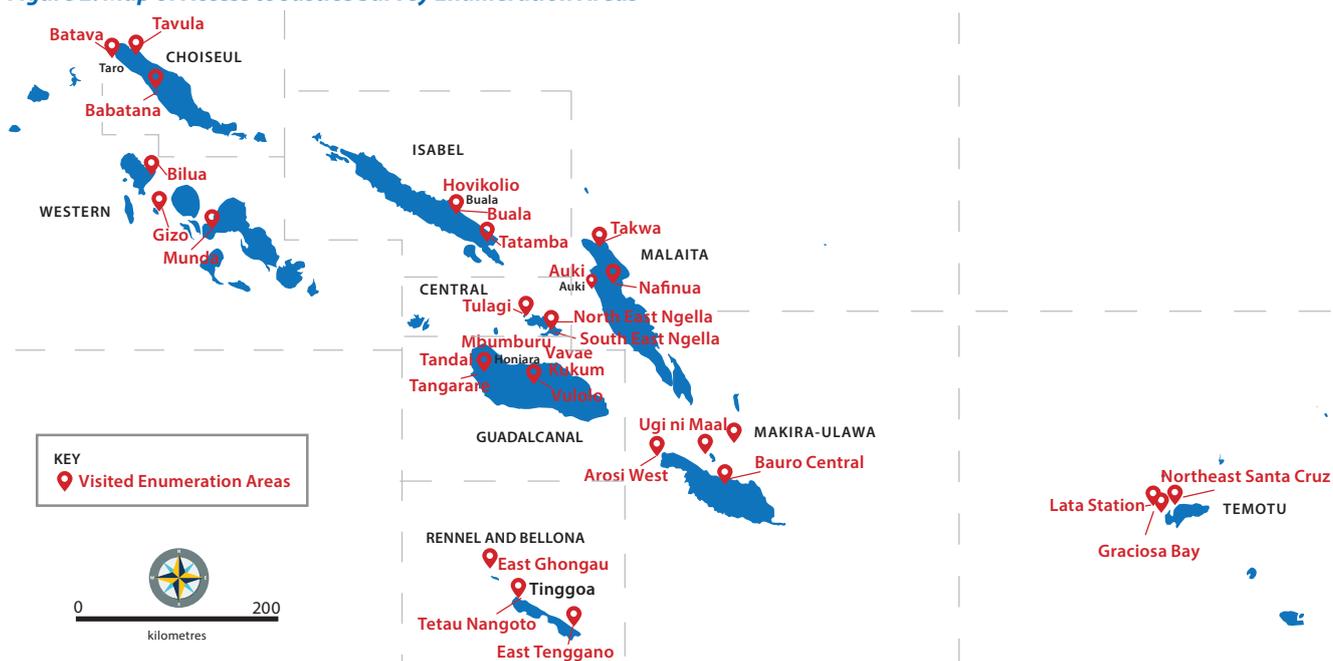
The A2J Study examines the following justice issues:

- Justice needs and behaviours, by location, gender and other factors
- Perceptions of justice and fulfilment of justice needs, or lack thereof
- Existing mechanisms available to meet people’s justice needs - formal and informal
- Gaps in the availability and operation of justice mechanisms
- Barriers in accessing justice and meeting justice needs, with a focus on vulnerable populations (women, youth and people with disabilities)
- Experiences in using the justice system – “justice stories”
- Costs of providing justice services in Solomon Islands and the opportunity cost for its citizens of justice delayed/foregone -- how much is spent and what are the gaps and costs to meet the identified demands?
- Efficiencies and inefficiencies of current institutional practices and systems.

Based on prior analysis, the A2J Study was designed to include a heightened focus on three types of disputes that have been identified as prevalent in the Solomon Islands:

1. Domestic/gender-based violence,
2. Land disputes, and
3. Criminal justice

Figure 2: Map of Access to Justice Survey Enumeration Areas¹⁸



¹⁸ Solomon Islands Access to Justice Survey Summary Report, Sustineo, May 2019
June 2019

After interviews with stakeholders and discussions with A2J Working Group members during the inception mission, the A2J Study Team finalized a mixed methodology for the A2J Study, consisting of nine components. The methodology is divided into complementary qualitative and quantitative components. The quantitative aspect included a nationwide survey, with two primary components: 1) a legal needs and perception survey of a representative cross-section of citizens across the Solomon Islands, including rural communities on remote islands; and 2) a costing survey of justice sector users:

Quantitative

- Individual-based KAP (knowledge, attitude, perception) legal needs survey questionnaire
- Justice pathways questionnaire
- Community profile
- Costing questionnaire
- Institutional justice statistics and cost and administrative data

Qualitative

- Literature Review
- Community Focus Group Discussions
- Key Informant Interviews (KIs) of justice sector leaders and users – legal needs and costs
- Individual case studies – “justice stories”

Survey

The survey portion of the A2J Study – KAP, Justice Pathways, Community Profile, and Costs – was designed to capture individual experiences, as opposed to village-wide or focus group discussion methodologies, which may not provide an accurate, representative sampling. The survey covered all provinces, with a cross-section of rural, peri-urban, and urban communities and ensured accurate representation of all provinces (See Figure 2.)

The survey questions covered six general categories:

1. Demographics
2. Perceptions of the Justice System
3. Awareness and Perceptions of Justice Sector Institutions and Processes
4. Awareness of Laws and Rights
5. Experience Seeking Legal Information
6. Justice Problem Pathways

The A2J Survey was designed to build a representative picture of the perceptions and experiences of Solomon Islanders. To ensure appropriate reliability and representation, the survey employed a randomised sampling approach with the number of samples in each province sufficient to produce representative findings with a 95% confidence level and 2% margin of error at a national level. To account for different population sizes, 'population weights' were applied to the findings by province, informed by population distributions for the 2009 Census. Each question in the dataset was analysed by gender, age, location, disability and province. All data presented by analytical variable in this report were tested and found to be significant at the 95% confidence level.

A full copy of the survey methodology and questionnaires, including definitions and framing of questions, is contained in the Access to Justice Survey Summary Report (Sustineo), which can be obtained from UNDP.

Qualitative Methods

The Study also employed qualitative methods, such as focus group discussions, case studies, and Key Informant Interviews (KIs), to examine the connections and interplay between the formal and informal justice systems – specifically, village chiefs and other community-level dispute resolution and their links to the police, PSO, and Local and Magistrates' Courts of the formal

justice system. KIs and FGDs were incorporated into the analysis, conclusions and recommendations of the report. Justice Stories from the experiences of individual users and institutional service providers provide anecdotal information on the complexity of many cases and the human toll that a delay or miscarriage of justice can have.

Justice Information Management System

Discussions with the JIMS team were held to facilitate access to data. JIMS data is owned by each institution and access needs to be granted by individual institutions. Given the staged roll out of the JIMS system, institutional data is not exhaustive in location or timespan. While some institutions have data going back to 2015, (See Table 6) others such as the CLAC only have data commencing in 2018. The A2J Study requested access to this data in its complete form, in order to analyse official institutional data, such as, inter alia, caseloads, types of cases, and clearance rates.¹⁹ The data was largely provided, although a few institutions, such as the Magistrates' Court, did not grant permission within the timeframe. The data allows the A2J Study to compare institutional progress with 2011-12 data from the World Bank Reports, as well as to determine gaps in institutional performance that affect access to justice and legal needs more generally. Some institutions still do not have adequate recording and reporting processes for JIMS, thus many numbers are likely under-reported.

Table 4. JIMS Data Categories

Data Field	Years available			
	2015	2016	2017	2018
Court of Appeal				★
<ul style="list-style-type: none"> ● no. of new cases ● no. of cases resolved ● no. of cases pending 				
High Court	★	★	★	★
<ul style="list-style-type: none"> ● no. of judges ● no. of court staff ● no. of sittings ● no. of hearings ● no. of new cases/ cases filed ● no. of cases resolved, disposed of ● no. of cases pending 				
Magistrates' Court	★	★	★	★
<ul style="list-style-type: none"> ● no. of judges <i>(across all levels)</i> ● no. of court staff ● no. of sittings ● no. of hearings ● no. of new cases ● no. of cases resolved/ disposed of ● no. of cases pending 	(only AMC)			
Customary Land and Appeal Courts				★
<ul style="list-style-type: none"> ● no. of judges ● no. of court staff ● no. of sittings ● no. of hearings ● no. of new cases ● no. of cases resolved ● no. of cases pending 				
Office of the Director of Public Prosecutions (ODPP)	★	★	★	★
<ul style="list-style-type: none"> ● no. of personnel ● no. of cases ● no. of hearings ● no. of new cases ● no. of cases resolved ● no. of cases pending 				
Public Solicitor's Office (PSO)		★	★	★
<ul style="list-style-type: none"> ● no. of personnel ● no. of cases supported ● no. of hearings ● no. of new cases ● no. of cases resolved ● no. of cases pending 				
Correctional Services			★	★
<ul style="list-style-type: none"> ● Average length of stay of inmates ● Prison population by type of offense ● Domicile or home province of the prisoners incarcerated ● Prison population by occupation prior to being imprisoned ● % of total prison population who are remand prisoners ● % of remand population whose cases are dismissed ● % of remand population who are convicted 			(Honiara only)	(Honiara only)
RSIPF			★	★
<ul style="list-style-type: none"> ● The total number of police stations and posts, by province ● no. of policemen by province ● no. of criminal cases reported, by province ● no. of cases registered, by province ● no. of cases investigations ● no. of cases sent for judgment 				

III. RESULTS «««

A. Survey

The A2J Study found significant, continued reliance on the traditional justice system throughout the Solomon Islands. Both men and women rely on village chiefs and church leaders for resolving disputes, across a range of issues. Despite this continued reliance, there is also a strong appreciation and trust in justice sector institutions, particularly the police, as essential venues for addressing crime and violence. Most respondents would like to see more presence by state institutions in their communities. The A2J Study survey component reached 2,633 people, 50.3% men and 49.7% women in all provinces and 30 communities (see Table 5). and 30 communities (see Table 5).

Table 5. Survey Coverage

Fieldwork Locations	No. of interviews
Honiara <ul style="list-style-type: none"> • Kukum • Vavae • Mbumburu 	249
Central <ul style="list-style-type: none"> • North East Ngella • South East Ngella • Tulagi 	423
Choiseul <ul style="list-style-type: none"> • Batava • Tavula • Babatana 	229
Guadalcanal <ul style="list-style-type: none"> • Vulolo • Tangarare • Tandai 	243
Isabel <ul style="list-style-type: none"> • Buala • Tatamba • Hovikolio 	273
Malaita <ul style="list-style-type: none"> • Auki • Nafinua • Takwa 	261
Makira-Ulawa <ul style="list-style-type: none"> • Bauro Central • Arosi West • West Bauro 	266
Rennell and Bellona <ul style="list-style-type: none"> • East Tenggano • Tetau Nangoto • East Ghongau 	247
Temotu <ul style="list-style-type: none"> • Lata Station • Northeast Santa Cruz • Graciosa Bay 	240
Western <ul style="list-style-type: none"> • Gizo • Bilua • Nusa Roviana 	202

The survey covered six themes:

1 Demographics

2 Perceptions of the Justice System

3 Awareness of Institutions and Process

4 Awareness of Rights and Laws

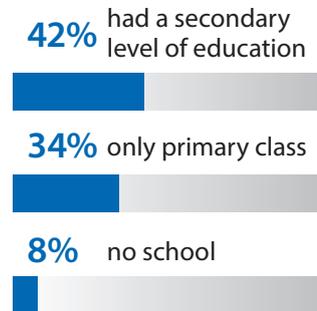
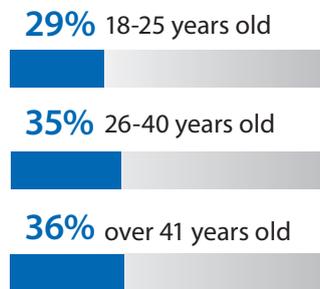
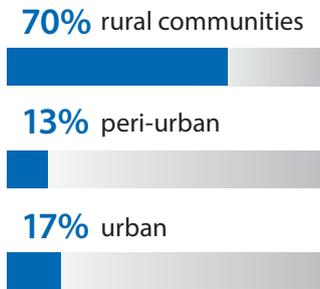
5 Experience Seeking Legal Information

6 Justice Problem Pathways

1. Demographics

The survey used random sampling to identify 30 communities for data collection. The aggregate was a largely representative sampling of the Solomon Islands population. The capturing of key demographics, such as youth, gender, socio-economic status, and disability allowed for further disaggregation and analysis of results for population sub-groups. Additional analysis not provided in this report is available in the Survey Technical Report.²⁰

Key figures:



Socio-economic Status

Socio-economic status was measured through a combination of three proxy indicators:

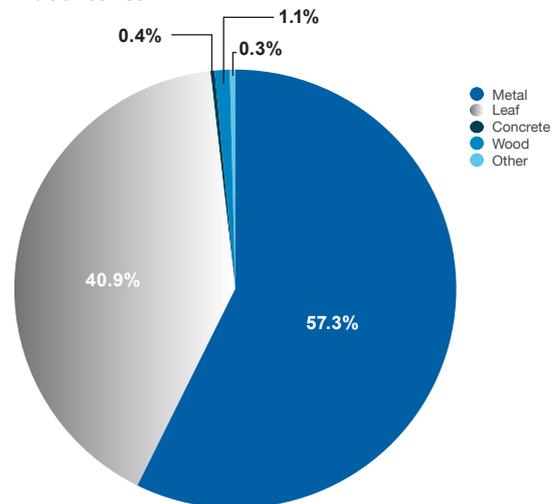
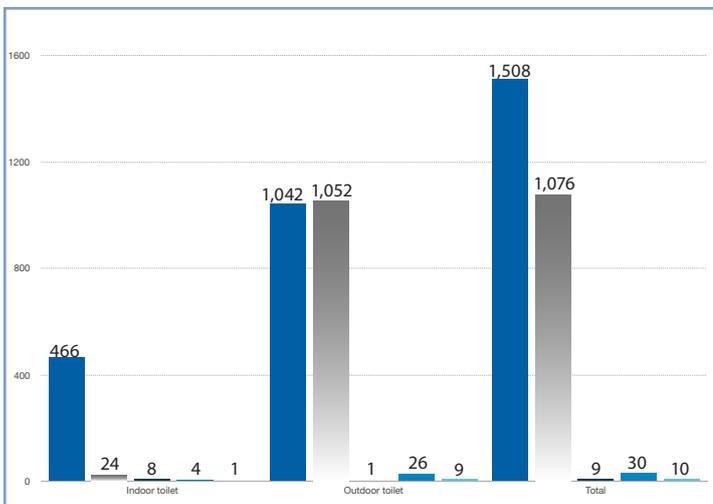
- Farming/gardening, Petty trading, Do not work, and Student, were the primary forms of work, in descending value.

45% said their work did provide them with a regular income

19% indicated availability of an indoor toilet

41% have a roof made of leaves (See Table 6)

Table 6. Cross-tabulation of responses on roof type and availability of an indoor toilet



²⁰ See Access to Justice Survey Technical Report, Sustineo, May 2019 (on file with UNDP)

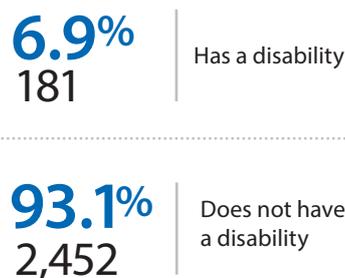
Disability

To establish a robust measure of disability the “Washington Group Short Set of Disability Questions” was used. This is considered to be best practice in identifying disability in respondents without using the term disability. The short set asks about six dimensions of disability:

- Sight
- Hearing
- Walking
- Memory or concentration
- Self-care
- Communication

The overall disability variable was created by following the Washington Group recommendations. All respondents who reported at least “a lot of difficulty” in one of the 6 dimensions of disability were coded as having a disability (See Table 7). Overall, this categorised 6.9% of respondents as living with a disability, respondents who reported at least “a lot of difficulty” in one of the 6 dimensions of disability were coded as having a disability (See Table 7). Overall, this categorised 6.9% of respondents as living with a disability.

Table 7. Number of respondents who had at least “A lot of difficulty” to one of the 6 dimensions of disability



2. Perceptions of the Justice System

Perception of the national government justice system was found to be more positive than not, with 65% indicating satisfaction versus 32% indicating dissatisfaction. Population subgroups, such as people with a disability, had lower rates of satisfaction (See further disaggregation in Table 8) Community leaders are perceived as the most effective justice institution in the Solomon Islands – “accessible” (90%) and “resolve disputes well” (82%). Other justice sector institutions are viewed as “accessible” more often than not.²¹ Lawyers are seen as the least accessible with only 51% seeing them as “accessible”. Police were perceived as relatively less effective at resolving disputes - 65% well and 35% not well. This compared to Courts who were perceived to solve disputes 75% well and Community Leaders at 82% well.²²

Table 8. How satisfied are you with how the national government is performing in providing justice services in Solomon Islands?

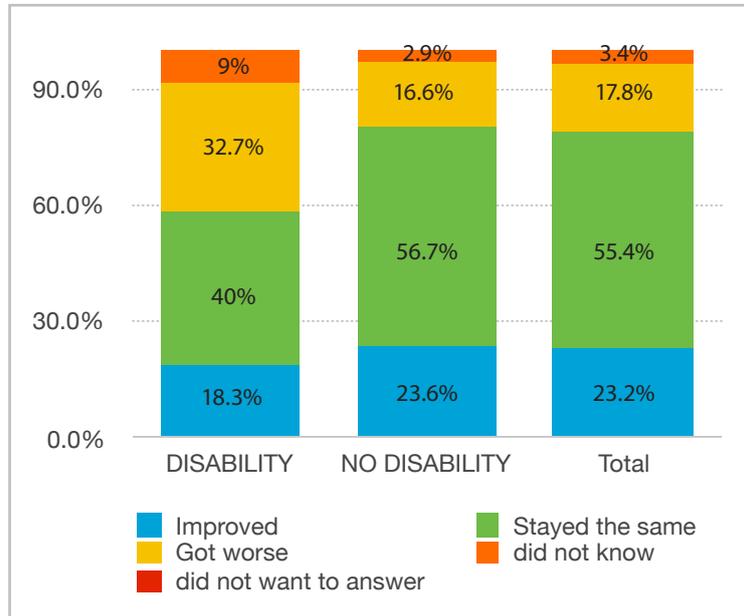
Overall	The majority of Solomon Islanders reported being satisfied with the overall performance of the governments in providing justice services in Solomon Islands: <ul style="list-style-type: none"> • 64.7% were satisfied (20.7% very satisfied; 44.0% somewhat satisfied) • 32.2% were unsatisfied (19.9% somewhat unsatisfied, 12.3% very unsatisfied)
Gender	Overall satisfaction was similar between women (63.0%) and men (66.5%), with some differences in the strength of satisfaction differed: <ul style="list-style-type: none"> • Women were very satisfied (24.6%) more often than men (16.6%) • Men were somewhat satisfied (49.9%) more often than women (38.4%)
Age	Younger Solomon islanders were more likely to report higher levels of satisfaction with the government’s provision of justice surveys than the older generations: <ul style="list-style-type: none"> • 18-25 year olds (27.8%) reported being very satisfied more compared to those 26-40 (19.5%) and over 41 (16.0%) • Those 41 years and older (15.0%) reported being very unsatisfied more than those 26-40 (11.7%) and 18-25 (9.7%).
Disability	Solomon Islanders with a disability were much more likely to report lower levels of satisfaction (51.1%) with the provision of justice services in the Solomon Islands than those without a disability (65.8%): <ul style="list-style-type: none"> • Those with a disability were somewhat satisfied (29.2%) less than those without a disability (45.2%) • Those with a disability were very unsatisfied (20.7%) more often than those without a disability (11.6%).

²¹ See Survey Summary Report pp 59-62

²² For more in-depth data disaggregation see, Survey Technical Report pp 39, 47, 76

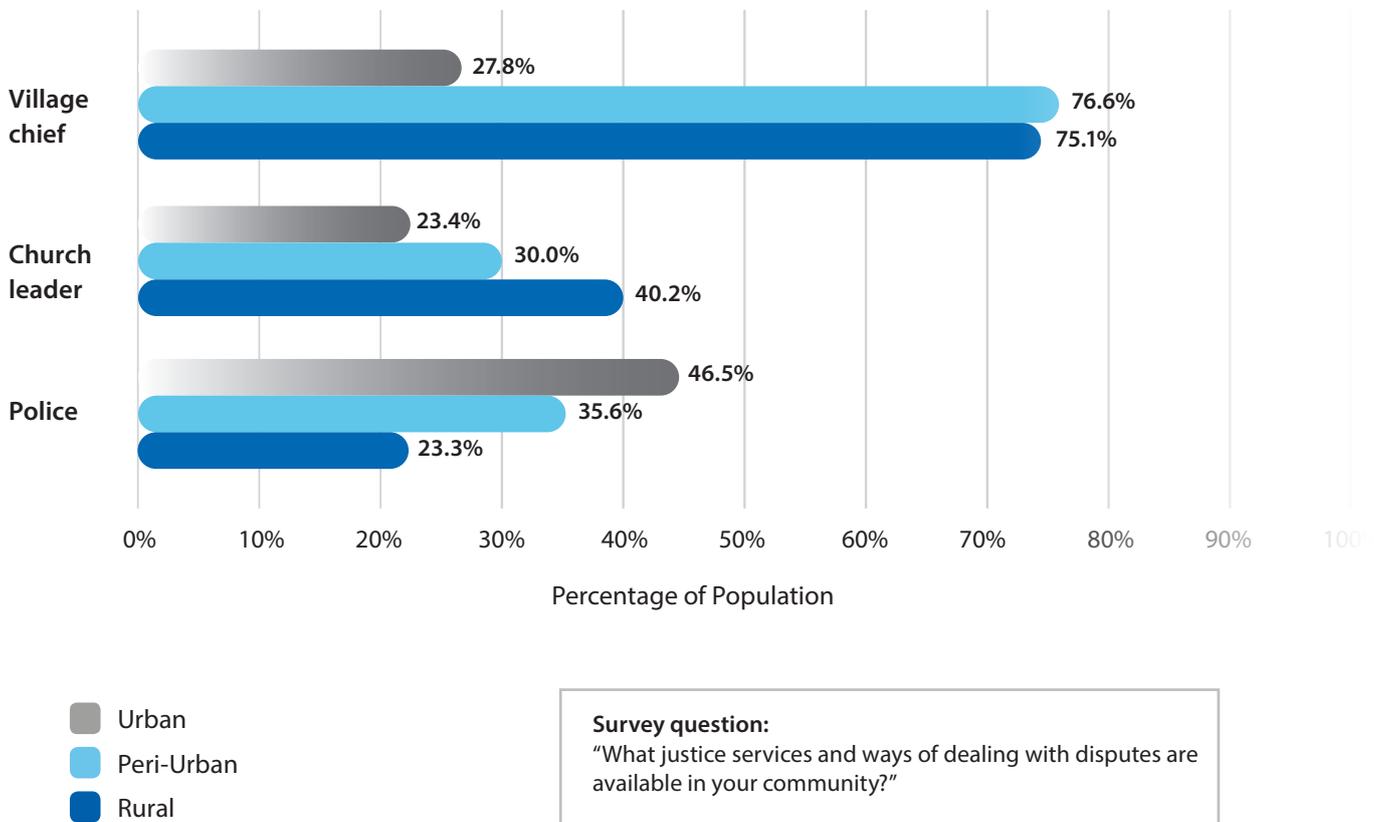
There was a significant difference in the perception of Solomon Islanders on whether justice services had improved over the last two years based on disability. Solomon Islanders who identified as having a disability were twice as likely to think that justice services had worsened (32.7%) compared to those without a disability (16.6%).²³ The majority of those without a disability thought that the justice services had remained the same over this period (56.7%).

Table 9: Responses to the question “Do you think that justice services in Solomon Islands have improved, got worse, or stayed the same in the last two years?” as a weighted percentage, by disability



Ways of handling disputes differed considerably across the urban-rural spectrum (See Figure 3).

Figure 3: Ways of handling disputes

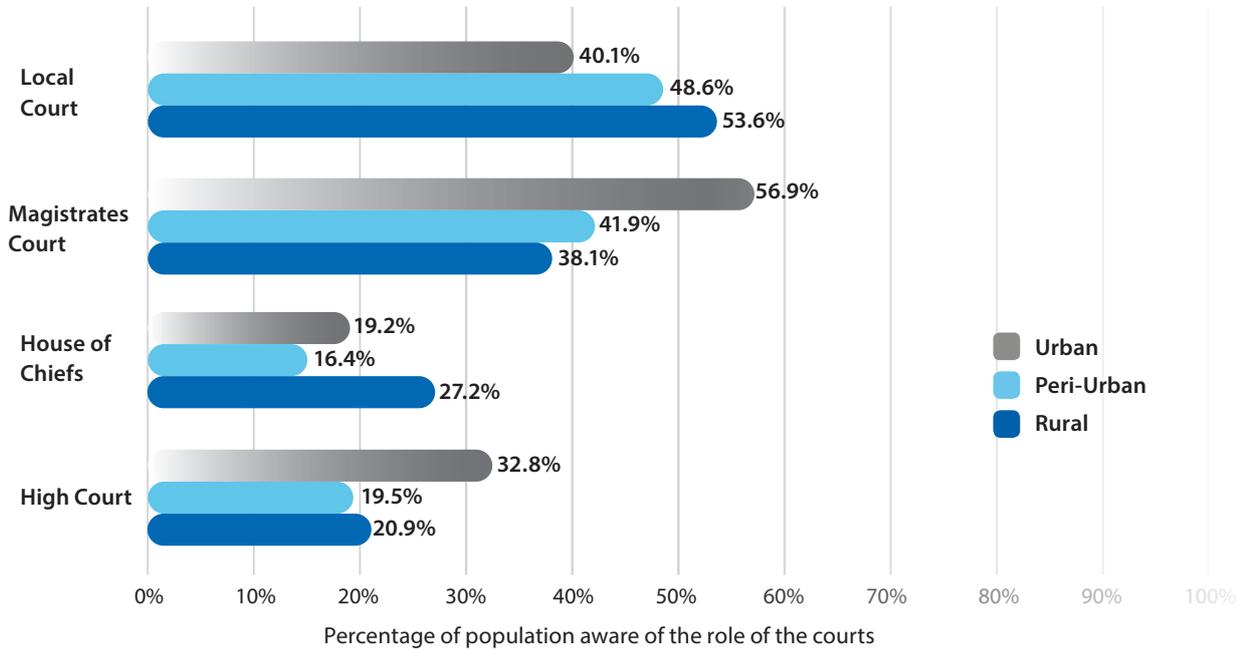


²³ See Survey Summary Report p 40

3. Awareness and perceptions of justice institutions and processes

Besides the police, justice sector institutions are largely absent in both sight and mind throughout the Solomon Islands. Familiarity with the courts, prosecution services (ODPP and PPD), and Public Solicitor’s Office was low, as was actual use of their services - both below 1% of responses. Awareness of institutions also varied by location (See Figure 4)

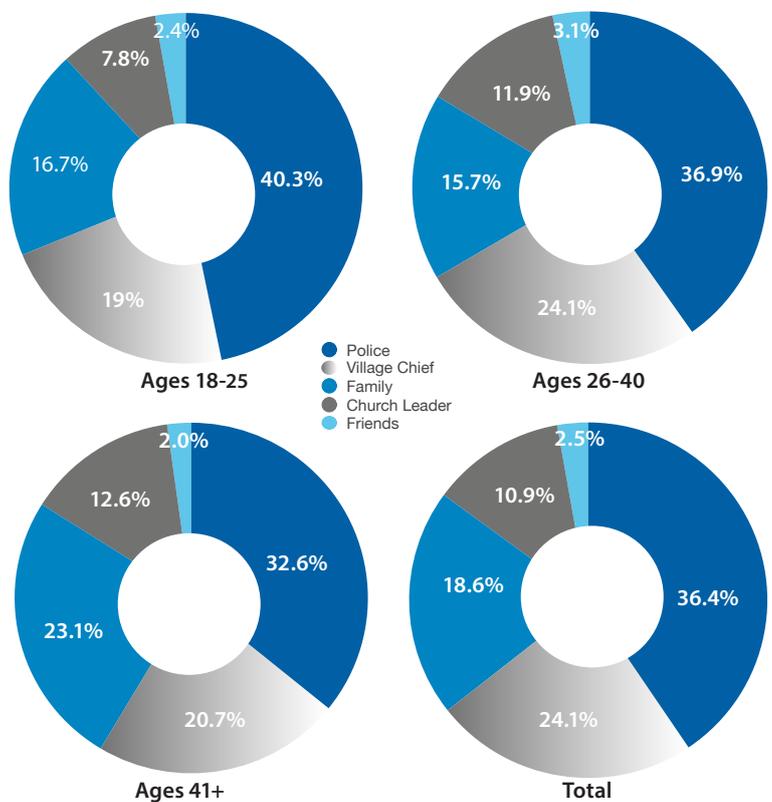
Figure 4:
Awareness of Justice Sector Institutions



While justice sector institutions have little day-to-day impact on dispute resolution, which is largely to be expected, they maintain a high level of confidence in the population. Most respondents indicated a preference for greater access to these institutions. The institutions have also demonstrated a renewed commitment to providing services to remote communities across the country, including a reinvigorated Magistrates’ Court Circuit.

Perception of justice institutions differed with age, reflecting generational changes reported by respondents in FGDs. Youth (18-25 years old) indicated a strong preference for Police (40.3%), while older respondents (41+ years old) indicated a more balanced preference across police, village chiefs, and family (all over 20%).²⁴ See Table 10.

Table 10: Response to Question, If you had a dispute where would you go first to resolve it?



²⁴ See Survey Summary Report p 21; Detailed disaggregation is also featured in the Survey Technical Report.

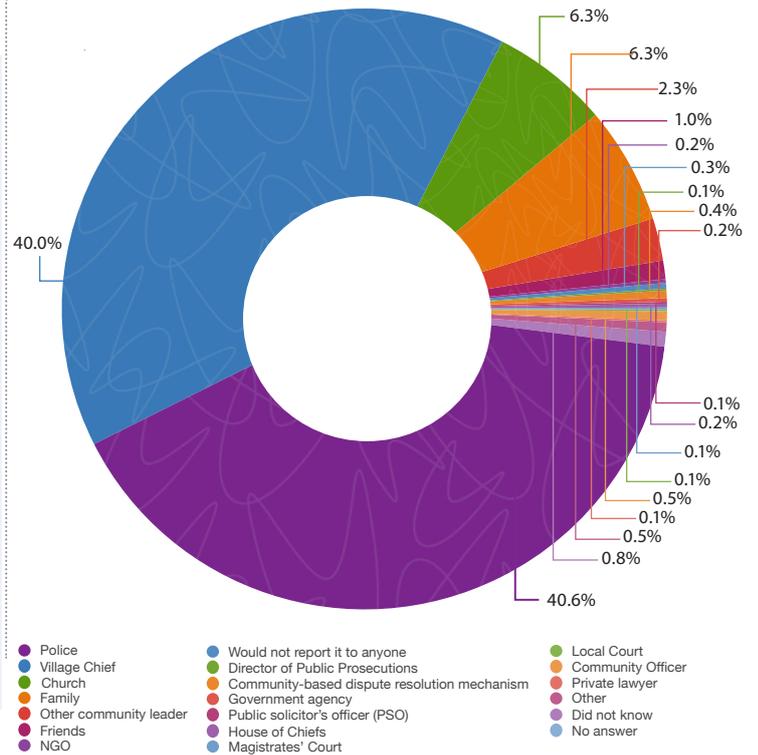
Crime

When men were asked what they would do if a victim of a crime, they reported they would go first to a Village Chief (42%), while women would go first to the Police (53%). Women indicated they would go first to a Village Chief 28% of the time, which is significantly lower than police, but still far above the third (Family, 7.2%) and fourth place options (Church leaders, 6.9%). The PSO, ODP, and courts barely registered as an option for crime victims, with less than 1% out of 2,633 indicating it would be where they would first go for help. registered as an option for crime victims, with less than 1% out of 2,633 indicating it would be where they would first go for help.

Table 11. If you or someone in your family were a victim of a crime, where would you first go for help?

	Women	Men
Police 1,070	55.4%	38.8%
Village Chief 1,053	26.3%	45%
Family 167	4.8%	7.3%
Church Leader 167	6.1%	4.9%
Other community leader 60	2.5%	1%

Figure 5. If you or someone in your family were a victim of a crime, where would you first go for help



Results differed slightly by province, indicating stronger local traditional institutions, or weaker state presence (See Table 12). Predictably, in Honiara police were cited as the place a respondent would go if victim of a crime (65.5%), compared to a low of 22% in Makira-Ulawa. Village chief was the most cited response in Central province at 64%, compared to a low of 6.5% in Rennell and Bellona. Village chiefs also figured prominently - all

over 30% - in Guadalcanal, Choiseul, Malaita, Temotu and Isabel. Church leaders were more prominent in crime dispute resolution in Rennell and Bellona – nearly double the rate of any other province (18%). The findings suggest slightly differing justice sector characteristics and institutional composition across the provinces and the fallacy of a one-size fits all solution across the Solomon Islands.²⁵

Table 12: Responses to the question "If you or someone in your family were a victim of a crime, where would you first go for help?" as a percentage, by province

Response option	Central	Chois.	Guad.	Honiara	Malaita	Rennell and Bellona	Temotu	West.	Makira - Ulawa	Isabel	Grand Total
Police	26.2%	38.4%	45.7%	65.5%	52.9%	47.0%	38.8%	57.4%	22.2%	27.5%	40.6%
Village chief	64.3%	37.1%	40.3%	11.6%	31.4%	6.5%	47.5%	25.2%	53.8%	59.7%	40.0%
Church leaders	2.6%	6.1%	4.5%	8.8%	7.7%	17.8%	3.3%	5.4%	4.1%	5.5%	6.3%
Family	3.8%	11.4%	2.5%	8.8%	4.2%	13.0%	7.1%	8.9%	3.4%	3.7%	6.3%
Other community leader	1.2%	2.6%	1.2%	1.2%	0.4%	2.4%	1.3%	0.5%	11.3%	0.7%	2.3%

Access to justice services is affected by perceptions and other barriers related to each institution. For the police, respondents indicated barriers to successfully resolving disputes were their unavailability and trustworthiness (See Table 13).²⁶

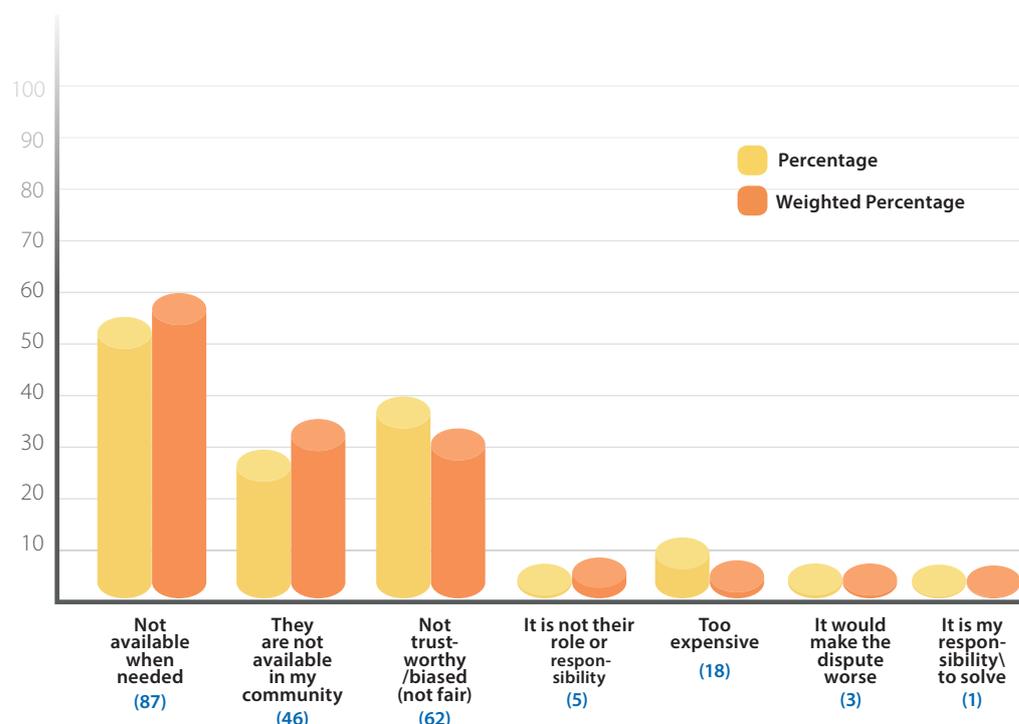


Table 13: Responses to the question "If not (able to solve the problem), why not (for Police)?" as a number, percentage and weighted percentage (multiple responses possible)

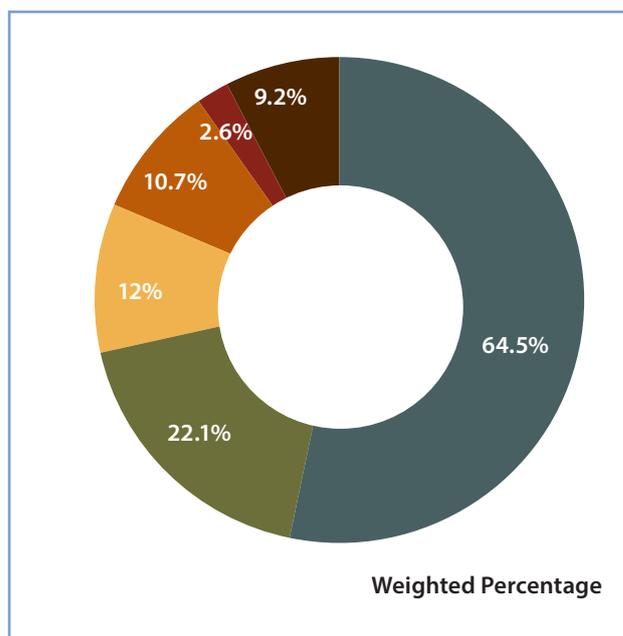
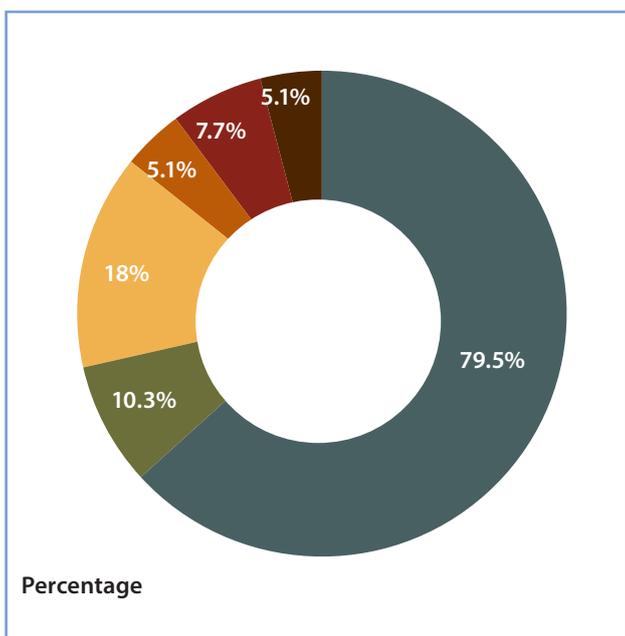
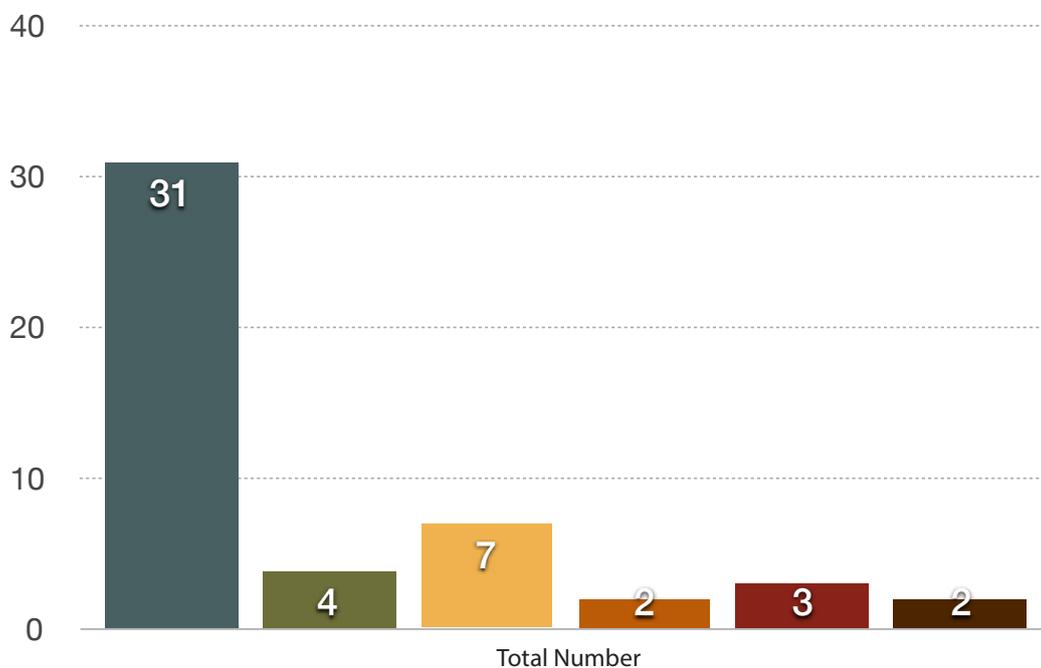
²⁵ See Survey Summary Report pp22-23; Detailed disaggregation by location is available in the A2J Survey data set and Survey Technical Report (on file with UNDP)

²⁶ See Survey Technical Report p 154

Barriers to resolving disputes through village chiefs, on the other hand, were primarily due to a lack of trustworthiness (64.5%), or that the particular dispute is perceived as falling outside their sphere of responsibility (See Table 14). Few respondents indicated barriers

due to a lack of availability. This suggests a need to improve chiefly accountability by addressing conflicts of interest, perhaps instituting some form of judicial and/or administrative review of chiefly performance and decision-making.

Table 14: Responses to the question "If not (able to solve the problem), why not (for village chief)?" as a weighted percentage (multiple responses possible)



- Not trustworthy/biased (not fair)
- It is not their role or responsibility
- Not available when needed
- Too expensive
- It would make the dispute worse
- It is my responsibility to solve

Land

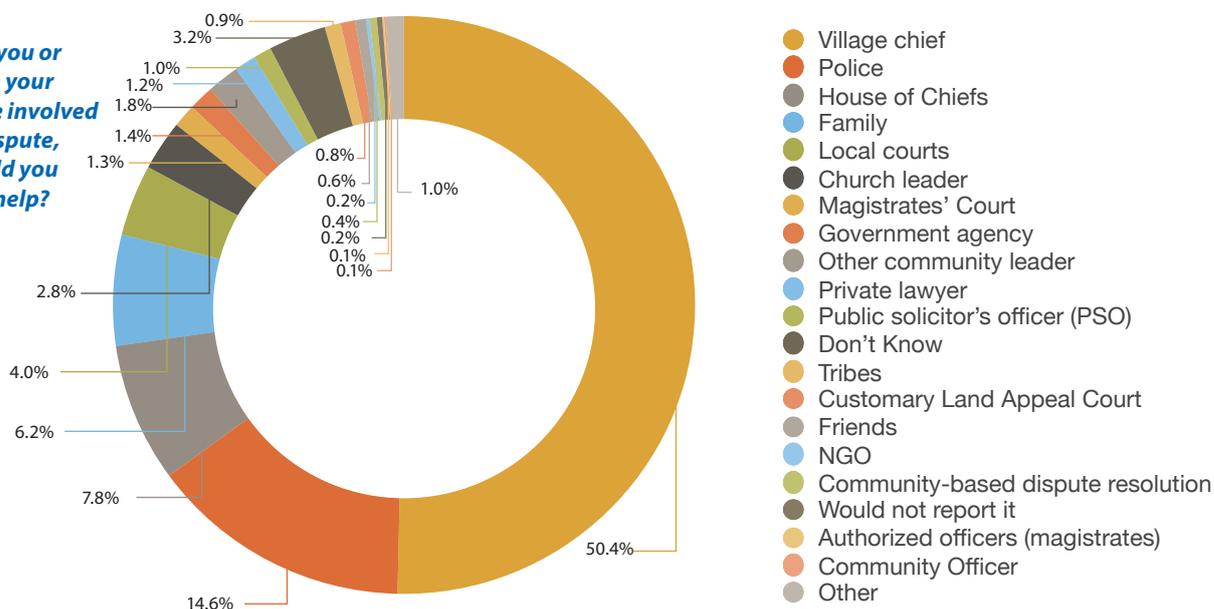
The preferred venue for land disputes is significantly different than for other disputes. Village chiefs are preferred in almost 50% of cases, consistent across gender, with Police second at 16%

(women prefer 21% to 12%), and House of Chiefs third with men preferring 12% to women at 3%. Church leaders and Family factor in less than for other disputes such as crime and family violence.

Table 15. If you or someone in your family were involved in a land dispute, where would you first go for help?

Response option	No.	Total %	% (Weight)	Women (%)	Men (%)
Village chief	1328	50.4%	41.0%	42.2%	39.7%
Police	384	14.6%	17.6%	22.4%	12.5%
House of Chiefs	204	7.8%	9.3%	2.7%	16.2%
Family	164	6.2%	6.3%	5.4%	7.2%
Local courts	104	4.0%	4.6%	3.3%	6.0%
Church leader	74	2.8%	2.4%	1.0%	3.9%
Magistrates' Court	34	1.3%	2.2%	1.6%	2.9%
Government agency	36	1.4%	2.1%	1.7%	2.6%
Other community leader	48	1.8%	1.8%	2.6%	1.0%
Private lawyer	32	1.2%	1.6%	2.0%	1.3%
Public Solicitor's Office (PSO)	25	1.0%	1.3%	1.3%	1.3%
Don't Know	24	3.2%	3.8%	6.3%	1.2%
Tribes	24	0.9%	1.1%		
Customary Land Appeal Court	20	0.8%	1.0%		
Friends	15	0.6%	0.9%		
NGO	5	0.2%	0.4%		
Community-based dispute resolution	11	0.4%	0.3%		
Would not report it	4	0.2%	0.3%		
Authorized officers (magistrates)	2	0.1%	0.1%		
Community Officer	3	0.1%	0.0%		
Other	27	1.0%	1.7%		
Total	2633	100%	100.0%	100.0%	100%

Figure 6. If you or someone in your family were involved in a land dispute, where would you first go for help?



Domestic Violence

Domestic violence institutional preferences were measured by asking respondents where they would “first go for help if someone in the family was a victim of violence by the hand of their partner.” Police figured prominently in the preferences of all respondents, but decidedly more for women - 46% v. 26% for men.²⁷ Men were just as likely to take domestic violence disputes to the village chief, keep them internal to the family,

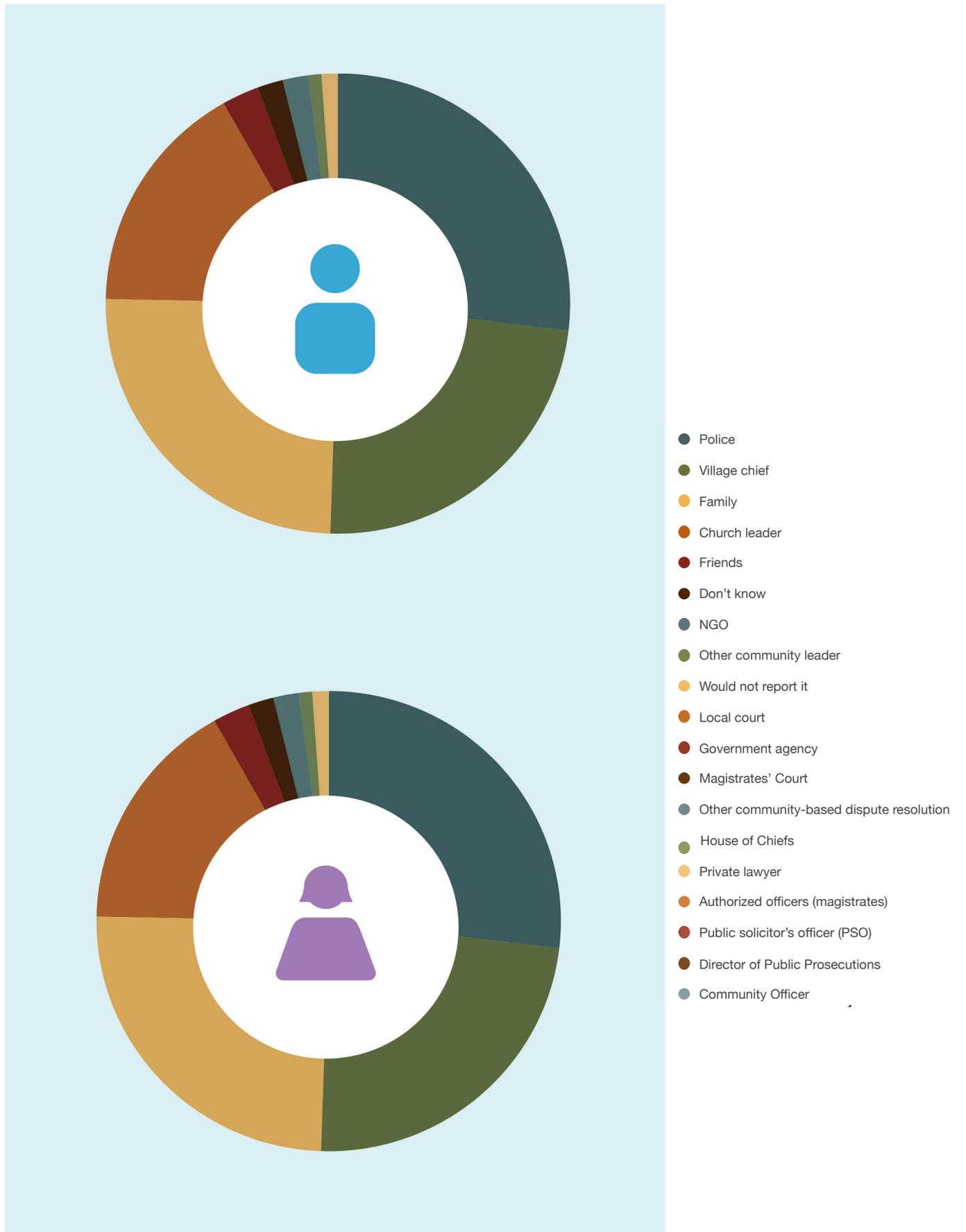
or take them to church leaders. This indicates a difference in women’s perception of the effectiveness (or trustworthiness) of local dispute resolution mechanisms for domestic violence disputes and likely a greater level of comfort in taking sensitive family issues to the police as a neutral arbiter. It also suggests the need to enhance both accessibility and response by the police to domestic violence.

Table 16: Responses to the question "If you or someone in your family were a victim of violence by the hand of their partner, where would you first go for help?" as a number, percentage and weighted percentage

Response option	No.	Total %	% (Weight)	Women (%)	Men (%)
Police	843	32.0%	36.4%	46.3%	25.9%
Village Chief	622	23.6%	21.4%	20.0%	22.8%
Family	566	21.5%	18.6%	13.6%	23.9%
Church leader	279	10.6%	10.9%	6.2%	15.9%
Friends	55	2.1%	2.5%	2.5%	2.5%
Don't know	59	2.2%	2.5%	2.9%	1.7%
NGO	46	1.8%	1.9%	2.0%	1.7%
Other community leader	50	1.9%	1.6%	2.3%	0.9%
Would not report it	29	1.1%	0.9%		
Local court	10	0.4%	0.5%		
Government agency	11	0.4%	0.5%		
Magistrates' Court	9	0.3%	0.4%		
Other community-based dispute resolution	10	0.4%	0.3%		
House of Chiefs	6	0.2%	0.2%		
Private lawyer	2	0.1%	0.1%		
Authorized officers (magistrates)	1	0.0%	0.1%		
Public solicitor's officer (PSO)	2	0.1%	0.1%		
Director of Public Prosecutions	1	0.0%	0.0%		
Community Officer	5	0.2%	0.0%		
Other	19	0.7%	0.9%		
Don't know	1	0.0%	0.0%		
No answer	7	0.3%	0.3%		
Total	2633	100.0%	100.0%		

²⁷ For more detail, see Survey Technical Report pp 156-165; Survey Summary Report pp 73-5

Figure 7. If you or someone in your family were involved in a domestic violence dispute, where would you first go for help? (Men and Women)



4. Awareness of rights and laws

Respondents indicated varying degrees of awareness of relevant laws and legal concepts. 43% believed that police are allowed to hurt or threaten people to get them to cooperate.²⁸

55% of all respondents reported that it was frequent for men to use violence to resolve issues with women, but only 5% felt that it can be justified, and 86% that the man should be punished (equal across gender). 85% felt there are national legal provisions protecting women.²⁹

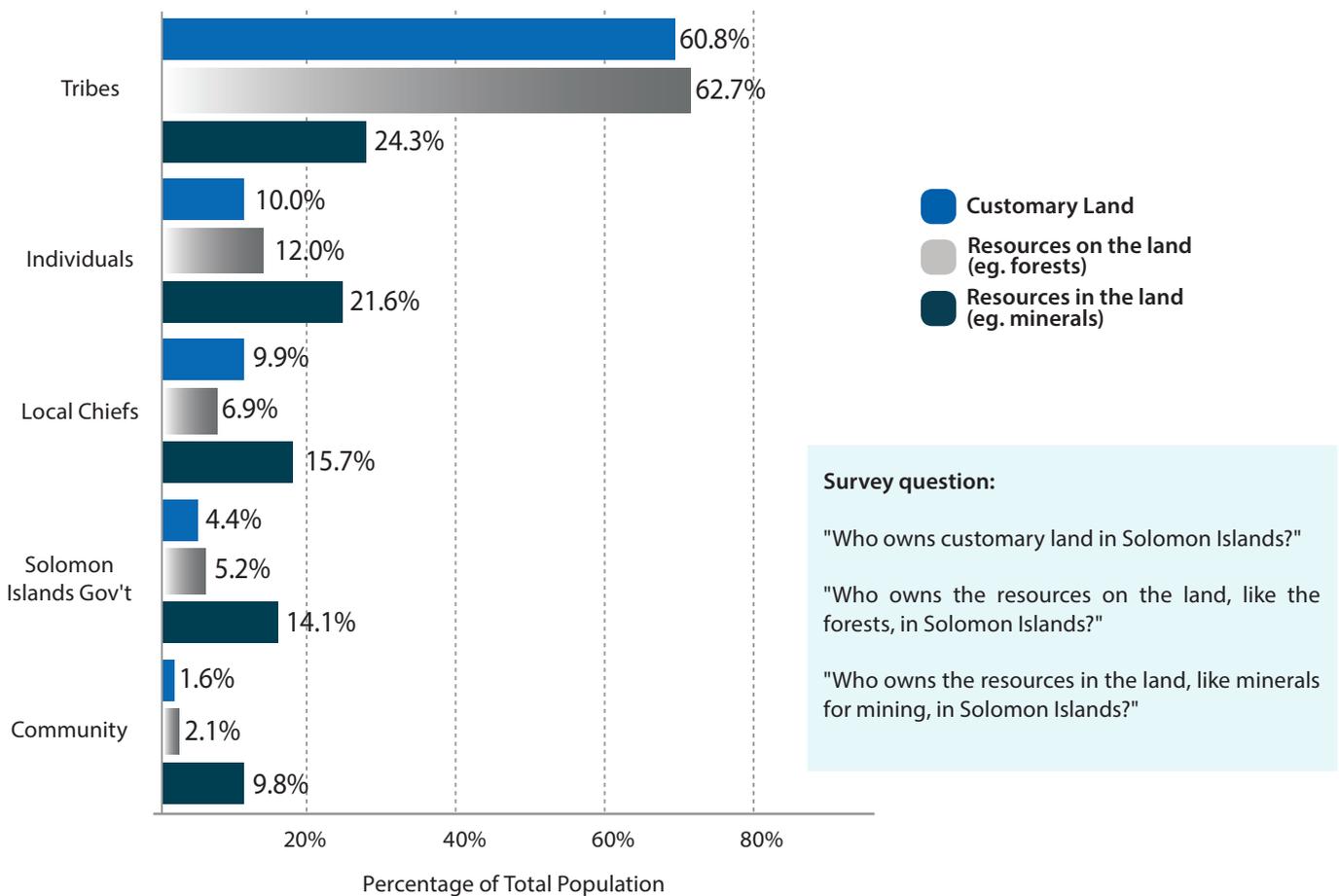
Young Solomon Islanders reported lower levels of awareness of the role of the police, court and lawyers than older demographics. Those between 18-25 years old reported the lowest awareness for the police (65.0% vs. 73.8% for 26-40 and 72.8% for 41+), courts (31.8% vs. 43.1% for 26-40 and 42.5% for 41+) and lawyers (32.2% vs. 42.6% for 26-40 and 38.2% for 41+).³⁰

Respondents were also asked about their awareness of land rights and ownership. 66% of respondents considered themselves a

landowner, with 70% owning jointly with their tribe, 15% jointly with other tribes, 10% as individuals, and 4% with their family. 32% indicated they do not have documentation of their ownership.³¹

Land and natural resources (trees, minerals) in the Solomon Islands is mostly viewed as owned by the tribes (See Figure 5). There were considerable differences across provinces in perceptions of who owns land. Temotu, Malaita and Makira-Ulawa responded were most likely to identify tribes as the owners of customary land and the resources on (forests) and within (minerals) the land. Those from Rennell and Bellona were significantly more to believe individuals owned the customary land and different resources. Those from Western and Honiara were more likely to think the Solomon Islands Government owned land and resources more than elsewhere.

Figure 8. Who owns the land/resources?



²⁸ For more detailed analysis, see A2J Study Survey data set and Survey Technical Report pp 94-96

²⁹ See Survey Technical Report pp 101; 103-5, 140-4

³⁰ Ibid pp 44-6; 69-71; 54-6

³¹ Ibid 106-9; 120-5

5. Experience seeking legal information and assistance

The availability of resources for legal information and assistance is an important component of access to justice. The survey prompted people on their experience in accessing legal information. Most people (80%) indicated they had not sought out legal information. Of those that had, the most prominent type of legal information sought was related to land, followed by family disputes and violence. 30% went to the police for more information, followed by the PSO and village chiefs – 15% each.³²

6. Justice Problem Pathways

The Justice Pathways section of the survey documented how people behave when faced with a dispute and what venues they use to resolve disputes. Over one in five Solomon Islanders (21.2%) reported they had been involved in a dispute in the past two years. Land disputes and family or domestic disputes (including domestic violence) represent the majority (over 60%) of all surveyed disputes. 134 violent crimes (crimes against person – fight, assault, theft, sexual offenses, domestic violence) were reported, out of 1820 respondents.

Family and Gender-Based Violence

The Solomon Islands has one of the highest rates of family violence in the world. According to one study, almost 2 in 3 (64%) women aged 15-49 in a relationship experiences some form of gender based violence (GBV), including physical and/or sexual violence, by an intimate partner.³³ More than 1 in 2 women aged 15-49 (56%) experience emotional abuse by an intimate partner.³⁴ Eighty-two percent of women report that they have never gone to any agency or authority for help. In some places, kastom prevents a woman from speaking with men about violence.

The A2J survey results found similarly high levels of GBV, with experience of actual disputes focused on the past two years. The survey asked about three categories of disputes with implications for gender-based violence: “domestic violence”, “family dispute/child support”, and “fight/assault”. Respondents described their dispute and the survey enumerators categorized their response. There was some potential combination of GBV between the three categories, depending on the nature of the violence.

Based on the responses GBV/domestic violence could potentially account for 70% of reported disputes by women. Whereas men reported fewer fights/assaults, less DV and fewer family disputes as both a percentage and number. Most disputes reported by men were land disputes (40%). See Table 18.

Table 17. If yes, from what places have you sought information or assistance about the law or legal problems?



Table 18. What type of disputes have you been involved in the past two years?

Male (Icon)	Dispute Type	Female (Icon)
2	Inheritance dispute	4
32	Land dispute	100
0	Property or livestock damage	7
3	Money (debt, contracts, loans, etc)	7
0	Theft	10
40	Domestic violence	10
71	Family dispute/child support	26
35	Fight/assault	33
4	Swearing	6
3	Sexual offense	3
6	Drug abuse (kwaso, marijuana, other)	20

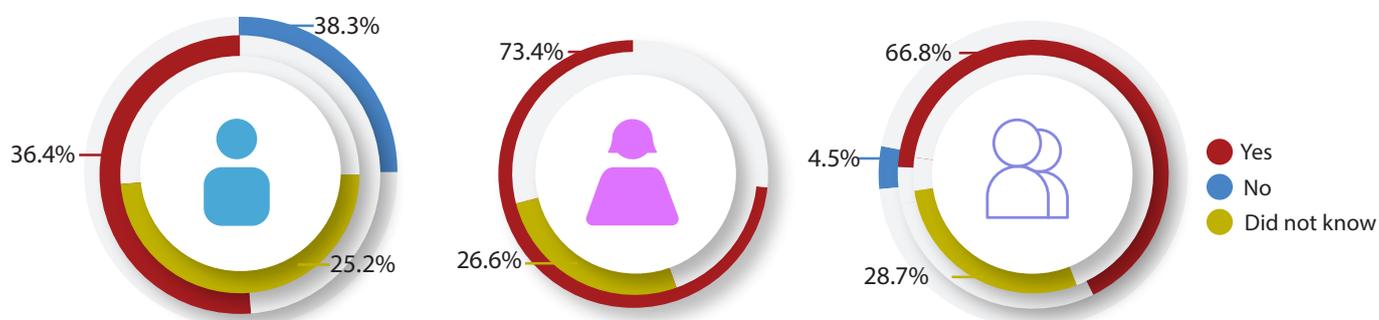
³³ Family Health and Safety Study 2009

³⁴ Ibid

Of the 28.2% of Solomon Islanders who had experienced a family dispute/child support issue over the past two years, a quarter (23.2%) did not take any action to solve the dispute. The most common reason for that was that they did not believe it would produce any change (22.1%). A significant portion believed that action was not important (16.1%) or they indicated they were afraid (15.1%).

The likelihood of whether respondents had taken action to solve a domestic violence dispute was different according to gender. Women were much more likely to indicate that they had taken action (73.4%) compared to only 36.4% of men. Men were more likely to be unsure of whether they had taken action to resolve the problem (25.2%), with no women being unsure of this.

Table 19. “Did you take any action to solve the problem?” as a weighted percentage, by gender



The most common action for Solomon Islanders to take to resolve a family dispute over the past two years was to consult family (36.5%), The next most common actions were to visit a village chief (15.8%) or report the dispute to police (12.5%).³⁵ As shown in Table 20, women consulted family as a first course of action (27%), twice as often as men. The next most favoured option was

reporting to the village chief (19.3%) and then police (18.6%).

To resolve a domestic violence related dispute the most common action taken was to report the dispute to the police (45.9%).

Table 20. What action did you first take to try and solve the problem?

Action taken	No	%	Women	Men
I tried to reach an agreement with or compensate the other party	26	8.2%	9.3%	7.4%
I looked for information on my own	14	4.4%	2.9%	5.7%
Consulted family	61	19.3%	27.1%	13.1%
Consulted a friend	1	0.3%	0.0%	0.6%
Consulted pastor	13	4.1%	6.4%	2.3%
Went to village chief	83	26.3%	19.3%	31.8%
Went to other local leader	7	2.2%	2.1%	2.3%
Reported to the Police	51	16.1%	18.6%	14.2%
Went to court	28	8.9%	4.3%	12.5%
Went to PSO	10	3.2%	1.4%	4.5%
Went to Private Lawyer	10	3.2%	0.7%	5.1%
Went to NGO	1	0.3%	0.7%	0.0%
Went to other government agency	2	0.6%	0.7%	0.6%
Did not know	2	0.6%	1.4%	0.0%
Other	7	2.2%	5.0%	0.0%

There was a noticeable difference between men and women in where cases were taken. Women consulted family, police, and pastors more often than men, while men chose village chiefs and courts with greater frequency. This potentially underlies a greater

trust by women in police than in village chiefs. However, the difference might also be explained by the type of cases women reported with greater frequency, such as family disputes, and what is considered to be the “appropriate” venue for those cases.

³⁵ For the full disaggregated justice pathway data set see A2J Study survey data set and/or Survey Technical Report pp 195-207, 212-220

Table 21. Domestic Violence: If solved, how long did it take for your problem to be resolved?" as a number, percentage and weighted percentage

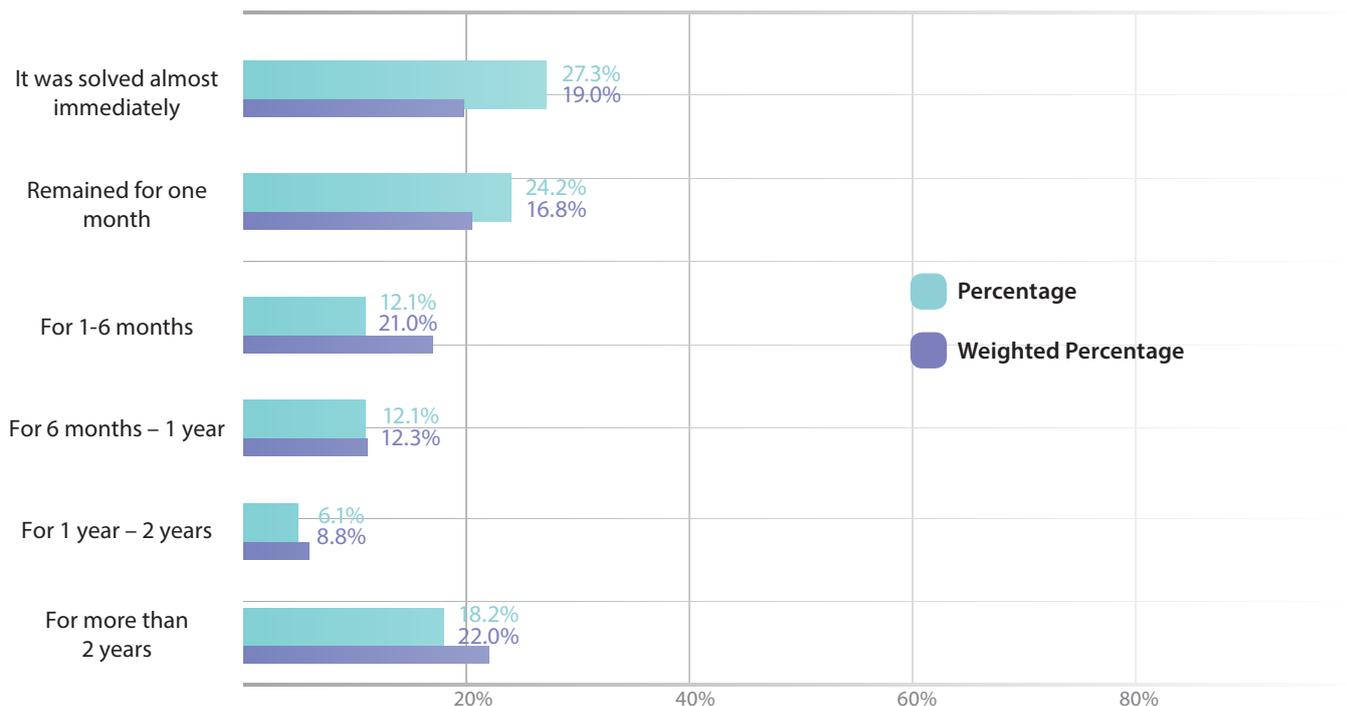
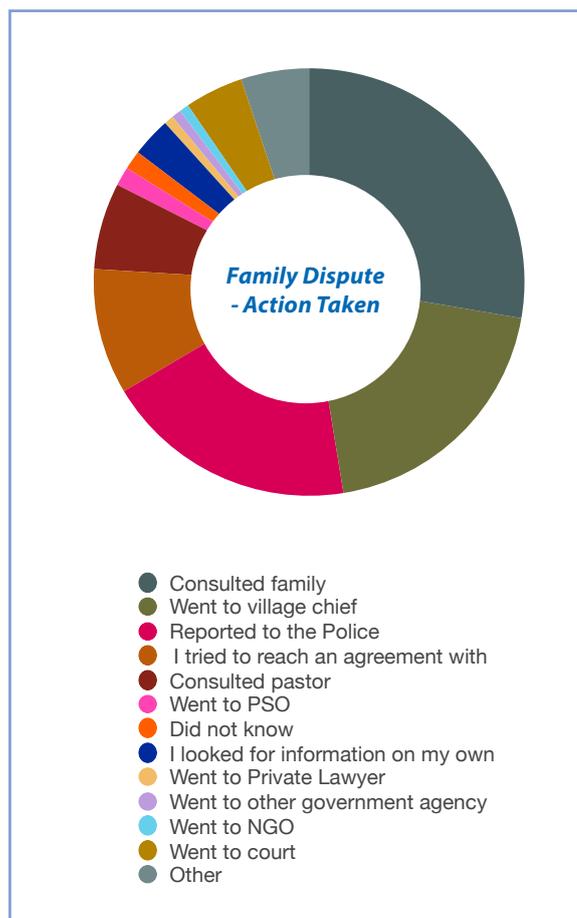
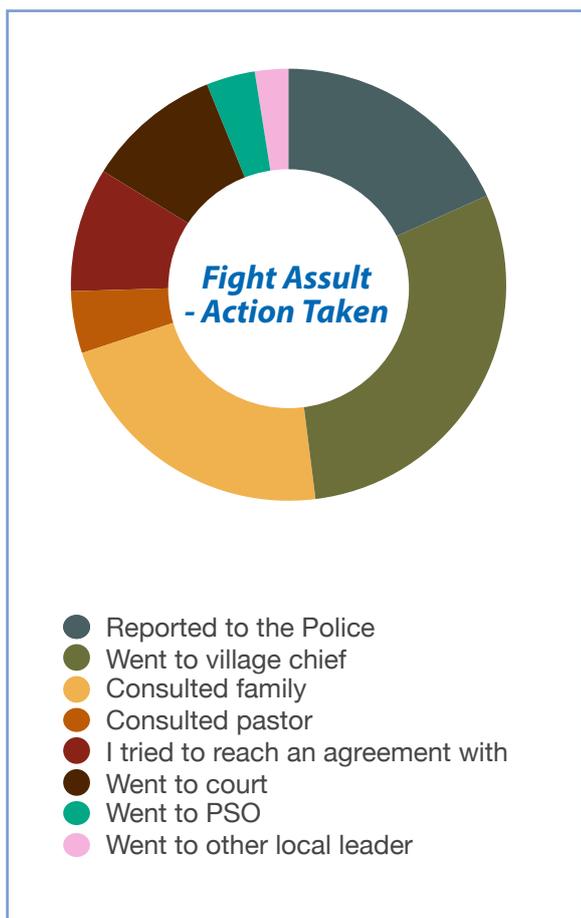
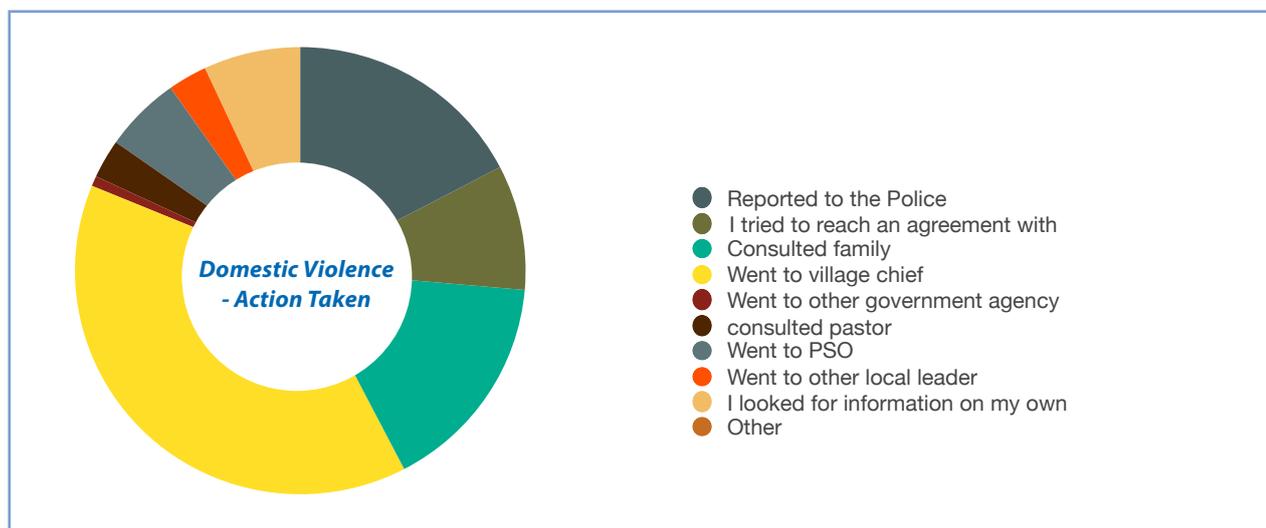


Figure 9. What action did you first take to try and solve the problem? (by justice problem)





Land Disputes

An overwhelming majority (89.9%) of Solomon Islanders had taken action to attempt to resolve the land dispute they had been involved in over the past two years. For the 10.1% of Solomon Islanders that had not taken any action to resolve their land dispute, the most common reason (29.7%) for this was that it was deemed it would be too expensive. One quarter (25.6%) of Solomon Islanders did not know whom to approach to resolve the dispute. The third most common reason (16.7%) was that they were afraid to take action.³⁶

As shown in Table 22 and Figure 10, when Solomon Islanders were involved in a land dispute over the past two years and took action to attempt to resolve the dispute, the most common action taken was to take the dispute to the village chief (30.0%). One in five (21.3%) took the dispute to court and 10.6% reported consulting family.

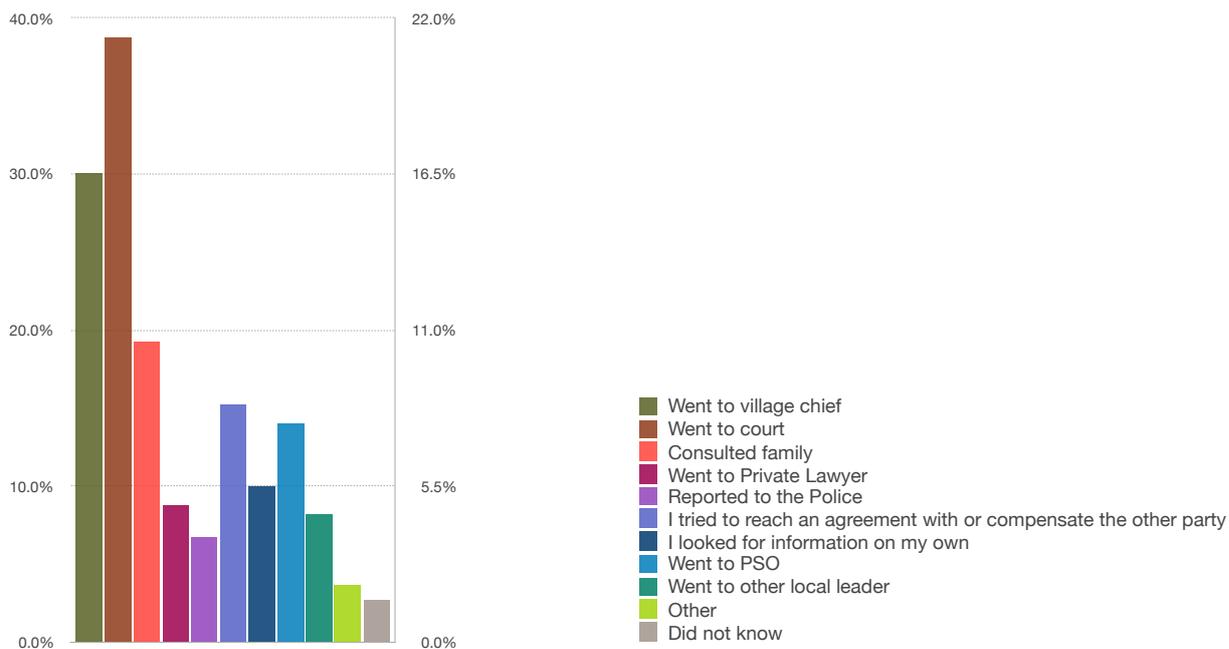
Respondents were more likely to visit a village chief the further they were located from urban areas; only 6.1% taking this action in urban areas compared to 43.5% of those in rural areas. Those in rural areas were less likely to take the dispute to court (17.7%) compared to those in urban or peri-urban locations (24.3% and 29.0%). Consulting family was a very rare action for those in urban areas to take (less than 0.1%) compared with 11.5% in rural areas and 21.6% in peri-urban areas. Solomon Islanders in urban locations were much more likely to try and reach an agreement with the other party (20.5%) compared to those in peri-urban or rural areas.

Table 22: Responses to the question "If yes, what action did you first take to try and solve the problem?" as a weighted percentage, by location type

Response option	Urban	Peri-urban	Rural	Total
Went to village chief	6.1%	18.5%	43.5%	30.0%
Went to court	24.3%	29.0%	17.7%	21.3%
Consulted family	0.0%	21.6%	11.5%	10.6%
Went to Private Lawyer	0.0%	0.0%	8.3%	4.8%
Reported to the Police	0.0%	0.0%	6.4%	3.7%
I tried to reach an agreement with or compensate the other party	20.5%	0.0%	6.1%	8.4%
I looked for information on my own	6.1%	9.2%	4.1%	5.5%
Went to PSO	14.4%	19.4%	1.3%	7.7%
Went to other local leader	14.4%	2.4%	1.1%	4.5%
Other	8.3%	0.0%	0.0%	2.0%
Did not know	6.1%	0.0%	0.0%	1.5%
Total	100.0%	100.0%	100.0%	100.0%

³⁶ See Survey Technical Report pp 207-212; pp 231-237

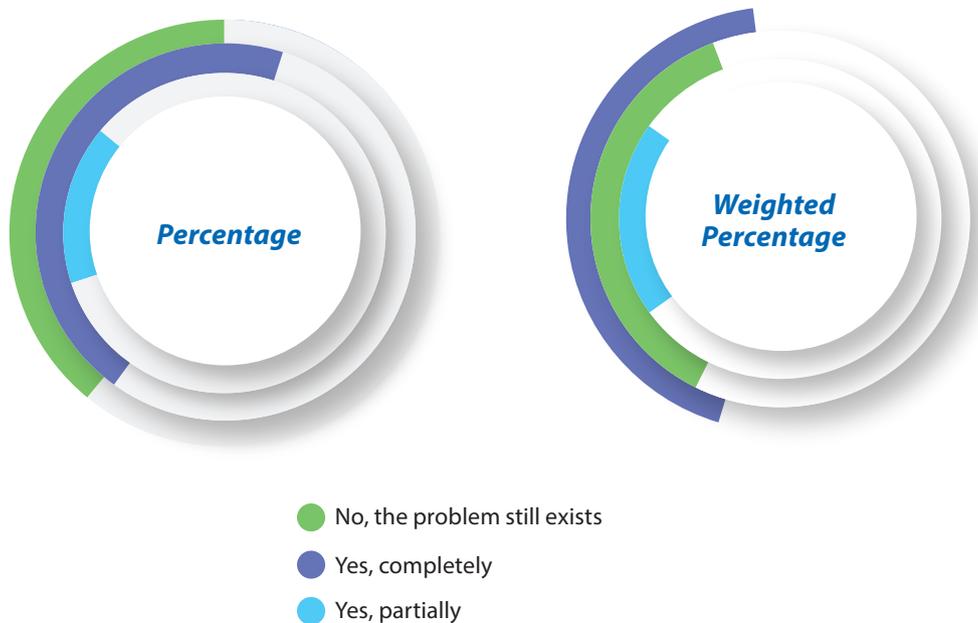
Figure 10. What action did you first take to try and solve the problem? (land dispute)



Land Disputes were often not resolved after the first attempt and were the justice problem most likely to be appealed – 39% of disputes (as a comparison, family disputes were rarely appealed).³⁷ The highest percentage of respondents (28.1%) reported that to

it took more than two years to resolve the dispute. For 22.1% the resolution took between one and six months and 17.4% were solved almost immediately. 37% said the problem still exists (See Table 23).

Table 23: Responses to the question “Has your problem been solved by now?” as a number, percentage and weighted percentage



³⁷ See A2J Survey Technical Report Section 8 - Justice Problems

7. Cost of Disputes - Perceptions

Of the 484 Solomon Islanders who had reported they were involved in a dispute over the past two years in the overall survey, only half of the respondents were happy to talk about how much resolving their dispute had cost them in monetary terms while the half did not want to discuss costs. The 267 respondents who responded to this question, disclosed a wide range of costs that had been incurred. One in five (19.9%) indicated that they had not incurred any costs as a result of their dispute. A further 28.9% noted it cost less than SBD \$500. At the other end of the scale, 14.6% declared costs of greater than SBD \$10,000. Overall, 77.7% of disputes were reported as resolved for a cost of less than SBD \$5,000. Across all respondents within the Perception survey, the average costs to resolve a particular dispute was SBD \$18,637.

28.9% noted it cost less than SBD \$500. At the other end of the scale, 14.6% declared costs of greater than SBD \$10,000. Overall, 77.7% of disputes were reported as resolved for a cost of less than SBD \$5,000.³⁸ Across all respondents within the Perception survey, the average costs to resolve a particular dispute was SBD \$18,637.³⁹

While the average costs for each dispute varied, it was clear that land disputes were the most expensive. The average cost of land disputes (SBD \$38,152) were significantly higher than those related to fights/assaults (SBD \$1,561), family dispute/child support (SBD \$1,430). Conversely, the averaged domestic violence related costs were low (SBD \$309).

Table 24: Range of responses by cost incurred

Response range	No.	%	Weighted %
SBD \$500,001+	2	0.7%	0.5%
SBD \$10,000-\$500,000	28	10.5%	14.1%
SBD \$5,001-\$10,000	18	6.7%	7.6%
SBD \$1,001-\$5,000	45	16.9%	17.8%
SBD \$501-\$1,000	27	10.1%	11.1%
SBD \$101-\$500	51	19.1%	19.2%
SBD \$1-\$100	30	11.2%	9.7%
SBD \$0	66	24.7%	19.9%
Total	267	100.0%	100.0%

Table 25: Costs of Different Types of Disputes

Response option	No.	Average	Average (W)	Max.	Min.
Family dispute/child support	53	984	1,430	10,000	-
Land disputes	96	21,222	38,152	500,000	-
Domestic violence	18	418	309	2,000	-
Fight/assault	33	1,391	1,561	20,000	-

³⁸ Of all the responses, there were two relative outliers in relation to the group of over SBD500,000, these two figures have been removed from the subsequent data as they distort the averages

³⁹ See Survey Technical Report pp 231-237

8. Cost of Disputes – Cost Survey

A more in-depth analysis was attempted with a much smaller sample from among those who had had direct experience of the justice system. The findings are not intended to be representative of the target groups, but indicative of the different experiences of those who had previous personal engagement with the Solomon Island justice sector in relation to domestic violence, customary land disputes and as defendants on remand.

The most stark difference is in relation to the high process costs for those involved in a land dispute (SBD \$2,252,734) as well as the high opportunity costs for defendants on remand (SBD \$1,524,100).

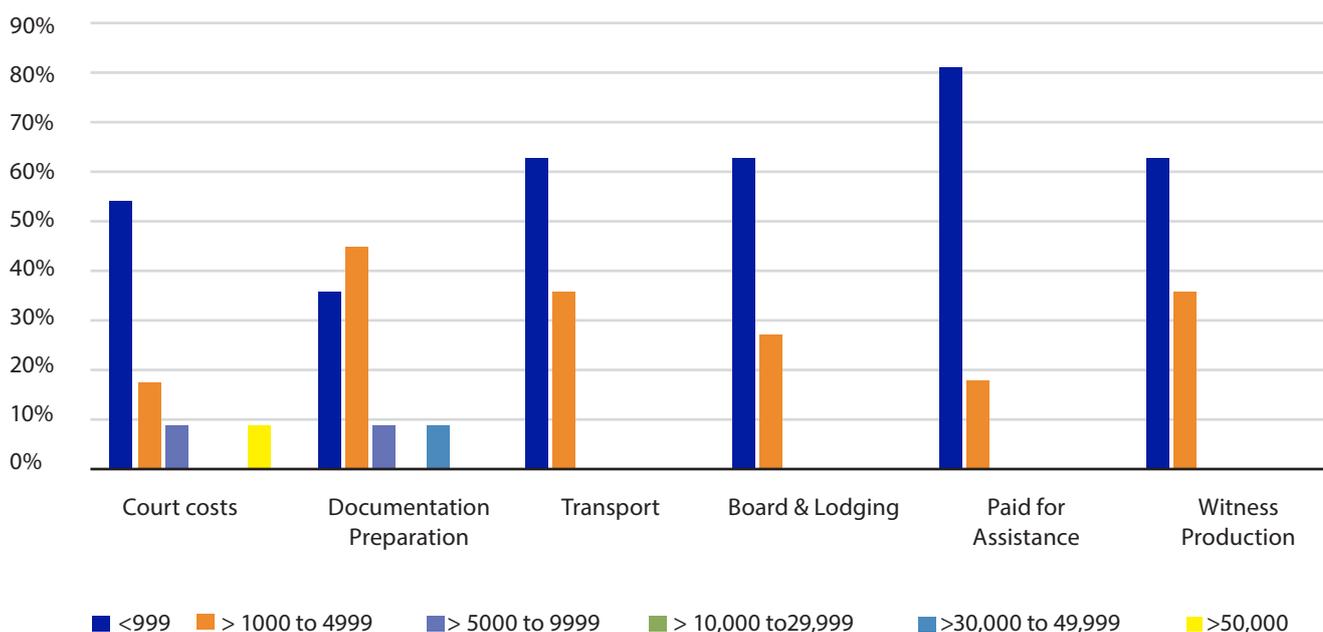
Table 26: Summary of the total Costs reported to have been incurred by respondents

Survey	Process costs		Opportunity costs		Other Cost		Grand Total
	No. of steps with reported	Total costs (SBD \$)	No. of costs reported	Total costs (SBD \$)	No. of costs reported	Total costs (SBD \$)	
Survivors of Domestic Violence	18	40,270	9	43,500	4	17,300	101,070
Customary Land Rights Holders	46	2,252,734	8	44,400	2	1,300	2,298,434
Defendants on Remand	6	151,300	22	1,524,100	1	100,000	1,775,400

Land. From among the overall sample, about 11 cases of land disputes were selected to further examine the experience of people with regard to land disputes and the costs that they incurred in financial or social terms. The types of costs that people generally reported included court costs, documentation preparation, transport, boarding & lodging, payment for assistance and costs of producing witnesses. As can be seen from the figure below most people incurred under SBD 1000 (USD 128) for most of the cost categories identified. In only 10% of the cases, the court fees exceeded SBD 50,000 and in under 10% of the cases the cost of documentation preparation was between SBD 30,000 to 49,999. Most people reported paying for assistance and production of witnesses and transport.

Domestic Violence. A closer examination of those who experienced incidents of domestic violence was undertaken in 24 cases. Only 6 of the women or 25% were represented by a legal representative. Of these, half sought help from the PSO Lawyers and the other half were assisted through their family. Of these seeking legal help, 33% were very satisfied with the legal assistance they obtained. The data on actual cost incurred during the process, was extremely patchy and does not provide the basis of a proper assessment from this in-depth review.

Figure 11: Cost of Accessing Justice in Land Dispute Cases



However, an assessment was made of the opportunity and other social costs that women indicated they incurred as a result of their reporting the incident. About 46% of the women in the survey, reported that they could not undertake their normal activities after experiencing and reporting the domestic dispute. Some of the women reported they were incurring a cost in terms of their freedom and one woman reported that. "I am victimized by the health and justice system because they don't believe my case." Other women reported that they could not meet the cost of "school fees, bus fares, cost of mattress, clothes, bible, development fees, welfare for child, sister's time for baby-sitting". One woman reported that she incurred the cost of travelling back to Kirakira to make sure whatever decision made by the court in her case is enforced."

"I am victimized by the health and justice system because they don't believe my case."

- Cost Survey Participant

B. INSTITUTIONAL FINDINGS

The A2J Study examined institutional annual reports, budget information, statistics, past research, and conducted KIs with key stakeholders and institutional leaders, including embedded technical advisors, across the justice sector. A subset of this data is summarized below, focusing on the topics most relevant to the scope and findings of the study.⁴¹ The A2J Study also reviewed Justice Information Management System (JIMS) data for institutions where access was granted. It is worth noting that the A2J Study was not provided full access to all data sets on JIMS and to internal statistics and files where these exist and are accurate, limiting a data-backed analysis at all levels. Despite these limitations, institutional data assisted in analysis on the institutional challenges to fulfilling the justice needs of the populations, including financial, management, and broader capacity issues.

Government expenditure has grown steadily in recent years, albeit with some year-on-year fluctuations (Figure 12). Total spending rose by an average 6% a year over 2008-2018. The development budget grew particularly rapidly between 2014 and 2017, rising by 85% in three years (Figure 13).⁴² While growing revenues have enabled increased fiscal space, this was funded in part by drawing down reserves. This has contributed to increased pressures on the 2018 budget, in which the government has paid off its arrears and committed to rebuild reserves. To do so the development budget has been cut drastically with considerable pressure on those sectors that depend upon the public sector for funds.

⁴⁰ For more in depth analysis, see Survey Technical Report p 238.

⁴¹ Source files and additional findings/analysis documents are on file with UNDP

⁴² Source: Solomon Islands development finance assessment based on Budget Strategy & Outlook and Final Budget Outcome publications 2010-2018 (Ministry of Finance and Treasury)

Prisoners. A total of 25 respondents participated in the Defendant on Remand Cost Survey. All respondents were men. All respondents reported that they had been represented by a lawyer during their case. The majority reported they were represented by the PSO (n=22). While the majority reported earning less than SBD \$2,000 a month, there were a number of higher earners in the group. While the costs reported through the formal processes were low for defendants on remand, the reported individual opportunity costs were high. All 25 defendants on remand reported there were activities that they were prevented from doing as a result of their charge. The main activities related to looking after family (n=10), gardening for market (n=10) and gardening for eating (n=7). The highest cumulative (SBD \$781,200) and average costs (SBD \$156,240) were reported by those who could not go to work. While both gardening for market and gardening for eating were identified by more respondents, the relative costs were lower.⁴⁰

Figure 12. Government spending has grown at an average 6% a year since 2008

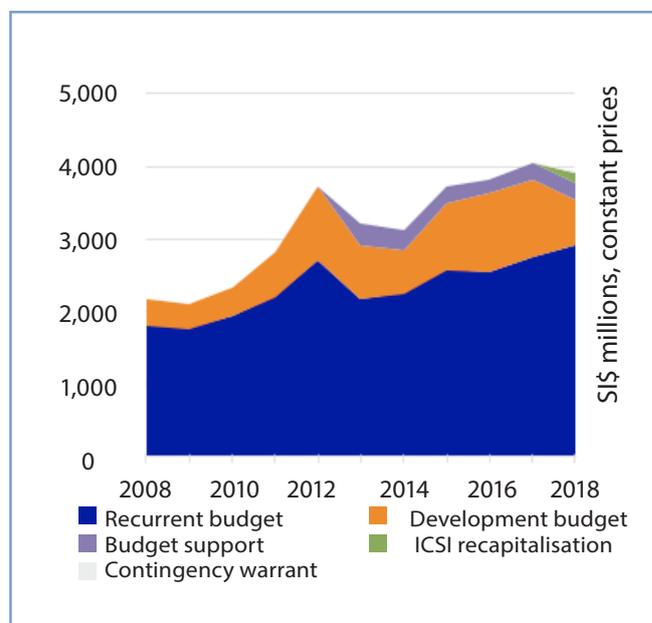


Figure 13. The development budget grew by 85% over 2014-2017, but has been cut by 42% in 2018

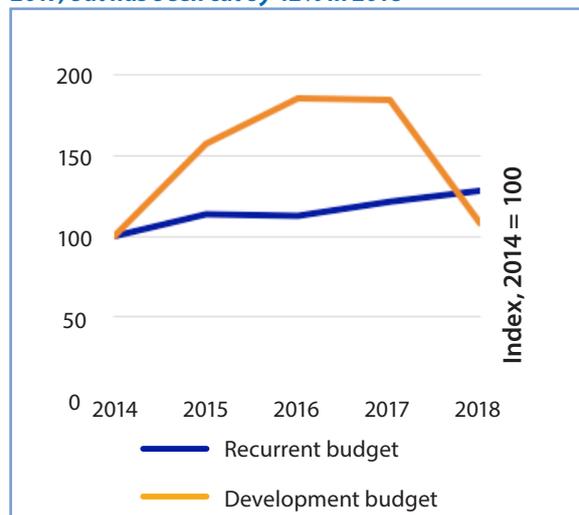


Table 27. Case Backlogs

Status - 2018	ODPP	PPD	PSO	LC	MC	HC	COA
Closed	393	955	1288	77	1678	395	36
Open	871	1670	1955	336	1967	1313	44
Total	1264	2625	3243	413	3645	1708	80

Overall, the justice system struggles to fulfil its mandate with reliability, particularly outside of Honiara. Courts face serious backlog and adjournment issues, with new cases outpacing closed cases each year. Recent progress in reviving the Magistrates' Court circuit in the provinces offers promise for continued reforms (See Table 27). The Government has maintained its allocation for the justice sector at around 11% of the total recurrent budget in the last 7 to 8 years. However, the reduction in Government budget has naturally entailed an overall reduction in allocations for justice sector institutions. As a proportion of GDP, the justice sector budget was 3.28%.

In 2018, the Police, National Security and Corrections constituted 81% of the total recurrent budget for the justice sector, with a share of 9.3% for Justice & Legal Affairs and 8.9% for the National Judiciary. While the budgets of J&LA and NJ have shown a steady growth over the last eight years, the budget for the police has gone up and down. However, the budgets of all three agencies have doubled since 2010.⁴³ Around 95% of the budgets are allocated for recurrent expenses with only 5% for development spending leaving little fiscal space for much needed capital investments.

Royal Solomon Islands Police Force (RSIPF)

According to recent figures the RSIPF budget has stagnated, going down from 2017 to 2018, after a period of investment (See Table 28). Provincial coverage is, however, still lacking and the ratio of police to citizen is still well below the recommendations of the post-RAMSI report (See Table 29; infra note 43, Deloitte Report, 2009)

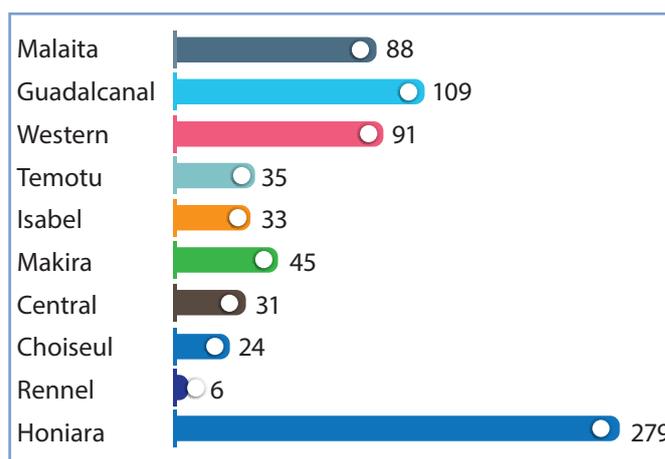
Table 28: RSIPF Budget

Recurrent	Budget 2016	Budget 2017	Budget 2018
Payroll	\$67,642,000.00	\$83,956,000.00	\$72,997,000.00
Others	\$80,124,000.00	\$86,780,000.00	\$91,511,000.00
Total Budget	\$147,278,000.00	\$169,733,000.00	\$164,508,000.00
Development	-	\$3,000,000.00	\$3,000,000.00

⁴³ RAMSI officially ended in 2017

⁴⁴ RSIPF Annual Report 2017

Table 29: The number of police by province⁴⁴



The number of reported/registered cases with the police in 2017 was 6,030 (2017 RSIPF Annual Report). With a projected 2017 Solomon Islands population of 652,449, that equates to a crime rate of 0.92%, or 920 of 100,000. The survey found much higher rates of crimes, compensating for the frequency of cases reported to the police, while also acknowledging the less exact nature of individual recall over a two-year period. Extrapolated to the 2017 projected SIG population, the survey found the number of disputes over two years was 163,571, or one dispute per every fourth person.

Based on the budget allocated in 2016 and the number of cases that were reported and detected the unit cost per case was SBD 19,128 for each reported case and SBD 40,419 for each crime detected. This is not the actual cost of the cases but the unit cost when spread over the number of cases that were reported and detected in that year.

The survey found crime rates were higher than official statistics. For example, respondents reported 134 violent crimes, out of 1820 respondents, equivalent to a crime rate of 3,700 per 100,000.⁴⁶ Compared to the official RSIPF statistics of 2,023 violent crimes (or 311 per 100,000 people), this is a rate over 10 times higher. While this is not a straightforward numerical comparison, due to a number of factors, it demonstrates a likely gap between formal reporting and the use of informal or traditional mechanisms for handling major disputes.

Interviews with RSIPF leaders and advisors identified considerable operational and budgetary challenges in the provision of police services across the country.

Transportation by boat between and within islands is extremely expensive and limits the presence of police at the community level.⁴⁷ One promising effort to confront these challenges is the creation of a community Crime Prevention Strategy using Crime Prevention Committees. According to RSIPF records, around 400 Ward Crime Prevention Committees have been established.

The work of the RSIPF in establishing a women's desk and collaborating with Seif Pleis and SafeNET in addressing violence against women and families is commendable.⁴⁸ There are plans to expand this model to the provinces.

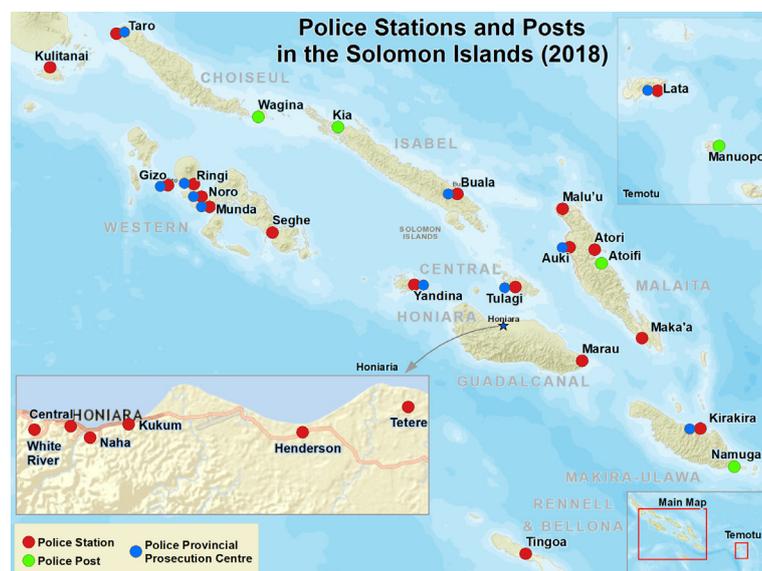
Table 30. Cases reported and registered, by crime type⁴⁵

Survey	Reported	Detained (%)	Fine	Imprisoned	Other	Male	Female
Crime against person	2023	32%	10	14	39	680	35
Property crime	1584	28%	1	12	13	491	27
Morality	102	31%	0	0	0	31	0
Lawful authority	435	49%	1	7	9	243	6
Statute	1886	77%	87	2	13	1472	26
TOTAL	6030	46%	99	35	74	2917	94

Correctional Services Solomon Islands (CSSI)

There are six correctional facilities in the Solomon Islands, which house both convicted people and those on remand (charged, not granted bail, but not yet found guilty). At the time of the study 479 prisoners were being held, 47% on remand (See Table 31).⁴⁹ These numbers do not, however, show the more dramatic picture of how many people flow in and out of prison over the course of a given year. Most countries report that prisoners on remand form a large proportion of this churning flow of the prisoner population. An analysis of the population in the correctional facilities shows that the proportion of people in remand has been gradually increasing in the Solomon Islands (See Figure 15; latest figures from CSSI reports obtained at the time of the study go through 2016 only).

Figure 14. Map of Location of Police Stations and Posts⁵⁰



⁴⁵ RSIPF Annual Report 2017

⁴⁶ This figure is derived by reducing in half the number of crimes, given that respondents were asked about their experiences over a two-year period. The reduction is an inexact proxy, given the likelihood that more than 50% of cases were more recent and subject to easier recall. Nonetheless, it is the best way to compare with annual statistics

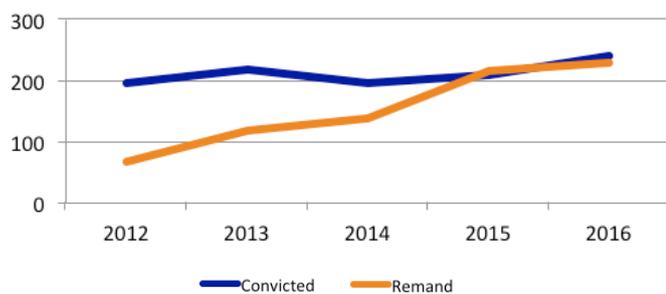
⁴⁷ A2J Study interview notes

⁴⁸ A2J Study interview notes with Seif Pleis

⁴⁹ The Solomon Islands ranks very low on a global scale in prison population per capita

⁵⁰ UNDP, A Mapping of Justice Sector Service Provision in the Solomon Islands, UNDP, November 2018

Figure 15: Changing proportion of Convicted and Remand Population



In 2018, the average annual cost of incarceration per inmate in the Solomon Islands was SBD 156,547 or USD 20,000 yielding a daily cost of SBD 429 or USD 55 per inmate per day. As in other aspects of the justice system, the personnel costs are the most significant single element in the cost structure making up 38% of the total budget in 2018. In addition, a budget of SBD 6.945 mn was allocated for rations, SBD 5.85 mn for electricity and SBD 5.439 mn for water for the prisoners in the correctional facilities. This translates into a daily cost for food of USD 5 per inmate and an additional daily cost of USD 8 for utilities.⁵¹

Interviews with the Prison Director in Auki suggested that many prisons are already at max capacity and are rejecting prisoners or remandees, rather than creating prison crowding conditions.⁵² This also suggests that the prison population is lower than it could be and that chronic remand might be more chronic than could be deduced from current prison population figures.

Table 31. Population in Correctional Facilities (2018)

Correctional Centre	Convicted	Remand	Total	(% remand)
Rove	175	181	356	51%
Tetere	23	0	23	0%
Auki	18	11	29	38%
Gizo	22	22	44	50%
Kirakira	10	10	20	50%
Lata	7	0	7	0%
	255	224	479	47%

⁵¹ Approved Recurrent Estimates: Budget paper Volume 2: Solomon Islands Government, 2018

⁵² See A2J Study notes, on file with UNDP

⁵³ See A2J interview notes

Justice Story -- Court Adjournments

TT is a Police officer charged with careless use of a motor vehicle and driving while under the influence of liquor. His house was washed away in the 2014 floods. His temporary housing ceased at the end of 2014 and he moved into a new rental property on 3 January 2015. The house did not have access to water. He was permitted to use a police vehicle to assist with his move. He went to a relative to get some water and while there was attacked by some youths. He fled and in doing so the vehicle he drove hit a parked car causing some minor damage. He was charged 3 months later. In January 2015 he was suspended from work pending the outcome of the hearing.

There was no evidence to support the alcohol charge. There was an accepted technical statutory defence in relation to the careless use charge. A fine was the appropriate punishment. However the Court convicted the defendant and asked to adjourn for written submissions before imposing sentence. That was opposed on behalf of the defendant on the basis that only a fine was appropriate. The appeal was filed and heard in the High Court. The Chief Justice quashed the conviction.

There were in excess of 35 appearances over the course of a two-year trial. TT was reinstated at work in November 2017 after having been suspended for nearly two years.

Police Prosecution Department

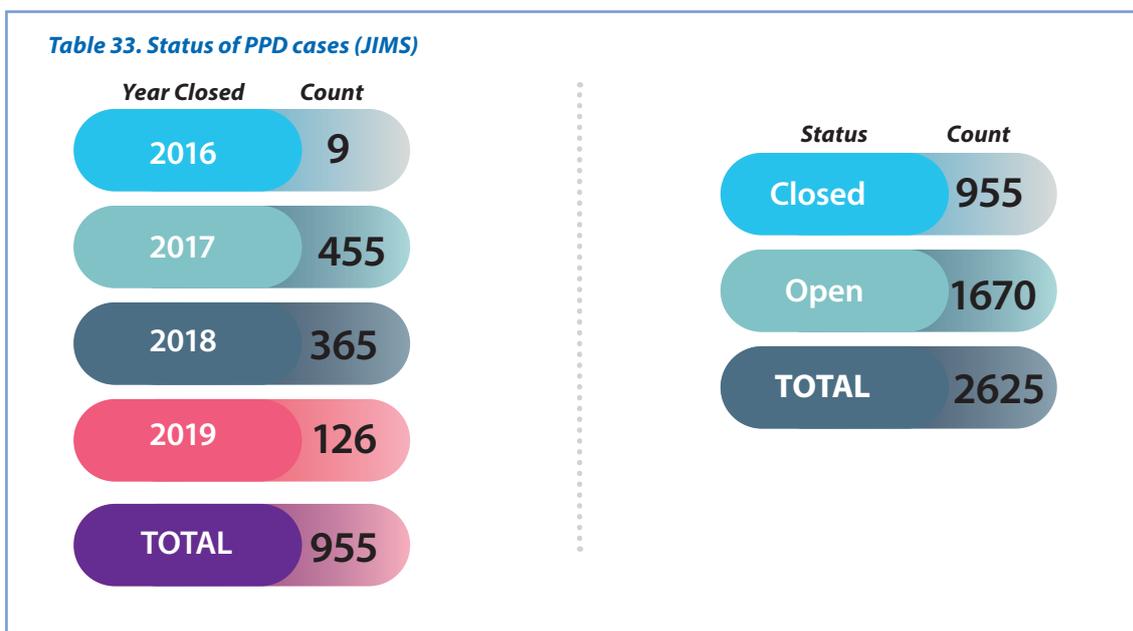
Police prosecutors have jurisdiction over prosecution of most minor crimes. 2018 statistics indicate a growing backlog of cases, with nearly double the number of cases opened than closed. According to JIMS data, the number of cases closed has decreased each year since 2017, when data was first available.

Various stakeholders across the justice sector raised concerns about the low capacity and competing priorities and hierarchies within the PPD. Provincial police prosecutors are under the supervision of the provincial commander, as opposed to the central level PPD. This makes it harder for the PPD to enforce standards and timelines and reward/discipline for performance. It also allows the provincial commander to prioritize other work over investigations or prosecutions. In addition, police prosecutors, especially in the provinces, have a lower rank than other officers. This lack of status makes it harder to insist on the serving of warrants and other prosecution/investigation tasks. This may result in police prosecutors being less prepared for hearings than required, which leads to avoidable adjournments, even in relatively minor summary proceedings.⁵³

Table 32. Types of Cases at PPD (JIMS)



The PPD have partial jurisdiction over prosecution of Family Protection Act cases. According to PPD figures, 62 of 112 FPA cases have been completed as of March 2019. 12 FPA cases over a year old remain open; and 38 cases from within past year remain open.



The Office of the Director of Public Prosecutions (ODPP)

Similar to other justice sector institution, the ODPP is challenged by personnel constraints and coordination issues with the police, particularly for circuit courts in remote locations. Summons and warrants are often not served as required leading to delays. Prosecutor pay scales are low, making it hard to attract and retain good lawyers.⁵⁴ ODPP has jurisdiction over the more complex or serious cases, while PPD handles summary and minor matters.

Caseloads at the ODPP are manageable when the office is at full staffing levels, but weak capacity, frequent attrition, and inefficient case management compromise optimal performance. At the time of writing, the ODPP has only seven active prosecutors handling 871 open files.⁵⁵ The ODPP's backlog continues to grow (See Table 34).

While personnel challenges with prosecutors would certainly appear to be part of the problem, a case file analysis by those with access to these files would help determine the exact cause of this growing backlog, including any improvements that could be made to case management practices.

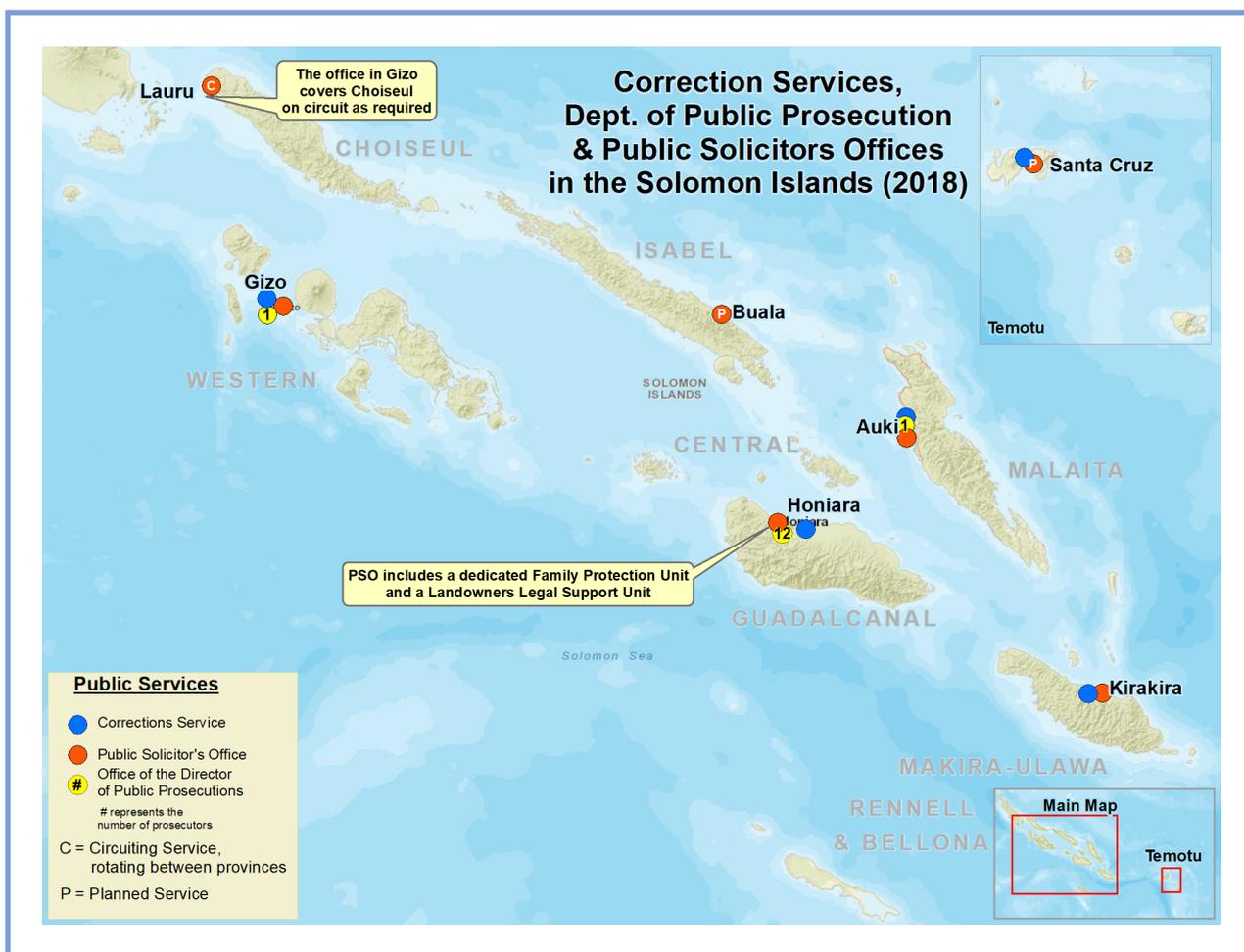
Table 34. ODPP Case Status, 2018 (JIMS)

Correctional Centre	Convicted
Closed	393
Open	871
Total	1264

⁵⁴ A2J Study interview notes

⁵⁵ On paper ODPP has 10 prosecutors. Currently 2 are on attachment in Northern Territory and 1 is on study leave

Figure 16. Map of Location of Corrections, ODPP, PSO



Courts

Growing backlogs, caused by chronic adjournments among other factors, are common across courts at all levels. From the Court of Appeal down to the Local Courts, annual case intake outpaces resolution, with many cases stuck in a cycle of delay for years on end (See Table 27 on page 42). Interviews with various experts and stakeholders indicated that resources and case volumes are not considered the main culprit.⁵⁶ The courts have adequate judges and budgets but a combination of factors, including coordination with police, contribute to the growing backlog. However, the existence of backlogs and delay in both criminal and civil cases points to a more systemic reason. Various practitioners pointed to the general tolerance for adjournments by the bench as the common denominator.⁵⁷ This trend also mirrors the experiences of various former British colonies, where complicated court procedures, the lack of a requirement for continuous trials, prosecution by non-lawyers, and legal compensation practices based on hearing conspire to create an environment where judicial acquiescence to adjournments requests is most welcome.

According to a recent report on the Magistrates' Courts circuits, cases have been lingering in the courts for years, with many pending for over 20 years and a large number of cases outstanding for over 30 years – "in Malaita, for example, at least one of the parties had died in over 20% of the pending cases."⁵⁸ Disposal rates in Honiara Magistrates' courts decreased in 2018 from 58% to 53% as the Magistrates' focused on reinvigorating the provincial circuit. In 2018 the total number of Magistrates' circuit court sittings rose from 14 weeks in 2017 to 52 weeks in 2018, with plans to increase the total number of sittings in 2019 to 81 weeks.⁵⁹ This ambitious plan is largely succeeding, but is placing pressure on other institutions, such as the police, ODPP, and PSO to dedicate similar resources.⁶⁰ The initial rates of backlog clearance in the circuit courts will not be sustained moving forward, as many of the cases were low-hanging fruits that were dismissed for lack of action or lost files.⁶¹

The Chief Magistrate also plans to open permanent circuit court registries in 7 new locations to provide a potential entry-point to the formal justice system for an additional 300,000 people.

⁵⁶ A2J interview notes

⁵⁷ See A2J interview notes

⁵⁸ See Magistrates' Court Adviser Report, 2019

⁵⁹ Ibid.

⁶⁰ Ibid; See also A2J Study interview notes

⁶¹ See A2J Study interview notes

Figure 17. Map of Location of Courts

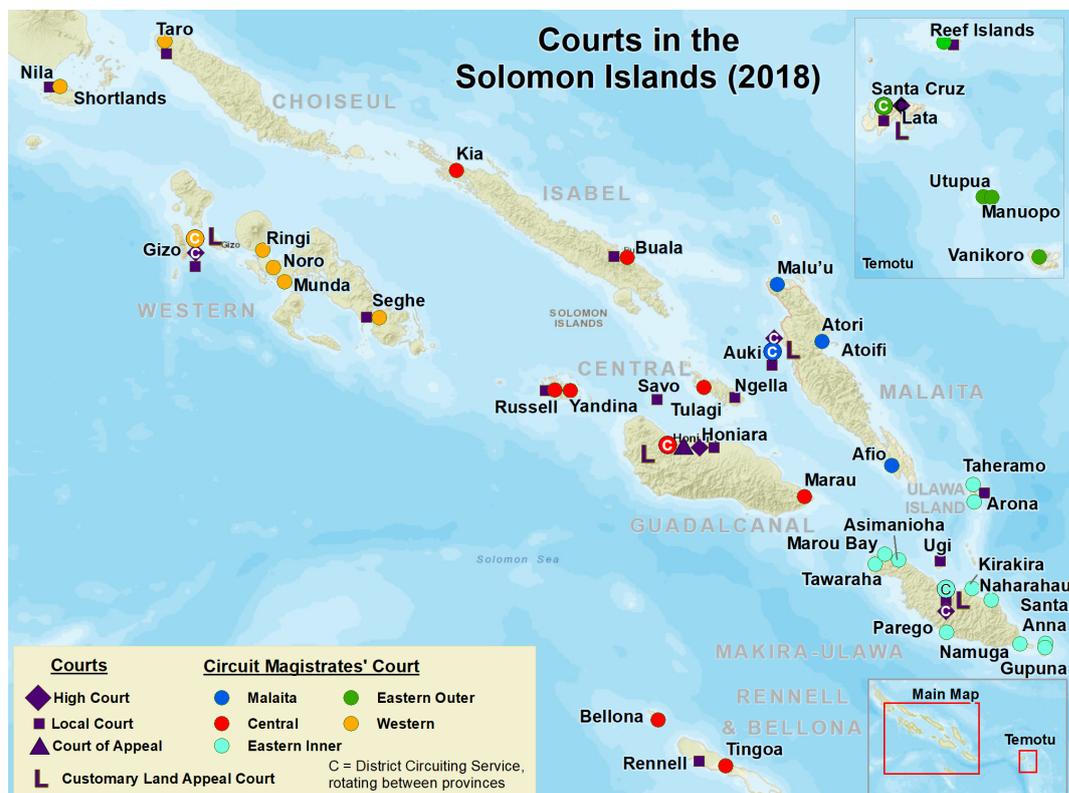


Table 35. Magistrates' Court case disposal rates (2018)

Location	Criminal			Civil (including family)		
	New cases 2018	Disposed cases 2018	Disposal rate	New Cases 2018	Disposed cases 2018	Disposal rate
Honiara	1,178	628	53%	158	74	47%
Auki	132	104	79%	14	22	157%
Gizo	326	621	190%	25	15	60%
Kirakira	55	73	133%	2	1	50%
Lata	73	139	190%	4	1	25%
Total	1,764	1,565	89%	203	113	56%

Table 36. Court of Appeal case disposal rates (2017)

	Criminal	Civil	Total
Total Number of Cases Filed	40	10	50
# of cases disposed	27	9	36
# of outstanding cases	38	6	44

Table 37. High Court case disposal rates (2017)

	Civil	Criminal	Total
Total Number of Cases Filed	522	103	625
# of cases disposed	355	40	395
# of outstanding cases	1179	134	1313

Local Courts

Local Courts are established under the Local Courts Act. In theory, their jurisdiction is broad – they may hear criminal cases with penalties of up to 6 months imprisonment or a fine of up to SBD\$ 200 (USD\$27), and civil disputes involving damages of less than SBD\$ 1000 (USD\$135). They also have exclusive jurisdiction over all civil matters in connection with customary land, and it is these cases that make up nearly their entire caseload today. Customary land cases submitted to the Local Courts are required to be reviewed first by local authorities (meaning a body of chiefs).

The number of Local Courts has decreased dramatically since 1978. Presently, only fourteen Local Courts are operational. Local Courts have manageable caseloads, yet there are significant backlogs, delays and cancellations. In 2018, 56 new cases were filed and 67 disposed, leaving a pending backlog of 329 cases. Local Courts sit irregularly and usually in the provincial capitals,

alongside Magistrates' Courts, and often to coincide with circuits from Honiara. While this is ostensibly so that training can be done for justices simultaneously, it is a significant limitation. This is an important contrast to earlier periods when the Local Courts sat in village communities and were organized by local level authorities.⁶²

Local court sittings are costly in their current format. The estimated cost to the court of a 5-day sitting is approximately SBD\$ 35,000 (USD\$ 4,725). This is significantly more than a sitting of the Magistrates' court. Almost 60 percent of these costs go towards travel (18 percent) and accommodation (39 percent), which are high given the geographic and supply constraints in Solomon Islands. Budget flexibility is low given that sitting subsistence and accommodation allowances are all prescribed by legislation.

Table 38. Local Court Caseload 2018

Local Courts Districts	New Cases Filed	No: of Cases disposed	No: of Cases Adjourn	Previous Pending Cases	Current Pending Cases
Eastern Outer	–	3	0	3	?
Eastern Inner	7	6	0	65	66
Malaita	16	37	15	85	64
Central	20	16	6	44	48
Western	10	15	10	163	158
TOTAL		77			336

Table 39. Local Court Circuits 2018

Local Courts	Circuits Scheduled	Circuits Undertaken
Malaita Local Court	5	3
Rennell/Bellona Local Court	1	1
Lauru Local Court	2	2
Ngella Local Court	1	1
Reef Islands Local Court	4	1
New Georgia Local Court	2	2
Guadalcanal Local Court	1	1
Makira local Court	3	1
Savo Local Court	1	1
Ysabel Local Court	1	1
TOTAL	20	14

Public Solicitor's Office

The PSO only has offices in three out of nine provincial capital cities, with most consisting of a single lawyer. This lawyer has very limited ability to cover cases across the entire province or provinces as the case may be. This lack of coverage corresponds with survey responses, where very few (1-2%) responded that going to the PSO would be how they would handle a dispute. The numbers are higher (15%) when people were asked about where they have gone to seek legal assistance.

Table 40. PSO Case Status, 2018 (JIMS)

Status	Count
Closed	1288
Open	1955
Total	3243

⁶² *Supra* note 5

Table 41. PSO Case Type, 2018 (JIMS)

Status	Count
Advice Only	591
Criminal - Minor Crime	348
Criminal - Serious Crime	1269
Family - Adoption	62
Family - Affiliation and Maintenance	141
Family - Custody of Child	76
Family - Divorce, Separation, Mat Prop	168
Family - Family Protection Act	91
Family - Misc	36
General - Death and Fire Inquiries	3
General - Employment, Workers Compensation	45
General - Land and Tenancy Claims	104
General - Misc	49
General - Money Claim	119
General - Probate and Administration	58
General - Restraining orders	83
TOTAL	3243

As detailed in Table 41, the PSO has a broad caseload ranging from criminal defence, to civil and family lawsuits, to the provision of legal information and advice. The unit costs for cases by the PSO is SBD 2,111. Furthermore, several reports, including the PSO’s own annual report suggests that the PSO is overburdened and under-resourced. The number of lawyers and the funding is inadequate to deal with the heavy case load. For example, there is only one lawyer working on land and environmental law cases⁶³ and only two lawyers and one paralegal working in the Family Protection Unit. Similar to other government lawyers, the low salary level for lawyers in the PSO leads to high turnover and low motivation.

Under current legislation, people who earn over SBD\$12,000 per annum are ineligible for legal aid services. While in practice, the legislation is employed flexibly, given that private lawyers charge SBD\$700-\$800 per hour, access to lawyers is limited for many citizens as they cannot afford private lawyers and do not have access to legal aid. However, the PSO has recommended that the threshold for access to legal aid be raised to SBD\$35,000. Although this has been approved by the Ministry, it has not been formally implemented. Lawyers who work in the PSO maintain that “the workload is too high, there is a big backlog, we have to turn clients away and advise that they go to a private lawyer.”⁶⁴

The PSO also factors into issues of preventing domestic violence. A CEDAW report which examined access to justice for women in the Solomon Islands concluded that women’s access to justice was hampered by the lack of financial and human resources for legal practitioners providing legal aid to women.

“if I report my husband, who will be climbing the coconut or go fishing for my family while he is in prison?”

- Malaita FGD Participant

“Before when chiefs ring the bell, people in the community know that there is a meeting being called. Now when chiefs want to attend a youth who is disorderly in the community, the youths would say, we don’t want you to speak because you are also a kwaso man. We lost confidence in the chief.”

- FGD Participant

⁶³ At the time of writing there was also an Australian Volunteer

⁶⁴ PSO Lawyer interview, October 2013, quoting UN Women, Seeking Redress: Challenges and Recommendations to Increase Women’s Access to Justice in Solomon Islands, May 2015.

C. FOCUS GROUPS

The A2J Study conducted a series of Focus Group Discussions (FGDs) across the study area to gather complementary qualitative data on access to justice needs and barriers. Respondents were organized into groups with similar demographics (e.g., men, women) or based on unique characteristics that might affect their experience with the justice system (e.g., GBV survivors, people with disabilities). Results from the FGDs assisted the A2J Study to interpret the survey and institutional quantitative data and craft conclusions and recommendations. Key responses and findings are included below.⁶⁵

Community Institutions

Tribal chiefs represent the tribes and they are called to settle land disputes. Village chiefs assist in sorting out other community issues such as bride price and petty crimes. Police are involved when the issues are sensitive and cannot be handled by the chiefs. Police are also involved when disputing parties are not happy with the outcome of the decisions made by the village chiefs or the tribal chiefs. Sometimes, the police, chiefs and church leaders work together in settling disputes.⁶⁶ Disputes that are brought before the village chiefs are usually dealt with and sorted out as soon as they are reported. This is because village chiefs are easily accessible as they also live in the communities. Land dispute issues sometimes take longer to address because a land dispute case may involve tribal chiefs from other communities.

FGD participants reported that village chiefs are sometimes involved in community issues so community members do not respect them; that they are sometimes biased in their decision when they are asked to settle a dispute; and the penalties that they give are usually inconsistent.

Depending on the types of Justice Issues, people sometime go to the provincial capital to access information that they want. Sometimes people even go as far as Honiara to access justice information especially when information they seek is not available in the provincial capital. Some communities have residents who are former or current Government or NGO workers who are familiar with certain issues. People seek their advice or get directions about where to go for help.

FGD participants reported that the police often have very little presence in their communities and because they are not there they are unable to settle disputes and the community does not know what their role is. The seriousness and the likelihood of disputes escalating into a bad situation such as a payback crime also decide on who will be involved in settling a dispute.

Justice Story – Sexual Abuse

JK was a 15 year old girl who is the victim of persistent child exploitation and sexual abuse. It is believed that she was 14 years old, possibly younger, when a Malaysian man working at a logging camp in the provinces first started molesting her. It is alleged he provided her and her family with money and other inducements in exchange for sex, to control her movements, living arrangements and to have her as his wife. In October 2017 the PSO was approached by a government agency to assist JK with an application for multiple Protection Orders. Criminal proceedings had commenced in relation to her abuse. The primary accused had been charged with child trafficking. JK's parents, relatives and village elders were alleged to have conspired and encouraged her exploitation.

As requested, in October 2017 the PSO prepared five applications for Protection Orders that were granted in the Central Magistrates' Court on 24 October 2017 on an interim basis. Service did not occur on two Respondents, including the primary accused person, until February 2018. By this time the primary accused was also being represented by a lawyer at the PSO from the Criminal Law Unit.

JK was mainly residing in the Western Province. On numerous occasions, the PSO and other stakeholders requested assistance in regards to an update on the safety and wellbeing of JK from Gizo Police. No substantive responses were received for approximately 5 months. An update was provided by Gizo Police in March 2018. At that time it was established that JK had returned to a remote village where four of the Respondents also lived.

On 18 April 2018 the five Protection Orders were made Final Orders

Given the PSO's limited direct contact with JK it is not known if JK understood what the Protection Orders were for and how to use them to increase her safety. It is not known if JK understands that she has been exploited and that she has the right to feel safe and protected. It is not known if JK knows that final Protection Orders have been made. It is not known if at any time, safety planning was discussed with JK.

⁶⁵ For more detailed information of FGDs see Survey Summary Report, Survey Technical Report

⁶⁶ For more depth analysis on the interplay of sexual abuse and logging see, eg, IOM/MYCF, Community Health and Mobility in the Pacific: Solomon Islands Case Study (2019).

Community leaders decide whether the police should be called, or if the chiefs and church leader could address the situation. When some justice issues cannot be handled by the chiefs, they are urgently referred to the police.

FGD participants from Malaita reported engagement in crime prevention committees and community policing with the RSIPF. The members liaise with the Auki police and the village chiefs when disputes that need police assistance arise in the community.

Women reported having lost confidence in church leaders to resolve family issues. They felt like the church cannot resolve disputes of youths (kwaso) and family members or wife and husband.

Women felt that the numerous land disputes in the community are not resolved by the chiefs and the house of chiefs, because chiefs are no longer strong in the community. They are no longer doing what they use to do.

Recommendations from FGDs (chiefs, men, women and youth) in Central Kwaraae region of Malaita Province

- The police need to improve especially when their assistance is called
- The chiefs and the church leaders need to attend some training about dispute resolution to improve their work
- Communities should have Crime Prevention Committees
- The police should assist in setting up of community policing through the crime prevention committees
- Members of the community police or crime prevention committee should also have some training and some financial assistance to enable them to serve their communities.
- The Government should create awareness on justice services that they provide and this should be done through all forms of media. They should also do community awareness talks about the justice system.
- Police need to educate community about their work, role and how to access their services.
- Women need to be educated about their rights under the FPA, men need to know what rights they have under the FPA.
- Women need to know what the legal processes of accessing land processes.
- Women need to know how to access a lawyer and know what sort of justice services will serve women's needs.

Gender-Based Violence

Women expressed a feeling of isolation from the government and institutional structure for seeking help with gender-based and/or domestic violence. Women fear chiefs and elders and even church pastors when it comes to GBV conflicts, because they are men. Women also report being concerned about the economic welfare of the family and the extended family and that these needs might not be met if they report a dispute. Sometimes they get frustrated about the lack of support and resolve this through talking and angry exchanges.

Domestic violence issues or disputes sometimes arose as a result of bride price and "teaching" or discipline of women because they do not meet the expectations of the mother-in-law or the husband. Church always play a role in bringing the two conflicting parties together for reconciliation and prayer but do not take the problem or hate away.

Women observed that there are no linkages with the provincial council of women although they heard about it. There is no financial support for women who are volunteers in the church or some of the NGOs working in the province, these cause disputes when women don't bring home food to the family after spending a long day at meetings.

According to male FGDs, elders normally settle disputes involving family members or domestic relatives within the family cycle. Issues are referred to the chiefs and the police once elders are not able to settle family disputes. Domestic violence issues are usually dealt with by the families themselves and also the church. Church leaders usually provide spiritual counselling. Sometimes chiefs or the police also address domestic violence issues. This depends on the frequency and the severity of any physical violence that may have occurred.

"Women hide in the bushes hoping that the conflict will resolve itself."

- GBV FGD Participant

Disability

A FGD with people living with disabilities was conducted in Honiara. Participants indicated frustrations with the many injustices they face and the lack of understanding and access to legal support. Many said they did not know where to go. Others said they sought information at the PSO due to a lack of confidence in the authority and impartiality of the police and chiefs.

They also stated that justice system is not inclusive and not for people with special needs. Infrastructure is not accessible, the location of services is not good, sign language is not available, and their language is not spoken by officers.

Participants also indicated a lack of support from their own families. They are often dismissed when they report a wrong or injustice. One female disabled participant stated:

"I was sexually harassed by a neighbour, he grabbed me by the breast and want to have sex with me but I was refused. He also said some disrespectful words towards me in which it made me feel rejected and not part of the community. I told my parents to report the matter but the chiefs did not want to involve and solve the matter as requested".

Justice Story – Family Disputes

SS first approached the PSO in March 2015 wanting to apply for court orders for child maintenance in relation to her two year old twin daughters. The girls were conceived while she was engaged to their father. The parties separated. Paternity is not disputed. The father has always been in receipt of a salary and is currently employed by a State Owned Enterprise.

In September 2015, a claim for child maintenance was prepared by the PSO and filed on behalf of SS, as the Applicant Mother in the Central Magistrates' Court. Default Judgement was made in favour of SS on 12 February 2016 ordering the Respondent Father to pay \$300 each fortnight towards child maintenance. On 19 July 2016 the Respondent Father filed an Application to set aside the Default Judgement. On 18 December 2017 the Central Magistrates' Court ordered that this application be struck out and that the Default Judgement from 12 February 2016 stands. SS has only received \$350 from the Respondent Father.

In 2018 the Central Magistrates' Court lost the file for this matter. This further delayed a resolution of the proceedings.

In February 2019, the file was located and the PSO further assisted SS to successfully apply for court orders that the SOE's payroll deduct \$400 fortnightly from the Respondent Father's pay and directly deposited the funds into SS's account. Despite the court order, the Payroll Officer at Solomon's Post has refused to set up the deduction.

This case illustrates systemic issues of delay and uncertainty with child maintenance cases. This matter has been on-going for four years. During that time SS has had to raise her twin daughters with only very minimal financial support.

IV. ANALYSIS «««

Analysis by the A2J Study of survey data, KIIs, FGDs, case studies, institutional statistics, and recent literature from other studies or projects indicate a complex combination of challenges to improving access to justice. Beyond the statistics, harrowing individual cases of injustice also provide a human element and toll that necessitates urgent attention to ensure the justice sector prevents and responds to human rights violations. The challenge of enhancing access to justice includes issues ranging from internal reform of institutional procedures to evolving community-level social norms. The A2J study analyses identified overarching trends and inter-related causes, incorporating analysis from institutional experts. Emerging from the analysis of the vast A2J Study data set is a series of key conclusions on access to justice in the Solomon Islands categorized by theme and institution, but also interrelated and cross-sectoral.

Overall Justice Sector

The centralization of many government services, including Local Courts, local constables and village councils, in the 1990s continues to have ramifications on the administration of justice, as do structures and practices, such as police prosecution, that date back to the colonial period. Despite improvements, there is still generally low awareness of justice sector institutions, legal rights, and provisions in the law, including relating to the Family Protection Act. 43% believe the police can use violence or threats to get cooperation. Over 50% did not know how long someone could be held in jail following an arrest. Fewer than 1% indicated presence of a lawyer or PSO in their communities (compared to 18% for police). Only 37.9% reported being aware of the role of lawyers. Only 39.5% were aware of the role of the courts. The lack of resources for legal information and scarce presence of NGOs, law clinics, PSO, or other offices to provide legal information and assistance suggests a need for an expanded network for information on rights and resources, especially related to the FPA and referrals of GBV cases.

The provision of formal justice services in the Solomon Islands have a high cost, due to the dispersed population and logistical challenges of traveling between islands. These challenges necessitate a decentralized administration model that makes greater use of local institutions and resources within each province.

Barriers to Justice

1. Centralization of justice administration has limited justice for people living in more remote areas.
2. A lack of connection between traditional/village authorities and the formal justice system prevents the proper handling of more serious or complex cases, including awareness and information on options for appeal for wrongly decided cases.
3. Police presence is too low and not dispersed sufficiently throughout the country.
4. Poor court management and practices, rules, and standards increases court adjournments and case backlog.
5. A lack of legal awareness and access to information affects users' ability to address injustices that cannot be effectively handled by traditional system
6. The principal citizen-facing A2J institution, the PSO, is understaffed and overburdened.
7. Local courts are overly centralized, too expensive, and under-utilized, given their wider jurisdiction and proximity to the population.
8. Land and resource disputes are complex and protracted and are more than the justice system is built to handle on its own.
9. Implementation of FPA for protection orders and police safety notices has been ineffective in comparison to the reported frequency of violence against women.

Further investment in the targeted extension of the formal justice sector is needed and justified. Unit costs for cases by the PSO and Police, SBD 2,111 and 19,128 respectively, are moderate considering the lost economic value from land disputes, prolonged incarceration of remand prisoners, and the lost productivity and health costs from chronic gender-based and family violence. The real cost of an inefficient justice system is not the public budget allocation and expenditures, but the cost incurred in terms of the value for money for the peaceful and timely resolution of disputes, including from:

- Lost revenue and societal and environmental damage from illegal logging and mining due to a lack of legal recognition, protection and enforcement;
- Unproductive land use due to long delays in resolution of conflicts, often stretching from one generation to the next;
- Costs to families and women due to chronic and unpunished acts of domestic violence and gender-based violence;
- Economic effects from the dissolution of law and order, including business confidence and planning from contract enforcement;
- Discouragement of responsible foreign investment.

The cost of providing specific services by the criminal justice system such as lodging a complaint, raising a warrant, taking a person into custody, incarceration, presenting the case to the courts and producing witnesses, support by the public prosecution office or representation by the Public Solicitors Office or resolving a case in a Magistrates' Court or presenting it to the Court of Appeals can involve significant costs for the Government and the citizens who are trying to seek justice. However, the manner in which the data is tracked within the public sector justice institutions does not allow for the monitoring of costs per case or by specific functions within the system. While people may recall the costs of some major items such as a fee paid to the lawyer or the high transport cost or some other costs, they generally do not keep a systematic record of the costs that are incurred by them. Navigating the justice system is a long drawn out and time-consuming process which can take years and sometime cases can drag on for years over several generations. According to a recent report on the Magistrates' Courts circuits, cases have been lingering in the courts for years, with many pending for over 20 years and a large number of cases outstanding for over 30 years – "in Malaita, for example, at least one of the parties had died in over 20% of the pending cases."⁶⁷

Traditional Authorities

Trust and use of traditional authorities – village chief, house of chiefs, religious leaders – is very high, especially in rural areas. 82% feel community leaders resolve disputes well. 32% of respondents went first to a local leader to solve their dispute – higher than family, police, courts or any other institution. The trust, effectiveness, and accessibility of traditional justice structures suggest they have a role to play in an integrated justice sector that connects communities to formal institutions. At the same time, the authority of community leaders is eroding, due to a combination of ineffectiveness, changing social norms, and a lack of state recognition and support. There is an opportunity

for the Solomon Islands to expand state presence and law and order, including the protection of human rights, by harnessing the still largely respected and accessible community-level justice institutions.

Police

Data from the survey indicates that the crime rate and the level of disputes is much higher than official figures. As many as 1 out of 4 people experienced a dispute in the past two years, while 134 violent crimes were reported, out of 1820 survey respondents, equivalent to a crime rate of 7,363 per 100,000 – much higher than the official figures. According to these findings disputes reported to police are unregistered or under-reported at a rate of 2:1, indicating a high-level of informality and community-level resolution of disputes, including major crimes. This level of informality suggests a need for greater police connections to local authorities and mechanisms for handling disputes.

Use of police as a preferred venue of first instance for reporting disputes is encouragingly high, but not for all crimes and is often undercut by a lack of accessibility, particularly for women victims of GBV and other crimes. At the same time, women were significantly more likely to feel the police did not perform well (44.3%) in resolving disputes. Common reasons for people feeling the police were not accessible were:

- Too far to travel (47.7%)
- Not being available when needed (39.0%)
- Not being trustworthy (32.1%)
- Travel was too expensive (22.9%)

These findings suggest that police services are a valuable resource for a subset of important and sensitive disputes, but need to be improved and expanded. Models such as SAFENET and Seif Ples are effective for enhancing police services in sensitive areas such as gender-based violence and should be expanded.

Institutional figures suggest that police presence is too low and not dispersed sufficiently throughout the country. A 2015 study recommended increasing the RSIPF from 170 to 220 police per 100,000.⁶⁸ In 2018, the overall level of staffing of the RSIPF was 1491, yielding a ratio of 223 per 100,000. However, recent figures indicate a decreasing payroll and the current force deployed in the field is only 741, or 113 per 100,000. Of these 741, 38% are located in Honiara.

The level of funding that is appropriate for the RSIPF involves a complex array of variables, including community and citizen expectations, financial capacity of the SIG to fund policing services, within their funding constraints, and in consideration of other public responsibilities. The 2015 study identified a best estimate appropriate cost of SBD\$249.06m by 2020 for the police force. In 2018, the actual funding from the PNS&CS budget allocation for the police force was SBD 156 mn, indicating that the level of actual expenditure is still below what is considered to be an "appropriate" level of service for the police force.

⁶⁷ Magistrates' Court Advisor Report, 2019

⁶⁸ See Deloitte, *Appropriate Cost of Solomon Islands Police Service, June 2015*

Prosecution Services

Backlogs remain an ongoing concern at ODPP and PPD respectively. Moreover, both caseloads and backlogs will likely increase if the Magistrates' reinvigorated circuit plan continues in the absence of improvements in case management, efficiency and staffing levels across the board. The ODPP is currently understaffed with only 7 prosecutors handling 871 open files and an average of 7 files received per week.

According to key informant interviews improving the professional capacity and institutional hierarchy of police prosecutors is needed to help address delays to case resolution. Key informants identified a culture of adjournments in cases of minor and summary criminal matters.⁶⁹ One common cause of delay identified was warrants not being issued in a timely fashion, often due to police prosecutors not holding sufficient rank (many police prosecutors only have the rank of Sergeant) and hierarchical clout to fast-track issuance of warrants.⁷⁰ These issues may be resolved longer term with the creation of a discrete police prosecutor career path that is also open to individuals with formal legal qualifications.

Public Solicitor's Office

The PSO is understaffed and overburdened, despite its mandate to provide legal defence – criminal and civil – and legal information to most of the population.⁷¹ Access to a lawyer (including the PSO) is alarmingly low across the Solomon Islands – fewer than 1% of respondents indicated that the PSO or a lawyer was available in their community.⁷² 22% are aware of the role of the PSO; 8% have gone to a PSO (42% out of those that indicated they sought assistance from a lawyer, with 43% seeking assistance from a private lawyer). These numbers on awareness and usage of the PSO are understandably low, given their lack of permanent provincial presence, staffing, and operating budget, but nonetheless extremely problematic from an access to justice and legal awareness standpoint. At present, the only frontline justice service accessible to the vast majority of Solomon Islanders is the police or village chief.

PSO operations could be greatly strengthened and allowed to expand to the provinces to provide legal representation, assistance and information utilizing flexible models – such as law student and paralegal-run legal clinics - employed in other countries with dispersed or isolated populations.

Magistrates' Courts

Confidence in the courts is high (75% favourability), despite the lack of access or use (only 1.3% indicated regular access to courts). Most respondents would also like to see an expanded court presence. This is encouraging and supportive of recent efforts by the Magistrates' Court to expand formal justice sector services to the provinces through a reinvigorated court circuit. However, to be continually effective (beyond dismissing old cases) and sustainable, the partner institutions – RSIPF, PPD, ODPP, PSO – will need to increase their operations in the provinces, budgetary allocations, and staffing. Care should also be taken not to

sacrifice personnel and operations, resulting in higher backlogs, in Honiara for the sake of the circuits, as appeared to happen with the Magistrates' circuit court efforts in 2018.⁷³

Magistrates' and High courts continue to face significant and growing backlogs. Based on discussions with practitioners, chronic adjournments contribute considerably to this backlog and are common across both civil and criminal jurisdictions. Unfortunately, no case file analyses have been conducted to quantify the prevalence and cause of adjournments. The A2J Study was not granted access to files, or JIMS data, so analysis is based primarily on the accounts of various advisors and stakeholders and from comparative experiences in countries with similar institutional structures, procedures and capacity gaps.

Legal practice also provides that lawyers are paid on an appearance basis, similar to other jurisdictions with frequent adjournment problems, creating a perverse incentive to seek an adjournment.⁷⁴ The bench is in a position to control the adjournment issues and demand that counsel is prepared, but is largely complicit in allowing adjournments to be granted over and over again.⁷⁵ Legal, procedural and practice reforms, such as regulating adjournments, changing compensation regulations, and establishing standards for continual trials, are needed to improve case management and increase efficiency.

Local Courts

Local courts have the potential to be an effective, decentralized, and relatively inexpensive option for bringing justice services closer to the community. Indeed, past research has pointed to their wider jurisdiction under the Local Courts Act and their historical track record of working with local councils to resolve disputes at the community level. However, in their current form they are used almost exclusively for land disputes, being largely under-utilized, given their jurisdiction. They have few and relatively costly sittings per year, and sit almost exclusively in provincial capitals often at the Magistrates' Court buildings. This requires travel and per diem costs for litigants and the local justices, who often sit en banc. Local courts are cited as the 2nd option, after village chiefs, for bringing land disputes.⁷⁶ However, land disputes are often appealed⁷⁷ to the CLAC anyways, given the value at stake, benefitting litigants with more disposable resources.

The draft Traditional Governance Bill, under current consideration by the SIG, provides a potential opportunity to further define the connection between Local Courts and village chiefs, but would need to be revised significantly to improve clarity and instruction on the role of chiefs vis-à-vis local courts and local court justices.

Gender-Based Violence

Gender-based violence disputes exist at a higher rate than reported by the RSIPF – potentially as high as 1 in 6 women reported disputes in the last 2 years. Earlier studies indicated a lifetime rate as high as 1 in 4, or 2 in 3. These cases are rarely taken to the formal justice sector.

⁶⁹ See A2J Study interview notes

⁷⁰ See A2J Study interview notes

⁷¹ The socio-economic criteria for qualifying for free services from the PSO, as established by law, ends up providing that most Solomon Islanders qualify. In practice almost all are deemed eligible.

⁷² For more detailed analysis, see Survey Technical Report pp 23-6, 54-5 and Table 84 at p 58

⁷³ See Table 35

⁷⁴ See for example, Study on Case Delay in Sri Lanka Courts, 2017 (on file with author)

⁷⁵ See Access to Justice Study Notes; Also reference Study on Case Delay in Sri Lanka Courts, which found that judge behavior and case management from the bench was the single most impactful contributor to adjournments and case delay.

⁷⁶ See Table 22 (Courts are the 1st option in Urban and Peri-urban areas, but a distant second to village chiefs in rural areas)

⁷⁷ See Table 23 and Access to Justice Study notes; further data available in the Survey Synthesis Report

The survey did indicate progress in awareness on domestic violence. Both men and women recognize violence against women as unjustified (>90%) and worthy of punishment (>80%), and 55% indicated that domestic violence is present in their communities. These findings suggest both the need and likely community support for strengthening enforcement of the Family Protection Act.

Enforcement of the FPA, however, remains low. According to JIMS data, only 14 Police Safety Notices (PSNs) have been issued by the police. The number of PSNs filed with the Magistrates' Court is purportedly higher, but as the A2J Study was not granted access to JIMS data for the Magistrates, these figures cannot be verified.⁷⁸ Separately, the PPD reported 112 prosecutions under the FPA, since its inception, including 12 new cases in 2018 and 57 cases in 2017. Reports, from RRRT and other respondents, indicated that very few Interim Protection Orders - only 1, by some accounts; up to 20 by others - have been issued by Authorized Justices.⁷⁹ Despite substantial training, local court justices have not been able to realize their mandate as authorized justices. The continued sensitization, roll-out and enforcement of the FPA should be strengthened by reconsidering authorized justice qualifications and increasing sensitization across the RSIPF, especially in the provinces.

The uncertainty and lack of consistent reporting on the FPA is emblematic of wider enforcement issues. That the A2J Study consistently received competing figures on PSNs and IPOs without access to a definitive source is a sign of further disarray and a lack of institutional coordination in FPA implementation.

The true cost of violence against women in social and economic terms is hard to estimate, but includes the effects lost esteem, powerlessness, ill-health, loss of productive days and impact on the overall well-being of the woman and the family in her care. Given the high rate of violence against women in the Solomon Islands, the cost in terms of lost productive days for victims, out of pocket health expenditures for those having to seek health care in the aftermath and the cost for girls dropping out of school (15 to 18 years old) was assessed to be around 3% of GDP.⁸⁰ The A2J Survey indicated that a majority of women believe that the most effective way of seeking justice is through the formal justice system, with less trust in the traditional system than for other disputes. However, despite this women also demonstrated a reliance on family, the Church and the *kastom* system to pursue justice.⁸¹ The lack of access to the formal system for GBV cases and the cost to the country of violence against women, necessitate greater investment in the extension of formal justice services for violence against women. Community perceptions also support this extension, with 86% supporting punishment for a man that used violence against a woman.

Land Disputes

Land disputes are the single highest category of dispute, 29% of all disputes. Three courts – the Local Courts, CLAC, and Court of Appeal – dedicate virtually their entire docket to this category of disputes. At the same time, land disputes were the most likely to be appealed due to dissatisfaction of results.⁸² Many cases last decades. At this high rate, average length of case, and frequency of appeal, and given the high value at stake, land disputes are a significant drain on justice sector resources and a major impediment to sustainable development and growth. They are also likely an underlying cause of disputes and potentially wider societal instability. 66% of respondents consider themselves landowners, but 32% of these (37% women, 28% men) say they have no documentation proving ownership of land. These findings suggest the need for a more comprehensive approach to land disputes that goes beyond judicial mechanisms and addresses underlying issues of informality and traditional land governance and management. The proposed Tribal Lands Bill, which has been under development since 2002, is one promising reform for improving dispute resolution concerning customary land.⁸³

People with Disabilities

Access, satisfaction and confidence in justice sector institutions – formal and traditional - differed significantly for people with disabilities.⁸⁴ 51% of Solomon Islanders with disabilities reported satisfaction with the provision of justice services, versus 66% without a disability. Focus group discussions with people with disabilities support this. People reported a lack of access and distrust in the justice system. Some even cited being victims at the hands of police and other government institutions. Efforts are needed to improve access to police, courts and other services for people with disabilities. More research is also needed to understand the specific vulnerabilities that people with vulnerabilities face and the attitudes of justice sector actors in response.

⁷⁸ See A2J Study interview notes

⁷⁹ See A2J Study interview notes

⁸⁰ See A2J Survey Cost report, *Financial Analysis of the Justice Sector in the Solomon Islands, May 2019*

⁸¹ See Figure 9

⁸² For more in depth analysis, see *Survey Technical Report pp 202-3*

⁸³ See the *Tribal Land Panels Bill Information Guide, 2019, Ministry of Justice and Legal Affairs, Solomon Islands Government*

⁸⁴ For more in depth analysis, see *A2J Survey Summary Report pp 40-2; See also Survey Technical Report.*

V. RECOMMENDATIONS «««

Analysis of A2J Study qualitative and quantitative data – survey, institutional data, KIIs, FGDs, literature review – was combined with international comparative experiences to develop the following recommendations for further efforts to enhance access to justice in the Solomon Islands.

1. The MJLA, Chief Justice, and other SIG institutions should develop a decentralized administration justice services model that utilizes provincial and local institutions and resources. The system should be flexible enough to allow provinces input in the design to account for unique local justice institution characteristics.
2. Trust and use of traditional authorities – village chief, house of chiefs, religious leaders – is very high, especially in rural areas. They should be harnessed and strengthened to extend state presence, taking care to bolster, not dismantle or deem ineffective. Traditional leaders should be chosen by their communities, but supervised by the courts and provincial government. Establishing practice regulations, standards, jurisdiction and authority hierarchies for village chiefs will help address conflicts of interests, bias, and corruption. It's worth noting the draft Traditional Governance Bill before Parliament as a potential step to address some of these issues.
3. Reform the structure and operations of the Local Courts to make them more local, relevant, and cost-effective, including potentially leveraging traditional authorities. A structure should be set up explicitly linking village chiefs with the Local Courts, thereby decentralizing operations of Local Courts to the village level, while reinforcing the authority of local leaders. Local courts would only sit en banc in the provincial capital a few times a year to hear cases on appeal from the village level courts. Otherwise each local court justice would sit within his/her community as a village chief. Incorporating village chiefs into a reformed Local Court system will also help improve oversight and regulation of cases and provide recourse for conflicts of interest.⁸⁵
4. Expand police presence in the communities to formalize access to justice service alternatives beyond the traditional system through a series of potential reforms: continuation of community policing efforts; establishment of community-based police; and establish formal connection between the police and traditional authorities/village chiefs that reinforces community leader authority while providing a check on harmful practices. Each provincial police post should have community policing focal points composed of village chiefs or other local authorities within all communities under their jurisdiction. This should link to the traditional and local court structure established above, as opposed to creating a parallel structure. These points of contact will help police identify claimants, witnesses, and defendants and help to resolve minor disputes and provide a link between traditional and formal justice services for cases such as domestic violence. The community Crime Prevention Committee model being implemented by the RISPF in a few hundred villages is a good basis upon which to build.
5. Sustain recent efforts by the Magistrates' Court to expand formal justice sector services to the provinces through a reinvigorated court circuit with commitment from all institutions. Care should be taken not to sacrifice higher backlogs in Honiara for the sake of the circuits. The expanded circuit courts should be leveraged to increase resources for new lawyers and clerk staff, as needed.
6. As is commonly done in other jurisdictions, the courts, ODP, and PPD should each conduct a comprehensive analysis of their case files to identify management deficits and other causes and frequency of case delay, case dismissals, and adjournment requests, including the origin of the request and instances where acquiescence from the bench was unnecessary. Ideally, this analysis would be conducted on a regular basis, including the systematic collection of adjournment data through dedicated JIMS fields.
7. While chronic case adjournments have multiple causes and complicating factors, ultimately the bench is in a unique position of authority to address and stem this practice. As indicated by the backlog and delayed cases, and verified through key informant interviews, court-directed adjournments or acquiescence to serial adjournment requests by unprepared counsel is common across both civil and criminal cases.⁸⁶ This points to the courts as the largest contributing factor to serial adjournments. This also mirrors the experience and analysis of case delay in other comparable jurisdictions.⁸⁷ Courts should enact reforms to address case backlogs, such as regulating adjournments, requiring continuous trials, pre-trial settlement, and mandatory mediation, that are proven approaches to improving case management and increase efficiency. Strict adjournment rules would have a multiplier effect in requiring efficiency and preparedness across the other justice sector institutions, while also strengthening due process rights such as habeas corpus. Judges have the ability to curtail this practice but need to be incentivized to do so. The courts should also consider implementing a case backlog reduction campaign that would consist of, inter alia, the use of retired judges on a temporary basis, relaxed procedural rules for older cases, and pooling of cases emanating from common disputes.
8. The structure and authority for police investigations and prosecutions needs to be reformed to introduce more effective management and coordination. According to key informants, warrants are often not served, police

⁸⁵ The Papua New Guinea village court system is a relevant regional model that is worth studying further for potential application in the Solomon Islands

⁸⁶ A2J Study interview notes

⁸⁷ Supra note 75

investigators' files are often mismanaged, and the PPD has limited authority over police prosecutors in the provinces. Police prosecutors should be raised in rank to have authority over investigators and the PPD in Honiara should have authority and direct supervision of the performance of provincial prosecutors.⁸⁸ Police prosecutors should also be recruited from the legal profession, in addition to within the police force, prioritizing education and formal training. In absence of necessary reforms, SIG should consider combining prosecution services in a single unified department.

9. An increase in ODPP prosecutors and improvements in salary and professional opportunities are options for addressing backlogs by improving staff retention and incentivizing performance. Absent and in addition to this, improvements to capacity and management would likely prove effective in increasing prosecutor efficiency, reducing adjournment requests and addressing backlogs, especially in order to handle the anticipated higher caseloads in the Magistrates' Court.
10. With legal awareness and access to a lawyer alarmingly low across the Solomon Islands, PSO operations could be greatly strengthened and allowed to expand to the provinces to provide legal representation, assistance and information to a greater segment of the population. Each provincial capital should have a PSO office staff with a minimum of two lawyers to handle circuit and non-circuit cases. In addition, a proof of concept for a PSO community-based paralegal should be developed and piloted for possible replication and expansion across the country. The paralegals should be multi-tiered from village-based volunteers, to staffed, salaried paralegals, to lawyer apprentices on 6 month or 1-year public service requirements as part of the admission to the practice. The pilot could potentially lead to development of a legal aid bill for the Solomon Islands that formalizes the paralegal as an important profession for extending the rule of law. The PSO expansion should be done in coordination and with support from provincial governments, including the provision of office space, and incorporating the World Bank Community Liaison Officer (CLO) networks as legal information resources.
11. The lack of legal information resources and scarce presence of NGOs, law clinics, or PSO offices to provide legal information and assistance suggests a need for development of a Legal Information and Outreach Justice Sector Plan, including a referral network linked to existing initiatives, such as the SafeNET expansion, the provincial CLO initiative (WB-funded), and community policing committees. An outreach plan would also incorporate new approaches such as legal aid clinics, a PSO paralegal program, expanded police posts and Magistrates' circuits, and a revitalized local court/traditional authorities system. Emphasis should be placed on improving coordination and the work of existing institutions, including at the village-level, rather than provide extra compensation. The legal information and referral network would provide information on rights and resources under the FPA and referrals of GBV cases.
12. 55% of survey respondents indicated that domestic violence is present in their communities. Yet it is increasingly seen as unjustified (>90%) and worthy of punishment (>80%). Enforcement, however, lags behind awareness. Coordination and consistency in the reporting of PSNs, IPOs and other FPA provisions needs to be improved. Enforcement of the FPA should be strengthened by expanding referral networks and establishing enhanced protection mechanisms. Local court justices have not been effective as authorized justices under the FPA, issuing few protection orders in the past year. Training more/different authorized justices should be considered, including in tandem with effective reforms to local courts and the identification and improvements in supervision of village chiefs. In addition, greater sensitization training and incentives from within the RSIPF are needed to improve police response to violence against women. An expanded PSO presence to include women support units will also help strengthen enforcement.
13. Given the frequency of land disputes and their value, there is a strong need for a more comprehensive approach to land disputes that goes beyond judicial mechanisms. It is recommended that an extensive customary land administration and governance policy be developed. Community land should be mapped and registered with all tribal/community members having a say in decisions over the land, with a reinvigorated dispute resolution process in support. The Tribal Land Panels Bill is an additional, promising proposal to enhance land dispute resolution by devolving customary land dispute resolution back to the community and traditional authorities.
14. The Solomon Islands Government should ratify the Convention on the Rights of Persons with Disabilities. Additional research and programming should be undertaken to identify practical accommodations that can be taken to make service provision for people with disabilities more accessible and appropriate. Additional training on inclusiveness should also be offered for those working in the administration of justice, including police, prison staff and court officials.

⁸⁸ A2J Study interview notes

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- The UNDP Study Team was led by Mr Tiernan Mennen. In addition to the crucial work of the Access to Justice Technical Working Group, Ms Maliha Hussein and Mr Mark Rowe provided substantive inputs. Ms Jane Waetara, Team Leader of Effective Governance of UNDP provided oversight of the Project.
- The Survey was conducted by Sustineo. Their substantial contribution to the Study is acknowledged elsewhere.
- Two additional knowledge products are available setting out in additional detail methodologies, insights and findings from the Survey that was carried out in all Provinces. The Summary Report and the Technical Report. are both available on UNDP's website.

This Study complements efforts by others in the Effective Governance Unit of the UNDP and the broad Study team for the Access to Justice Initiation Plan Project. Special thanks to Jane Waetara and Mark Rowe for their inputs and ongoing guidance and support throughout the project, as well as to Natice Reveli for her support for the conduct of focus group discussions in Central Guadalcanal. For the Study Team, thanks to Maliha Hussein for her contributions to the costings portion of the project.

Acknowledgement should also be given to the significant work of the Sustineo team who assisted to carry out the Survey, including:

- Team Leaders – Calvin Sese, Deborah Kole and Margaret Sandy
- Deputy Team Leaders – Alex Laurere, John Mahane and Mary Teasanau
- Interviewers – Allen Oge, Andrew Meioko, Asina Hakezama, Barbara Amos, Constance Bula, Delilah Kukura, Emily Teaitala, Hanna Biliki, Joshua Wore, Lindsay Tamaika, Loate Maetala, Margret Rorodo, Michael Fagani, Musi Logino, Rose Kware, Rosemary Lalae, Steward Tonowane, Tania Kwanairara, Timothy Kosui and Travis Maetala

A special acknowledgement to work of Tom Sloan, Hanna Kurani, Dr Nicole Sweaney as well as Ruth Maetala and Patricia Maie in successfully leading the research and coordination of the project and overcoming all challenges that emerged in the process. Finally, the data collected is thanks to the generosity of those Solomon Islanders who were willing to share their stories, experiences and perspectives with the Study Team. This includes the support of village chiefs and community leaders in over 30 communities that we visited, as well as the contributions of more than 2,700 Solomon Islanders who participated in different surveys and over 50 who contributed through the focus group discussions.

Without the generosity and contributions of these people, the Study would not have been possible.

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