

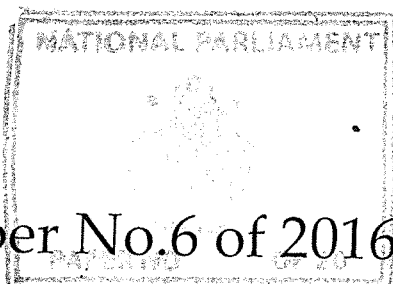


National Parliament of Solomon Islands

Bills and Legislation Committee

Committee Report

Report on the Penal Code (Amendment) (Sexual Offences) Bill 2016. (No. 1 of 2016)



NP-Paper No.6 of 2016
Presented on 3 May 2016
National Parliament Office

COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (10th Parliament) are:

Hon. Connelly Sandakabatu, MP (Chairman)

Hon. Jeremiah Manele, MP

Hon. Rick Houenipwela, MP

Hon. Dr CulwickTogamana, MP

Hon. Dr Derek Sikua, MP

Hon. Matthew Cooper Wale, MP

Hon. Steve Abana, MP

Hon. Commins Aston Mewa

Hon. Namson Tran, MP

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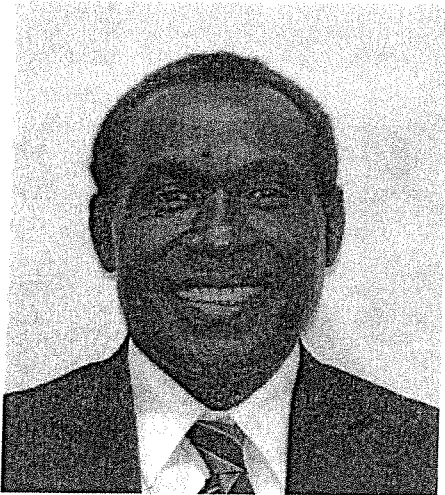
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CHAIR'S FOREWORD



Hon. Connelly Sandakabatu, MP Chairman

REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the Penal Code (Amendment) (Sexual Offences) Bill 2016 for laying before Parliament.

A handwritten signature in black ink, appearing to read 'Connelly', written in a cursive style.

Hon. Connelly Sandakabatu

Chairman

Bills and Legislation Committee

3 May, 2016

COMMITTEE FUNCTIONS

The Committee is established under *Standing Order*⁷¹; an Order made pursuant to the *Constitution*¹ and has the functions, together with the necessary powers to discharge such, to:

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

¹Section 62, *Constitution of Solomon Islands* 1978.

EXECUTIVE SUMMARY

The Committee completed its scrutiny on the Penal Code (Amendment) (Sexual Offences) Bill 2016 on the 6th and 7th of April 2016.

The Bill updates the current offences in the Penal Code and outlaws a greater range of behaviour for better legal protection of men, women and children. It amends existing sections on sexual offences and also creates new offences.

During hearings on the Bill, the Committee raised concern on the low sentences imposed by the Courts on sexual offences. The Committee also expressed concern on the definitions of 'child', 'genitalia' and 'internal people trafficking' as stated in the Bill.

The Committee approves the amendment to the Penal Code on sexual offences and commends it to the House.

However, the Committee recommends that the Courts develop sentencing guidelines on sexual offences. Also the Committee recommends that the Ministry of Justice and Legal Affairs amend the definition of 'internal people trafficking' to distinguish the application of its criminal element to adults and children.

TABLE OF CONTENTS

COMMITTEE MEMBERS.....	i
CHAIR’S FOREWORD	ii
COMMITTEE FUNCTIONS	iii
EXECUTIVE SUMMARY	iv
1.0 INTRODUCTION.....	1
2.0 BACKGROUND.....	2
Historical context.....	2
Policy context	3
Solomon Islands Context – Child Sexual Abuse.....	3
Sexual Assault Cases 2003 - 2012	4
Sexual Assault Sentencing.....	4
3.0 SCOPE OF THE BILL	5
Amendments.....	5
New Offences.....	6
4.0 CONCERNS AND COMMENTS.....	7
Sentencing.....	7
Definition of ‘Child’	7
Definition of ‘Genitalia’	8
Definition of ‘Internal people trafficking’.....	9
5.0 RECOMMENDATIONS.....	10
6.0 APPENDICES	11
Appendix 1 Witnesses.....	11
Appendix 2: Minutes of Proceedings	12
Appendix 3: Submissions.....	16

1.0 INTRODUCTION

This Report contains the findings and recommendations of the Bills and Legislation Committee ('the Committee') after having reviewed the Penal Code (Amendment) (Sexual Offences) Bill 2016 ('the Bill') as required under the Standing Orders² of the National Parliament of Solomon Islands ('the Standing Orders').

The Committee resolved to conduct an inquiry into the Bill and invited relevant stakeholders³ to appear before the Committee and make presentations on the contents, policy matters, and intentions of the Bill.

Hearings into the Bill were held on the 6th and 7th of April 2016 at the National Parliament Building. The List of witnesses that appeared before the Committee and minutes of these proceedings are contained in Appendix 1 and 2 respectively.

²See page iii.

³See Appendix 1

2.0 BACKGROUND

The historical and policy context of the Penal Code amendment on sexual offences are discussed here.

Historical context

In 1995 the Minister for Justice and Legal Affairs referred to the Law Reform Commission (LRC) the review of the Penal Code. The LRC allocated priority to the parts of the Penal Code that were most in need of modernization and reform in order to expedite the review and to deliver timely reforms for the government and the community. The sections relating to sexual violence and the sexual exploitation of women and children were identified as grossly inadequate and in need of urgent reform.⁴

The aims of the review as reflected in the Bill are:

- To identify outdated colonial laws and definitions and replace them with plain language, modern terminology and clear offences
- To eliminate gender bias and make the laws apply equally to males and females
- To make domestic laws that comply with the obligations imposed by ratified international conventions
- To improve access to justice for victims
- To support the police, the DPP and the courts to bring offenders to justice
- To include a more comprehensive range of offences to ensure that all criminal behaviour is covered
- To provide an appropriate range of penalties which reflect the seriousness of the offence.

Since the Penal Code was enacted, the Solomon Islands Government has ratified two United Nations conventions which impose obligations to enact domestic laws to adequately protect women and children from discrimination and abuse. These conventions are⁵:

- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child

According to the LRC the reporting processes relating to these conventions identified gaps in the domestic laws which need to be addressed to demonstrate compliance with the conventions.

⁴ Ministry of Justice, Information paper, 2016, pg.2

⁵ Ibid

This Bill targets the areas of the Penal Code which needed most reform and modernization in order to comply with the international conventions and to provide better protection for vulnerable members of the community.⁶

Policy context

In 2009 the Ministry for Women, Youth, Children and Family Affairs (MWYCFA) with support from the Secretariat of the Pacific Community (SPC) and funding partners conducted 'the Solomon Islands Family Health and Safety Study'. In its findings Solomon Islands is rated as having one of the highest rates of gender based violence in the world.⁷

The study found that 55% of women had experienced sexual violence. The violence can be categorized as follows:⁸

- 53% forced sexual intercourse
- 28% degrading and humiliating acts
- 18% was non-partner violence
- 37% first sexual experience was either forced or coerced

Most significantly, 70% of women reported that they did not tell anyone about the violence. This is consistent with research conducted all over the world which has found that sexual assault and sexual violence are the most under reported crimes. Most women do not report the crime due to shame, fear, embarrassment and social stigma.⁹

Solomon Islands Context – Child Sexual Abuse

The Family Health and Safety Study also revealed that a significant proportion of the women who said that they had experienced sexual violence were abused as children or young girls. The study¹⁰ found that 37% of women reported being sexually abused whilst under 15 years of age. More than half of those girls (53%) reported repeated abuse. It is also significant that the child abusers were most often known to the victim: They were boyfriends (36%), family members (19%), family friends (16%) and acquaintances (15%). Less than one quarter of sexual abuse was perpetrated by a stranger (24%).

⁶Ministry of Justice, Information paper, 2016, pg.2

⁷ Ibid, pg.6

⁸Ibid

⁹Ibid

¹⁰Ibid

The study indicated clearly that young girls needed greater protection by the law to ensure their safety and welfare needs were met.

Sexual Assault Cases 2003 - 2012

The LRC and the Ministry of Justice reviewed the rape and sexual offence cases that went to court between the years 2003 to 2013. It must be noted that these cases represent only a small proportion of real number of cases that have taken place over this period of time because the vast majority of sexual crimes are not reported to police or even family members.¹¹

In the cases that went to court, most of the victims and offenders were known to each other before the attack. In 38% of cases, the victim and offender were in a domestic relationship. In 84% of the cases, the victims knew the offender.¹²

There was also an alarming number of young girls amongst the victims. In 33% of the cases, the victims were 11-14 years old. In 30% of the cases, the victims were 11-17 years old. This is in sharp contrast to the ages of the offenders, who tended to be much older than their victims. In 33% of cases, the offenders were over 30 years of age. There were only a small percentage of cases (12%) where the offender and the victim were of close or similar age.¹³

Sexual Assault Sentencing

The maximum penalty for rape under the Penal Code is currently life imprisonment. However, the research by the LRC on case studies show that the sentencing range imposed was actually very low. Sentences imposed by the courts between the years 2003-2009 ranged from 1 year 8 months at the lowest end of the scale, up to 8 years maximum. Most of the sentences were in the range of 3-6 years. Compared to other Melanesian countries in the region, PNG, Vanuatu and Fiji, these penalties are low.¹⁴

The courts have identified aggravating factors which should lead to the imposition of higher penalties. These include:¹⁵

- Severe injury
- Prior convictions of offender for rape
- Sexual indignity inflicted

¹¹Ministry of Justice, information paper, 2016, pg.7

¹²Ibid

¹³Ibid

¹⁴Ibid

¹⁵Ibid

In cases where there were aggravating factors present, the sentences imposed were less than a quarter of the maximum penalty. It must also be acknowledged that prisoners are entitled to a one third remission of their sentences, so the time actually served of an 8 year sentence is just over 5 years.¹⁶

The courts have also identified mitigating factors which lead to the imposition of lesser penalties. These include;¹⁷

- Mitigating factors (lower end sentences).
- No physical injuries
- Willingness of child victim
- Delay in prosecution
- Prior good character
- Family obligations

These have been consistently applied to decrease the sentences imposed.

3.0 SCOPE OF THE BILL

The Object of the Bill is to strengthen the protection provided by the law to victims of sexual violence and exploitation. It is complimentary to the Family Protection Act 2014.¹⁸ It deals with the more serious instances of criminal violence of a sexual nature.

The Bill updates the current offences in the Penal Code and outlaws a greater range of behaviour for better legal protection of men, women and children. The Bill is drafted in gender neutral language and applies equally to males and females.

Amendments

The Bill amends section 4 of the Penal code by inserting further definitions. It repealed and replaces section 136 to 150 of the Penal Code. It also repealed section 156, 163 to 166, 167 and 168. It then replaces section 163 and 167 with new clauses.

These amendments are necessary to give clarity and to capture a greater range of sexual offences.

¹⁶Ministry of Justice, Information paper, pg.8

¹⁷Ibid

¹⁸Ibid, pg.3

For example, the offence of rape is distinguished from other sexual assaults or indecent acts because it requires an act of penetration of some part of the body. This provision applies equally to men and women and also applies to two persons of the same gender having sexual intercourse. The act of "sexual intercourse" as defined in this Bill is not rape. The act of sexual intercourse becomes rape when one party does not consent to the act pursuant to clause 136F. The person who has sexual intercourse without the consent of the other is committing an offence regardless of whether they are a male or a female. The crucial element for the offence of rape is the lack of consent by one person and knowledge of that lack of consent by the other person. Gender is not relevant.

The offences in the Penal Code that have been redrafted and revised in the Bill include; rape under new clause 136F, attempted rape under new clause 136F (3) (4) (5), incest under new clause 163, indecent assault under new clause 138, indecent Act under new clause 136B, sexual intercourse with a child under new clause 139, and procuration under new clause 141.

New Offences

In addition, the Bill introduces new offences. These are new sexual offences that are not in the Penal Code but are included in the Bill to provide a more comprehensive range of offences to ensure that all criminal behaviour is covered. These new offences includes; sexual intercourse with a person with a disability under new clause 138A, sexual intercourse by a person in a position of trust under new clause 140, commercial child sexual exploitation under new clause 143, child exploitation material under new clause 144, and internal people trafficking under new clause 145.

4.0 CONCERNS AND COMMENTS

The following concerns were raised during discussions on the Bill;

Sentencing

Concerns were raised during the hearings on the findings of the Law Reform Commission on sexual offences sentencing.¹⁹ As mentioned above the maximum penalty for sexual assault offences is life imprisonment. However, the sentences imposed by the Courts are lower and had ranged from one year eight months to eight years.

Committee members when discussing the issue expressed that the sentences imposed by the Courts were very low and seems to put too much weight on mitigating factors.²⁰

The Ministry officials in response concur that the sentences are low and suggested introducing sentencing guidelines, judicial education and awareness and having victims' impact statements besides aggravating and mitigating factors.²¹

Definition of 'Child'

Concern was also raised on the interpretation of "child" provided under clause 4 of the Bill and as define in other parts of the Bill.²² There seem to be inconsistency in the interpretations where child is defined to be less than 18 years in some clauses and in others it define child as below 15 years.

The Ministry of Justice Officials in clarifying the interpretations stress that child is defined in the interpretation section as a person under 18. According to the officials hat is the general international accepted standard of what a child is, although a child is commonly referred to as teenagers. In relation to sexual offences, the age of consent and the age of marriage in Solomon Islands is 15 years and over. Therefore, it cannot be a crime for very young married couple to be having sex at 15.²³

The Ministry of Justice officials further commented that there is strong support among church groups and women's groups to raise the age of marriage during their consultations. Some women

¹⁹ Law Reform Commission, Review of the Penal Code and Criminal Procedure Code: Sexual offences-Sentencing: Research Paper, 2011

²⁰ Hon. Matthew Wale, oral evidence, 6 April 2016

²¹ Pamela Wilde, oral evidence, 6 April 2016

²² Hon. Dr Derek Sikua, oral evidence, 6 April 2016

²³ Pamela Wilde, oral evidence, 6 April 2016

even suggested 18; however, 16 is a fairly standard age around the world for marriage or with permission of the courts for marriage.²⁴

Ministry officials, however, stated that they did not deal with those issues in this bill because it is outside of their jurisdiction. They expressed that revising the age of marriage is a much bigger debate and needs wider consultations as it could be quite sensitive in relation to customary marriage as there is no consensus on it.²⁵

Definition of 'Genitalia'

Another concern raised during the hearings is on the definition of "Genitalia" in the Bill. The Law Reform Commission (LRC) in its submission to the Committee suggested that the definition of genitalia under clause 136D (1) to include 'surgically constructed or altered genitalia' should be confined to natural genitalia only. They are of the view that there should be more consultation on this particular definition because they see it as something that is foreign to the cultural context of Solomon Islands.²⁶

According to the LRC this was the position that was made some years ago in 2011 by the former Foreign Affairs Minister, Hon Peter Shanel, at the UN Committee. They are of the view that Solomon Islands is not yet ready for that kind of definition in its legislation because it might promote certain lifestyles that are not accepted in its culture.²⁷

The Ministry of Justice in their response outlined that there are three categories of person who can have surgically constructed or altered genitalia. They are (a) persons born of a particular gender and feel that they are in the wrong gender and want to surgically change to another one. Or, (b) persons whether through accident or misadventure or birth defect and for medical reasons may need to have their genitalia reconstructed or altered not as an elective but a necessary medical procedure, or (c) persons born with both sets of genitalia and later removes one when they decide which one to keep.²⁸

According to the Ministry representative, all persons are entitled to the full protection of the law and all persons need to be protected from the crime of rape from a legal policy and human rights

²⁴ Ibid

²⁵ Ibid

²⁶ Frank Paulsen, oral evidence, 19 April 2016

²⁷ Frank Paulsen, oral evidence, 19 April 2016

²⁸ Pamela Wilde, oral evidence, 19 April 2016

perspectives. Also, it held those who already have surgically constructed or altered genitalia from elsewhere to be accountable for their crime, if they commit sexual offences here.²⁹

Definition of 'Internal people trafficking'

Representatives of the International Organisation for Migration (IOM) when appearing before the Committee expressed that, the definition of 'internal people trafficking' referred to under clause 145 of the Bill does not distinguish between adult trafficking and child trafficking in terms of the elements of the offence.³⁰ It does so only in terms of the penalty imposed. They see this as problematic because the legal definition of trafficking of adults differs from that of children in terms of the necessary elements for the offence to occur.

Ministry officials in reply explained that the elements under clause 145 are adequate to cover both adult and children as redefining it would create an additional offence.³¹

Members of the Committee, however, expressed that it is an important issue and if a new offense needs to be created and it is a policy decision which the Ministry must do, the Ministry must inform the Committee as soon as possible so that a recommendation can be made to Parliament.³²

Recommendation 1

The Committee recommends that the Courts develop sentencing guidelines for sexual offences.

Recommendation 2

The Committee recommends that the Ministry of Justice and Legal Affairs amend the definition of 'internal people trafficking' under clause 145 to distinguish the application of its criminal element to adults and children.

²⁹ Ibid

³⁰ Nicole Hoagland, oral submission, 19 April 2016

³¹ Pamela Wilde, oral evidence, 19 April 2016.

³² Hon. Matthew Wale, oral evidence, 19 April 2016

5.0 RECOMMENDATIONS

At the conclusion of the hearing and based on the evidences collected at the hearing, the Committee makes the following recommendations –

Recommendation 1

The Committee recommends that the Courts develop sentencing guidelines for sexual offences.

Recommendation 2

The Committee recommends that the Ministry of Justice and Legal Affairs amend the definition of ‘internal people trafficking’ under clause 145 to distinguish the application of its criminal element to adults and children.

END OF REPORT

6.0 APPENDICES

Appendix 1 Witnesses

Date	Name	Position & Organisation
Wed 6 April 2016 1:00pm – 4:30pm	Freddy Mesa	PS, MJLA
	Pamela Wilde	Legal Policy Adviser, MJLA
	Kyla Venokana	Senior legal Policy Adviser, MJLA
	Karl Kuper	US, MJLA
	Catriona Steele	Legislative Drafting Adviser, AG Chambers
Thur 7 April 2016 9:30am - 11:00am	Eileen Rose Nala	In charge Sexual Assault Unit, RSIPF
	Ian Vaevaso	Director NCID, RSIPF
	Howard Lawry	Deputy Public Solicitor, Public Solicitors Office
	Ronald Bei Talasasa	Director Public Prosecutor, Office of the DPP
11:30am – 12:30pm	Hendrik Bara	Community Educator, Family Support Centre (FSC)
	Andella Maine	Senior Counsellor, FSC
	Aaron Mane	Legal Officer, FSC
	Joesphine Teakeni	Director, Vois Blo Mere Solomon
1:30pm – 3:00pm	Casper Fa'asala	Women In Leadership Desk Officer, Solomon Islands National Council of Women (NCW)
	Emily Peoa	Financial Officer, NCW
	Donna Makini	Research & Policy Officer, Womens Rights Action Movement (WRAM)
	Pionie Boso	Program Manager, WRAM
	Tropa Mede	Youth @ Work Intern, WRAM
	Anika Kingmele	ChairLady, WRAM
	Kim Abbey	Centre Manger, Seif Ples
	Kim Abbey	Centre Manger, Seif Ples
3:00pm – 4:30pm	Pamela Wilde	Legal Policy Adviser, MJLA
	Freddy Mesa	PS, MJLA
	Catriona Steele	Legislative Drafting Adviser, AG Chamber
Tues 19 April 2016 (MJLA recalled to clarify submissions + those who provide the submissions) 2:00pm – 3:30pm	Pamela Wilde	Legal Policy Adviser, MJLA
	Freddy Mesa	PS, MJLA
	Philip Kanairara	Chief Legal Officer, Law Reform Commission (LRC)
	Frank Paulsen	Chairman, LRC
	Rev. Philimon Riti	Commissioner, LRC
	Nicole Hoagland	Counter-trafficking Coordinator, International Organisation for Migration (IOM)
	Ella Wairiu	Officer, IOM
	Catriona Steele	Legal Draftsman, AG Chambers

Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS AND LEGISLATION COMMITTEE

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Minutes of Proceedings

Committee Hearing into the Penal Code (Amendment) (Sexual Offences) Bill 2016

Day 1/Wednesday 6th April 2016, CR II, Parliament House 2:11pm.

1. Members Present

Hon. Connelly Sandakabatu, MP (Chairman)
Hon. Dr Culwick Togamana, MP
Hon. Dr Derek Sikua, MP
Hon. Matthew C. Wale, MP
Hon. Steve Abana, MP
Hon. Commins A. Mewa, MP

Apologies

Hon. Jeremiah Manele, MP
Hon. Rick Hou, MP
Hon. Namson Tran, MP

Secretariat

Wilson Anii

2. Welcome and Opening Remarks

Hon. Commins Mewa said the opening prayer

The Chairman made opening remarks and welcomes the Permanent Secretary (PS) and other officials from the Ministry of Justice and Legal Affairs (MJLA) and the Attorney Generals Chamber. He then invites the PS to introduce his group and made his presentation.

3. Committee hearing into the Penal Code (Amendment) (Sexual Offences) Bill 2016

The Hearing proper commenced and the following witnesses were admitted:

Hearing 1 Witnesses

Freddy Mesa	PS, MJLA
Pamela Wilde	Legal Policy Adviser, MJLA
Kyla Venokana	Senior legal Policy Adviser, MJLA
Karl Kuper	US, MJLA
Catriona Steele	Legislative Drafting Adviser, AG Chambers

The PS with assistance from the AG Chambers made their presentation before the committee.

The Committee questioned the PS, other MJLA officials and the Legal Draftsman on the contents of the Bill.

The PS and his officials answered, made clarification and commented on the Bill.

Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

4. Adjournment

Closing remarks from the Chair

The Committee hearing closed at 4:10 pm.

Day 2/ Thursday 7 April 2016, CR II, Parliament House 10:30am

1. Members Present

Hon. Connelly Sandakabatu, MP (Chairman)

Hon. Dr Culwick Togamana, MP

Hon. Commins A. Mewa, MP

Hon. Matthew C. Wale, MP

Hon. Dr Derek Sikua, MP

Apologies

Hon. Jeremiah Manele, MP

Hon. Rick Houenipwela, MP

Hon. Steve Abana, MP

Hon. Namson Tran, MP

Secretariat

Wilson Anii

Salome Pilumate

2. Welcome and Opening Remarks

Hon. Dr Culwick Togamana said the opening prayer

The Chairman made opening remarks and welcomes the witnesses and invites them to make their presentations.

3. Committee hearing into the Penal Code (Amendment) (Sexual Offences) Bill 2016

The Hearing proper commenced and the following witnesses were admitted:

Hearing 2 Witness

Eileen Rose Nala	In charge Sexual Assault Unit, RSIPF
Ian Vaevaso	Director NCID, RSIPF
Howard Lawry	Deputy Public Solicitor, Public Solicitors Office
Ronald Bei Talasasa	Director Public Prosecutor, Office of the DPP

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the witnesses on their presentations.

Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

Hearing suspended.

The Hearing resumed at 12:41 pm and the following witnesses were admitted:

Hearing 3 Witnesses

Hendrik Bara	Community Educator, Family Support Centre (FSC)
Andella Maine	Senior Counsellor, FSC
Aaron Mane	Legal Officer, FSC
Joesphine Teakeni	Director, Vois Blo Mere Solomon

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the representatives on their presentations.

Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

Hearing suspended.

The Hearing resumed at 2:40 pm and the following witnesses were admitted:

Hearing 4 Witnesses

Casper Fa'asala	Women In Leadership Desk Officer, Solomon Islands National Council of Women (NCW)
Emily Peoa	Financial Officer, NCW
Donna Makini	Research & Policy Officer, Women's Rights Action Movement (WRAM)
Pionie Boso	Program Manager, WRAM
Tropa Mede	Youth @ Work Intern, WRAM
Anika Kingmele	Chairlady, WRAM
Kim Abbey	Centre Manger, Seif Ples

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the representatives on their presentations.

Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

Hearing suspended.

The Hearing resumed at 4:15pm and the following witnesses were admitted:

Hearing 5 Witnesses

Pamela Wilde	Legal Policy Adviser, MJLA
Freddy Mesa	PS, MJLA
Catriona Steele	Legislative Drafting Adviser, AG Chamber
Pamela Wilde	Legal Policy Adviser, MJLA

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the representatives on their presentations.

Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

4. Adjournment

Closing remarks from the Chair

The Committee hearing closed at 5:11 pm.

Day 3/Tuesday 19th April 2016, CR II, Parliament House 2:17pm.

1. Members Present

Hon. Connelly Sandakabatu, MP (Chairman)
 Hon. Jeremiah Manele, MP
 Hon. Dr Culwick Togamana, MP
 Hon. Dr Derek Sikua, MP
 Hon. Matthew C. Wale, MP
 Hon. Commins A. Mewa, MP

Apologies

Hon. Rick Hou, MP
 Hon. Steve Abana, MP
 Hon. Namson Tran, MP

Secretariat

Wilson Anii
 Salome Pilumate

2. Welcome and Opening Remarks

Hon. Commins Mewa said the opening prayer

The Chairman made opening remarks and welcomes the Permanent Secretary (PS) and other officials from the Ministry of Justice and Legal Affairs (MJLA), the Attorney Generals Chamber, the Law Reform Commission and the International Organisation for Migration. He then states the reasons for the re-call and invites representatives from the LRC and IOM to introduce themselves and their officers and make their presentations.

3. Committee hearing into the Penal Code (Amendment) (Sexual Offences) Bill 2016

The Hearing proper commenced and the following witnesses were admitted:

Hearing 1 Witnesses

Pamela Wilde	Legal Policy Adviser, MJLA
Freddy Mesa	PS, MJLA
Philip Kanairara	Chief Legal Officer, Law Reform Commission (LRC)
Frank Paulsen	Chairman, LRC
Rev. Philimon Riti	Commissioner, LRC
Nicole Hoagland	Counter-trafficking Coordinator, International Organisation for Migration (IOM)
Ella Wairiu	Officer, IOM
Catriona Steele	Legal Draftsman, AG Chambers

The PS with assistance from the AG Chambers made their presentation before the committee. The Committee questioned the PS, other MJLA officials and the Legal Draftsman on the matters raised by the other representatives and in submissions received by the Committee. The PS and his officials answered, made clarification and commented on these matters. Evidence concluded and the Chair thanks the witnesses for their attendance and contribution on the Bill.

4. Adjournment

Closing remarks from the Chair
 The Committee hearing closed at 3:38 pm.

Appendix 3: Submissions

No	Author
1.	Ministry of Justice & Legal Affairs (MJLA), Information paper.
2.	Solomon Islands Law Reform Commission (LRC), Review of Penal Code and CPC, Sexual Offences- Sentencing, Research paper 2011.
3.	LRC, Review of Penal Code & CPC, Second Interim Report, Sexual Offences, June 2013.
4.	LRC, Submission on Genitalia
5.	Nicole Hoagland, International Org. for Migration (IOM), Submission.
6.	Family support Centre & Vois Blo Mere, Submission.
7.	MJLA, Dictionary Meaning of Terms Used in the Penal Code.

