

# PAPUA NEW GUINEA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multi-party, parliamentary democracy. Parliamentary elections took place in 2012, and local government elections occurred in 2013. In some parts of the country, electoral contests were subject to widespread violence, fraud, bribery, voter intimidation, and undue influence. Authorities at times failed to maintain effective control over the security forces.

The principal human rights concerns were severe police abuse of detainees and police and military abuse of citizens; violence and discrimination against women and girls; and vigilante killings and abuses, some related to alleged involvement in sorcery and witchcraft. A significant area of controversy involved the Australian-run regional refugee-processing center on Manus Island. Domestic court challenges to the constitutionality of the center continued as of November 1.

Other human rights problems included poor prison conditions; lengthy pretrial detention; infringement of citizens' privacy rights, particularly in highland areas; government corruption; abuse and sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities; intertribal violence; and ineffective enforcement of labor laws.

Despite minor reforms to the justice system, the government frequently failed to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was pervasive.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit arbitrary or unlawful killings during the year. Nevertheless, public concern about police and military violence against civilians and about security forces' impunity persisted.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution prohibits torture, individual police members frequently beat and otherwise abused suspects during arrests, interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees.

#### **Prison and Detention Center Conditions**

Despite minor physical improvements and increased capacity, prison conditions remained poor, and the prison system continued to suffer from serious underfunding, inadequate medical facilities, and overcrowding in some facilities.

Physical Conditions: The country's prisons were designed to accommodate 4,166 inmates. As of November 5, there were 4,580 inmates--2,925 convicted prisoners and 1,655 pretrial detainees (36 percent). There were 228 female inmates (162 convicts and 66 pretrial detainees) and 177 male juveniles (69 convicts and 108 pretrial detainees). Australian assistance continued to upgrade prison facilities. Three prisons, in Wabag, Enga Province; Tari, Southern Highlands; and Kainantu, Eastern Highlands, remained closed during the year due to tribal conflicts and unresolved health problems. Facility closures forced the relocation of prisoners to other facilities, which the National Court considered a human rights concern. The International Committee of the Red Cross assisted with family visits to prisoners from Bougainville held in Rabaul, East New Britain Province.

According to the correctional services commissioner, some of the 21 prisons in the country experienced overcrowding. In some areas infrequent court sessions, slow police investigations, and bail restrictions for certain crimes exacerbated overcrowding. Pretrial detainees frustrated by the slow processing of their cases were the leaders of prison breaks. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities, and in the past there were reports of assaults on female prisoners. Authorities held pretrial detainees in the same prisons as convicted prisoners, but in separate cells.

During the year, 13 of the 22 prison facilities had separate accommodations for juvenile offenders. The Department of Justice and Attorney General opened four juvenile facilities, and the Catholic Church operated three juvenile reception centers to hold minors awaiting arraignment prior to posting of bail. Human Rights Watch reported authorities routinely held juveniles with adults in police

detention cells, where older detainees often assaulted the younger detainees. Police sometimes denied juvenile court officers access to police cells.

Death in prisons or pretrial centers due to misuse of force occurred but was not prevalent during the year. Prisoners had reasonable access to potable water and adequate food, although sanitation was poor. A number of prisons experienced problems with inadequate ventilation and lighting.

Administration: Recordkeeping was inadequate. Authorities inadvertently released some detainees early and held others beyond the end of their sentences. There were no known steps taken to improve recordkeeping or use alternatives to sentencing for non-violent offenders.

Prison authorities granted prisoners reasonable access to visitors and permitted religious observance. Authorities allowed prisoners and detainees to submit credible complaints of inhumane conditions without censorship to the Ombudsman Commission for investigation or directly to the judicial authorities. The government mandated the Ombudsman Commission to visit prisons, but the commission could not effectively monitor and investigate prison conditions due to lack of adequate funds and staff.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and the International Committee of the Red Cross and the UN high commissioner for human rights visited during the year.

Improvements: The government increased the size of the judiciary by four judges.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The national police force is responsible for maintaining internal security in all regions of the country. The national police force commissioner reports to the minister for police. The Autonomous Region of Bougainville maintains its own police force and minister of police with authority to enforce local law, but the national police force retains the authority to ensure the Bougainville police enforce national law. Clan rivalries and a serious lack of resources diminished police

effectiveness and hampered internal security activities throughout the country. Police impunity was also a serious problem.

The police department's Internal Affairs Office investigates, and a coroner's court reviews, police shootings of suspects and bystanders. If the court finds the shooting was unjustifiable or due to negligence, authorities try the officers involved. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Office of the Public Solicitor. Investigations remained unresolved in many cases, largely due to a lack of funding and resources to complete investigations, especially in rural areas where shootings often occurred. Additionally, police officers' reluctance to give evidence against one another and witnesses' fear of police retribution undermined investigations.

The Ombudsman Commission deals with public complaints and concerns about members of the police force.

On June 21, soldiers from Charlie Company raided and burned 10 homes in Kirakira Village outside of Port Moresby in reprisal for the killing by family members of a soldier who allegedly beat his wife. Internal investigations in the Papua New Guinea Defense Force delayed a report on the incident.

In August police reportedly raided the 9-Mile settlement of Port Moresby on three separate occasions in reprisal for an assault on another police officer. The National Capital District acting police commissioner condemned the excessive use of force but announced no investigation.

In September the National Court announced that six police officers were scheduled to stand trial on October 6 for allegedly beating and injuring 74 men from the 6-Mile settlement on the outskirts of Port Moresby in May 2013. In February, Justice Cannings announced that lack of cooperation from the police and public solicitor had delayed his ruling.

Soldiers involved in the July 2013 attack on students at the University of Papua New Guinea's medical faculty were suspended for a short time, but the suspension was revoked upon their protest that the battalion commander who ordered the use of force was not punished.

Societal violence, particularly between tribes, was commonplace, and in many cases police lacked sufficient personnel or resources to prevent these attacks or

respond effectively to them. Warring tribal factions in rural areas were often better armed than local police, and authorities often tolerated intertribal violence in isolated rural areas until the tribes themselves agreed to a negotiated settlement.

The Australian Federal Police provided assistance to the national police force to improve its professional capacity. This included human rights training. The Papua New Guinea-Australia Policing Partnership provided advisory support to the National Fraud and Anti-Corruption unit, in the Internal Affairs Directorate, and to national police training through the Bomana Police College. All training provided under the partnership was based on the application of human rights principles. The Australian Federal Police also provided 73 advisory officers to the police in Port Moresby and Lae to improve law enforcement capacity.

### **Arrest Procedures and Treatment of Detainees**

Under the law, to make an arrest police must have reason to believe that a crime was, is being, or will be committed. A warrant is not required, and police make most arrests without one. Police, prosecutors, and citizens may apply to a court for a warrant. Police normally do so only if they believe it would assist them in carrying out an arrest. Only national or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review; however, the government did not always respect these rights. Detainees have access to counsel, and family members have access to detainees.

Pretrial Detention: Approximately 34 percent of the prisoner/detainee population was in pretrial detention. Due to very limited police and judicial resources and a high crime rate, suspects were often held in pretrial detention for lengthy periods. Statistics provided by Correctional Services suggested detainees might wait up to three years before sentencing or release. Although pretrial detention is subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations, particularly in locating witnesses, and occasional political interference or police corruption frequently delayed cases for months. In addition circuit court sittings were infrequent because of shortages of judges and travel funds.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

### **Trial Procedures**

The legal system is based on English common law. The law provides for a presumption of innocence and due process, including a public trial, and the court system generally enforced these provisions. The country does not have a jury system, and judges conduct trials and render verdicts. Defendants have the right to an attorney, to be informed promptly and in detail of charges against them, and not to be compelled to testify or confess guilt. The Public Solicitor's Office provides legal counsel for those accused of "serious offenses" (charges for which a sentence of two years or more is the norm) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, access government-held evidence, plead cases, and appeal convictions. The law extends these rights to all citizens. The shortage of judges created delays in both the process of trials and the rendering of decisions.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters from which individuals and organizations may seek civil remedies for human rights violations. District courts may order "good behavior bonds," commonly called "protection orders," in addition to ordering that compensation be paid for violations of human rights. Courts had difficulty enforcing judgments. In addition largely unregulated village courts handled many human rights matters. Village and district courts often hesitated to interfere directly in domestic matters. Village courts regularly ordered payment of compensation to an abused spouse's family in cases of domestic abuse rather than issuing an order to detain and potentially charge the alleged offender.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

Although the constitution prohibits such actions, there were instances of abuse. Police raids, searches, and forced evictions of illegal squatter settlements and suspected criminals often were marked by a high level of violence and property

destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting.

On July 22, police reportedly forcefully evicted settlers and residents of Paga Hill, Port Moresby, despite a court injunction prohibiting the eviction following the arrest and intimidation of community leader Joe Moses.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights. All newspapers included a variety of editorial viewpoints and reported on controversial topics, although many complained of intimidation tactics aimed at influencing coverage.

Freedom of Speech: The government generally respects freedom of speech, although some activists reported the intimidating presence of unmarked vehicles outside of their homes during planning meetings for a public protest held in June. Critics of the government on social media also reported intimidation and threats from agents of members of parliament (MPs) and other government figures.

Press Freedoms: Members of the media alleged that substantial bribes often were offered to journalists and editors with the intent of buying favorable coverage. Some media workers and the public spoke openly on social networking sites about bribery and corruption in the media industry, which resulted in the sacking of six senior journalists and photographers from the *Post Courier* newspaper in 2013. Multiple media outlets asserted that their journalists, photographers, and videographers experienced intimidation from some MPs and their associates during the year. In April lawyers for the prime minister filed 16 separate defamation cases against two popular bloggers with links to the opposition. Court proceedings continued at year's end.

Violence and Harassment: Journalists were subject to harassment, intimidation, and in some cases violence at the hands of police and supporters of MPs for their reporting. In January international journalists were threatened and had their footage confiscated by provincial police while filming outside of the Manus Regional Processing Center for refugees.

On June 8, members of a highway patrol unit assaulted a news crew with EMTV national television at the 15-Mile police station in Port Moresby after responding to reports of the illegal detention and police abuse of five detainees. The officers reportedly forced the crew to cease filming and confiscated their materials, and a prison guard repeatedly punched members of the crew in the face and head. The police commissioner initiated an investigation, and four police officers were suspended.

On August 8, a radio broadcaster was arrested and charged with reporting false information about police traffic operations and how to avoid bribe solicitations when passing police traffic stops. Police reportedly stole kina (K) 50 (\$21) of the K250 (\$105) bail paid for the broadcaster's release pending trial. A hearing was set for October 1.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for the freedoms of assembly and association, but the government often limited these rights.

#### **Freedom of Assembly**

The constitution provides for freedom of assembly. Public demonstrations require police approval and 14-days' advance notice. Asserting a fear of violence from unruly spectators, police rarely gave approval. If public demonstrations occurred without official approval, police normally requested crowds to disperse. If that failed, and if violence or public disturbances ensued, police used tear gas and fired shots in the air to disperse crowds.

Police temporarily banned public demonstrations on June 23, during a period of political instability related to the attempted arrest of Prime Minister O'Neill. On



June 24, a peaceful protest was held despite the ban and, after initial tensions between police and activists were resolved, proceeded without incident.

### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The country's laws do not formally provide for the granting of asylum or refugee status. The government has established, however, an ad hoc system for registering as refugees individuals from the Indonesian province of Papua (formerly Irian Jaya) who were residing in the East Awin refugee settlement. With support from the UNHCR, the government provided protection to approximately 2,300 persons in the settlement.

Melanesian refugees (from Indonesian Papua) were given permissive residency status, which allowed them to reside, work, and have access to services, but they could not run for political office. Non-Melanesian refugees have more limited rights, including restrictions on employment, public education, and housing.

The government has signed two agreements with Australia on refugees. The first (September 2012) allows that country to send asylum seekers to Manus Island for processing only. The second (July 2013) allows for the resettlement in Papua New

Guinea of asylum seekers. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country raised questions about the constitutionality of the latter agreement. On February 18, the UNHCR cited significant shortcomings in the legal framework for receiving and processing asylum seekers, including a lack of national capacity in processing, poor physical conditions at the center, and detention practices harmful to the well-being of transferees. On September 8, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein said the arrangement was leading to a chain of human rights abuses.

A total of 1,104 asylum seekers had arrived in Manus as of September. The International Organization for Migration began voluntary repatriation of detainees in July 2013, and as of September 3, it had assisted 400 voluntary returns, including 317 from Iran, 28 from Iraq, 23 from Lebanon, and 15 from Vietnam. The resettlement of recognized refugees was scheduled to begin by the end of 2014, but in community consultations on resettlement, considerable concern was expressed about the policy. Public reaction was characterized by fear and suspicion from both local communities and potential candidates for resettlement. As of October the government had not completed a draft resettlement policy. Prime Minister O'Neill announced the government would begin policy consultations anew due to poor public perception of initial resettlement recommendations.

On February 17, Iranian transferee Reza Berati died as a result of blunt force trauma to the head received during a riot inside the Manus Island center caused by discontent among asylum seekers at perceived slow case processing. At least 69 persons were treated for injuries, including one gunshot wound. Tensions between detainees, local guards, and some expatriate staff were cited as contributing factors to the misuse of force in suppressing the riot. As of September 3, police arrested two local suspects in Berati's death and were searching for an additional two expatriates and one local suspect.

On September 5, Hamid Khazaei died in Brisbane following medical complications reportedly related to septicemia that he contracted following a laceration on his foot received while held at the Manus Regional Processing Center. Poor sanitation conditions and inadequate access to medical care at the center were cited as possible aggravating factors to his infection and subsequent death.

Durable Solutions: Authorities granted registered refugees residing in the East Awin refugee settlement (Melanesians) a certificate of identity that allows them to travel freely within the country and to the Indonesian region of Papua.

Temporary Protection: The government provided temporary protection to individuals from Papua who may not qualify as refugees. Approximately 5,000 persons, classified by the government as “border crossers,” lived in villages adjacent to the border with Indonesia, and approximately 2,400 lived in urban areas, including the capital, Port Moresby.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the ability to change their government through free and fair elections. Citizens exercised this right through periodic but flawed elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent general election took place in June 2012, and local government elections took place in June 2013. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the local elections. After the 2012 general election, the National Court registered 136 election petitions that alleged illegal practices. In 2013 two cabinet ministers lost their seats as a result of election petitions. By September most petitions had been dismissed, but some remained before the courts.

Political Parties and Political Participation: Political parties could operate without restriction or outside influence. In some areas, tribal leaders determined which candidate a tribe would support and used their influence to ensure that the entire tribe voted for that candidate.

Participation of Women and Minorities: No law limits political participation by women, but the deeply rooted patriarchal culture impeded women’s full participation in political life. The political participation of women was often limited, since many were expected to vote along tribal and family lines. There were three women in the 111-seat parliament. One served as minister of religion, youth, and community development; one served as a provincial governor; and one was an ordinary member. There were two female judges in the national and supreme courts.

There were five minority (non-Melanesian) members of parliament. Of these, one was in the cabinet, and one was a provincial governor.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption at all levels and in all organs of government was a serious problem due to weak public institutions and governance, lack of transparency, politicization of the bureaucracy, and misuse of public resources to meet traditional clan obligations. Corruption and conflicts of interest were of particular concern in extractive industries, particularly the logging sector, and in government procurement.

Corruption: The Ombudsman Commission and Public Accounts Committee are key organizations responsible for combating government corruption. The Ombudsman Commission's mandate includes the investigation of alleged misconduct by governmental bodies, alleged discriminatory practices by any person or government body, and alleged misconduct in office by public officials under the leadership code. The constitution provides for the Ombudsman Commission's independence.

The Public Accounts Committee is a permanent parliamentary committee established by the constitution with a mandate to examine and report to parliament on public accounts and national property.

The Ombudsman Commission met with civil society and at times initiated action based on input received. Although civil society organizations engaged with individual members of the Public Accounts Committee, the committee was less receptive to public input and generally did not seek to engage with civil society. The Public Accounts Committee generally operated independently of government influence, but lack of trained staff hindered its effectiveness. Neither body had sufficient resources to carry out its mission.

In 2011 the government established Investigation Task Force Sweep (ITFS), a temporary interagency body with the mandate to arrest, charge, and prosecute government officials engaged in corruption. In September 2013 the ITFS chairman reported 34 people had been committed to stand trial in the National Court, several cases were going through the committal process, and 77 cases were

in the trial stages. On March 28, the government launched a Fraud and Corruption Track to expedite these cases and reduce judicial processing from two years to four months.

In June and July, the government shuffled the attorney general, solicitor general, and police leadership and attempted to fire the chairman of Task Force Sweep for their roles in corruption investigations against Prime Minister O'Neill for alleged illegal payments to Paraka Lawyers. The government also appointed a new ombudsman, who may not meet the position's statutory qualifications, which could delay a separate investigation against Prime Minister O'Neill. On June 18, the government attempted to disband the ITFS for its role in the attempted arrest of the prime minister as part of an investigation into official corruption. On July 27, the National Court reinstated the ITFS. The legality of payments to Paraka Lawyers and the role of the prime minister in the affair remained under investigation.

On March 29, the National Court sentenced former minister for national planning Paul Tiensten to nine years' hard labor. The state had filed corruption charges against him in 2011 for misappropriation of funds, conspiracy to defraud the state, and abuse of office. Tiensten fled to Australia but returned and was arrested in 2012 when further corruption charges were filed against him for diverting state funds to his own private company. Voters reelected Tiensten to parliament in 2012. In November 2013 the National Court found him guilty of misappropriating K10 million (\$4.2 million) of public funds while serving as a state minister.

Financial Disclosure: Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission monitored and verified disclosures and administered the leadership code, which requires leaders to declare, within three months of assuming office (and thereafter annually), their assets, liabilities, third-party sources of income, gifts, and all beneficial interests in companies, including shares, directorships, and business transactions. Declarations are not made available to the public. Sanctions for noncompliance range from fines to imprisonment.

Public Access to Information: No law provides for public access to government information. The government published frequent public notices in national newspapers and occasional reports on specific issues facing the government; however, it generally was not responsive to individual requests, including media requests, for access to government information.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman Commission is responsible for investigating alleged misconduct and defective administration by governmental bodies, alleged discriminatory practices by any person or body, and alleged misconduct in office by leaders under the leadership code. Staffing constraints often caused delays in investigations and thus in completion and release of reports.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex; however, enforcement of the provisions was not effective.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by imprisonment ranging from 15 years to life. The legal system allows village chiefs to negotiate the payment of compensation in lieu of trials for rapists. Despite the law, gender-based violence, including sexual violence, gang rape, and intimate-partner violence, was a serious and widespread problem. In a 2013 UN survey, 61 percent of men in one province admitted raping at least one woman. A 2013 study by the Institute for Medical Research indicated that 55 percent of women had experienced spousal rape. Due to stigma, fear of retribution, and limited trust in authorities, this figure was likely underreported. Gangs used rape and violence against women as part of initiation requirements. Prison sentences were imposed on those convicted of rape, but few rapists were apprehended or prosecuted. The willingness of some communities to settle rape cases through material compensation rather than criminal prosecution made the crime difficult to combat.

The law criminalizes intimate-partner violence, but it nonetheless persisted throughout the country and was generally committed with impunity. Since most communities viewed intimate-partner violence as a private matter, few survivors

reported the crime or pressed charges, and prosecutions were rare. The law also gives legislative backing for interim protection orders; allows neighbors, relatives, and children to report domestic violence; and gives police the power to remove perpetrators from their homes as a protective measure. Implementation of the law remained incomplete.

Widespread sexual violence committed by police officials and the unresponsiveness of these officials to complaints of sexual or intimate-partner violence deterred reporting of such crimes. Traditional village familial networks, which sometimes served to mitigate violence, were weak and largely absent when youths moved from their villages to larger towns or the capital. According to Amnesty International, approximately two-thirds of women in the country had been struck by their partners, with the number approaching 100 percent in parts of the Highlands. The NGO reported that there were only three shelters for abused women in Port Moresby, all privately run, which were often at capacity and had to refuse women interested in counseling and shelter. The situation was worse outside the capital, where small community organizations or individuals with little access to funds and counseling resources maintained the shelters.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, authorities charged an increasing number of women with murdering one of their husband's other wives. Independent observers indicated that approximately 90 percent of women in prison had been convicted for attacking or killing their husbands or another woman.

Female Genital Mutilation/Cutting (FGM/C): No law specifically prohibits FGM/C. The practice was not prevalent in the country.

Other Harmful Traditional Practices: Customary bride-price payments continued to increase. This contributed to the perception by many communities that husbands owned their wives and could treat them as chattel.

Sexual Harassment: Sexual harassment is not illegal, and it was a widespread and severe problem. Women frequently experience harassment in comments, touching, and unwanted advances in public locations and in the workplace.

Reproductive Rights: Under the country's family planning policy, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, free from discrimination, violence, and coercion. The decision of the husband or male partner on such matters usually prevailed over the

wishes of the woman. Although women did not face barriers to reproductive health care stemming from the law or government policy, logistical problems faced by the Health Department in distributing supplies hindered access. Medical facilities also were limited in their capacity to provide adequate services to the growing population. According to indicators published by the Population Research Bureau, only 24 percent of married females between the ages of 15 and 49 used modern contraception. The country's estimated maternal mortality ratio exceeded 220 deaths per 100,000 live births. Skilled care at birth was low, mainly due to an acute shortage of midwives, poor accessibility, lack of adequate delivery facilities, and low levels of trust in public services.

Discrimination: Although the law provides extensive rights for women dealing with family, marriage, and property disputes, gender discrimination existed at all levels. There is no employment anti-discrimination law (also see section 7.d.). Women continued to face severe inequalities in all aspects of life--social, cultural, economic, and political. Some women held senior positions in business, the professions, and the civil service, but traditional and deep-rooted discrimination against women persisted. Women, including in urban areas, were often considered second-class citizens.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. The law requires district courts to endorse orders for imprisonment before the sentence is imposed, and circuit-riding National Court justices frequently annulled such village court sentences. Polygyny and the custom in many tribal cultures of paying a "bride price" tended to reinforce a view of women as property. In addition to being purchased as brides, women sometimes were given as compensation to settle disputes between clans, although the courts have ruled that such settlements denied women their constitutional rights.

The Ministry of Religion, Youth, and Community Development is responsible for women's issues and has considerable influence over the government's policy toward women.

## **Children**

Birth Registration: Citizenship is derived through birth to a citizen parent. Birth registration often did not occur immediately due to the remote locations in which many births took place. Failure to register did not generally affect access to public services such as education or health care.



Education: As of 2013 the law provides for free but not compulsory education through grade 12 and for subsidies thereafter. Despite the law many primary schools charged fees, and many children did not progress further than primary school. Primary and secondary education completion rates tended to be slightly higher for boys than for girls. This is due to cultural and social barriers, including the burden placed on girls of family care, domestic responsibilities, and customary marriage. Recent reports confirmed that girls were at high risk of domestic and sexual violence, sexual harassment in schools, commercial exploitation, and HIV infection, which posed serious threats to their education.

Child Abuse: Observers believed sexual abuse of children was common. Independent sources confirmed that in two major cities, 1,000 or more cases of child sexual abuse were reported in 2009. Incest is a crime and reportedly increased in frequency. Human Rights Watch documented numerous instances of police abuse of children.

Early and Forced Marriage: The legal age for marriage is 18 for boys and 16 for girls. There is a lower legal marriage age (16 for boys and 14 for girls) with parental and court consent. Customary and traditional practices allow marriage of children as young as age 12, and early marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse. Lack of resources and access to remote regions hampered the government's ability to take steps to prevent child marriages and enforce the law.

Female Genital Mutilation/Cutting (FGM/C): No law specifically prohibits FGM/C, and the practice was not prevalent in the country.

Other Harmful Traditional Practices: In some cases, especially in rural areas, children were taken by members of the husband's family in divorce proceedings as compensation for their contribution to bride price payments.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. The maximum penalty for violators is 25 years' imprisonment or, if the victim is under 12, life imprisonment. Child pornography is illegal; penalties range from five to 15 years' imprisonment, but enforcement remained a problem. There were cases of commercial sexual exploitation of children in urban areas, including minors working in bars and nightclubs. There were reports that children were also

exploited through the production of pornography and were trafficked both internally and from neighboring countries.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and provision of other state services. No legislation mandates accessibility to buildings, and most buildings were not accessible for individuals with disabilities. There are no policies or programs to assist such persons in obtaining access to communications and information. Generally, families took care of persons with disabilities at home, and abuse in educational or mental health facilities was not reported in any formal way. Children with disabilities suffered from the under-resourced educational system and attended school in disproportionately low numbers.

Through the National Board for the Disabled, the government grants funds to a number of NGOs that provide services to persons with disabilities. The government provides free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure (also see section 7.d.).

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual relations and acts of “gross indecency” between males are illegal. The maximum penalty for same-sex sexual relations is 14 years’ imprisonment; for acts of gross indecency between male persons (a misdemeanor), three years. There were no reports of prosecutions directed at lesbian, gay, bisexual, and transgender persons under these provisions during the year. There were no specific reports of societal violence or discrimination against such persons, but they were vulnerable to societal stigmatization, which may have led to underreporting.

### **HIV and AIDS Social Stigma**

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS-related services. The nongovernmental Business Coalition against HIV/AIDS and other NGOs worked to combat discrimination against persons with HIV/AIDS.

### **Other Societal Violence or Discrimination**

There were numerous press reports during the year of vigilante killings and abuses. Many killings were related to alleged involvement in sorcery and witchcraft and typically targeted the most vulnerable persons: young women, widows without male sons, and the elderly. In May 2013, following local and international outcry, the government repealed the controversial Sorcery Act, which provided a defense for violent crime if the accused was acting to stop witchcraft. In 2013 the government also passed laws to reactivate the death penalty and apply it to more crimes, including murder, rape, and robbery. The government continued to lack the capacity to enforce these laws and change the traditional beliefs underlying sorcery-related killings.

On June 23, the provincial police commander reported that he lacked funds necessary to complete criminal investigations into an April 14 assault on a village in Tauta, Madang Province. A mob known as the “hausman” group, numbering 120 men and 69 juveniles, allegedly attacked the village with machetes and bows and arrows, killing eight persons for suspected sorcery, including a three-year-old boy. On April 18, provincial police arrested the hausman group en masse; a

district magistrate charged them the same day. Adults were detained, and juveniles were fined K200 (\$84).

As of November 1, there were two indictments but no convictions in a February 2013 case in Mount Hagen, Western Highlands Province, of a 20-year-old mother, Kepari Leniata, who was stripped, tied up, doused in gasoline, and burned alive by the relatives of a young boy who accused her of using witchcraft to kill the boy.

Long-standing animosities between isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement were factors underlying frequent violent tribal conflict in highland areas. During the year tribal fighting continued in the highlands provinces. Deaths resulting from such conflicts continued to rise due to the increased availability of modern weapons.

Tribal conflict that began in 2012 between the tribes of two rival candidates in the general election in Kandep, Enga Province, continued until April 2013, when both sides accepted an order to cease fighting. The media reported more than 100 deaths, including women and children. Police, churches, and provincial administration intervention saw to the restoration of services in the area. Fear persisted among women and children from both warring tribes, who continued to seek refuge among neighbors. No one from either tribe was arrested or charged for the killings.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, related regulations, and statutory instruments protect the right of workers in the public and private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. The government may intervene in strikes and collective bargaining processes, however, and has considerable influence over issues related to trade union formation, registration, and activity. These laws do not cover workers in the informal sector.

The law requires unions to register with the Department of Labor and Industrial Relations (DLIR). Although the law provides the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike. Under the law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when they are contrary to government policy.

The law prohibits both retaliation against strikers and antiunion discrimination by employers against union leaders, members, and organizers. The prohibition does not extend to workers in the informal sector. The law does not provide for reinstatement of workers dismissed for union activity. In the case of retaliation or unlawful dismissal for union activity, an employer may be fined and the court may order the reinstatement of the employee and reimbursement of any lost wages. If an employer fails to comply with such directives, the court may order imprisonment or fines until the employer complies.

The DLIR is responsible for enforcing labor laws but did so selectively. The DLIR did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination. Observers attributed the ineffectiveness to lack of sufficient manpower and resources in the Labor Department.

Workers exercised the right to form and join unions. The government did not use registration to control unions. An unregistered union has no legal standing and thus cannot operate effectively. Unions were independent of both the government and political parties.

Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases, the strikes were brief and ineffective due to temporary agreements reached between the government and workers.

Workers in both the public and private sectors engaged in collective bargaining. The DLIR and the courts were involved in dispute settlement. There were no reports of violations of collective bargaining rights, but there were reports of antiunion practices, which remained widespread in the logging industry.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law, and penalties were not sufficient to deter the use of forced labor. There were no significant government efforts to prevent and eliminate forced labor during the year, and there were reports that forced labor occurred.

The Foreign Seafarer's Act allows officials, on order of a judge or magistrate, to apprehend a noncitizen crewmember of a foreign-registered ship who fails to join

his/her ship during its time in the country. The crewmember is placed at the disposal of the diplomatic representative of the country in which the ship is registered (or, if no such representation exists, the ship's owner or representative) for the purpose of returning him to the ship. Observers noted that this practice may prevent foreign workers from reporting or escaping situations of forced labor.

There were instances of women and children forced into involuntary domestic servitude (see section 7.c.), often by members of their immediate family or tribe, and of men forced to work in logging and mining camps. There also were reports of a growing number of foreign workers, particularly from China and other Pacific nations, entering the country illegally and working as forced labor in mines and logging camps.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law establishes the minimum working age as 16. Children between the ages of 11 and 18 may be employed in a family business or enterprise provided they have parental permission, medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance, and children under 16 should not be employed in a place or under working conditions that would be dangerous to their health. The minimum age for hazardous work, 16, is lower than the international standard of 18. The Minimum Age (Sea) Act is in force, but its provisions on age are superseded by provisions of other laws. The DLIR is responsible for enforcing child labor laws; however, enforcement was not effective due to lack of resources and weak penalties.

Children sold cigarettes, food, CDs, and DVDs on the street and in grocery stores near mining and logging camps. There were reports of boys as young as 12 being exploited as "market taxis" in urban areas, carrying extremely heavy loads for low pay. Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the "host" family, in situations that occasionally constituted involuntary domestic servitude. In some cases the host family was a relative who had informally "adopted" the child. There were reports of commercial sexual exploitation of children (see section 6, Children).

Also see the U.S. Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

Widespread discrimination with respect to women occurred, especially in the attainment of management positions. The law bans discrimination on the basis of gender for employment and wages in the workplace and mandates an employer found guilty of the offense be charged K107 (\$45). The government did not effectively enforce this law. The constitution bars discrimination on the basis of disability, but the government did not enforce the protection. The law and regulations do not prohibit discrimination regarding race, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce laws and regulations prohibiting discrimination. Discrimination occurred based on the above categories with respect to employment and occupation (see section 6.).

#### **e. Acceptable Conditions of Work**

In August the government raised the minimum wage to K3.20 (\$1.35) per hour for workers in all sectors, including new entrants into the labor force between the ages of 16 and 21. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas, and it provides for premium pay for overtime work. There is no prohibition on excessive or compulsory overtime. The law provides for at least one rest period of 24 consecutive hours every week. Labor laws do not apply to workers in the informal sector. The National Public Service General Orders allow for 12 weeks of paid maternity leave for female officers. The government, through the Department of Labor and Industrial Relations, sets occupational safety and health standards and was working with the International Labor Organization to review and update its safety and health legislation.

The DLIR is responsible for enforcing the laws on minimum wage and hours of work, the Industrial Health and Safety Law, and related regulations. The law requires inspection of work sites on a regular basis. Due to a shortage of inspectors, however, inspections took place only when requested by workers or unions. In 2012 (the latest year for which data was available), there were 18 occupational health and safety and 15 industrial relations inspectors. Although the DLIR and the courts attempted to enforce the laws on minimum wage and hours of

work, they were not effective, in part due to insufficient penalties to deter violations. The penalty is a fine not exceeding K100 (\$42). In the case of a second or subsequent, continuing offense, the person is liable for a fine not exceeding K10 (\$4.20) for each day or part of a day for which the offense continues. Where a person fails to obey an order, direction, or requirement lawfully made or given under the Industrial Relations Act, the court imposing the penalty may, at its discretion and in addition to any penalty imposed, order the individual to be imprisoned until the directive is obeyed.

Violations of wage, overtime, and occupational safety and health laws and regulations were common in the logging, mining, agricultural, and construction sectors due to the government's lack of manpower to monitor working conditions continuously in these sectors. The logging industry in particular was known for extremely low wages and poor working conditions, including debt bondage and cramped and unhygienic accommodation of workers. Workers in the mining sector were also subject to hazardous and exploitative conditions, including exposure to toxic metals such as mercury.

According to World Bank statistics, 90 percent of the 2.9 million workers labored in rural areas where law enforcement and monitoring was weak. In addition approximately 85 percent of the labor force depended upon the informal sector, mostly in small-scale subsistence farming.