

PAPUA NEW GUINEA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in 2012, and local government elections occurred in 2013. In some parts of the country, electoral contests involved widespread violence, fraud, bribery, voter intimidation, and undue influence. Civilian authorities at times did not 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. A court challenge to the constitutionality of the center reinitiated in March was found null and void in August.

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.

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 allegedly committed arbitrary or unlawful killings during the year. Police reserve forces allegedly shot and killed two citizens in Hanuabada village, Port Moresby in January. The incident sparked days of unrest and protests. Police investigations into the incident did not result in the suspension or arrest of any police personnel.

Public concern about police and military violence against civilians and about security forces' impunity persisted.

On January 1, however, a police officer was found guilty in the high-profile shooting of Moana Pisimi in Lae, Morobe Province. The judge found no extenuating circumstances and sentenced the officer to 30 years in prison.

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 officers 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. In some cases women were raped in police detention.

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 September 28, there were 4,864 inmates--3,023 convicted prisoners and 1,841 pretrial detainees (38 percent). Australia continued to provide assistance to upgrade prison facilities. Three prisons, in Wabag, Enga Province; Tari, Southern Highlands; and Kainantu, Eastern Highlands, remained closed 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.

According to the correctional services commissioner, some of the 21 prisons in the country experienced overcrowding. 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 there were reports of assaults on

female prisoners in the past. Authorities held pretrial detainees in the same prisons as convicted prisoners but in separate cells.

Thirteen of the 22 prison facilities had separate accommodations for juvenile offenders. The Department of Justice and attorney general operated four juvenile facilities, and the Roman 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 detainees.

Death in prisons or pretrial centers due to misuse of force occurred but was not prevalent during the year. 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 nonviolent offenders.

The government mandated the Ombudsman Commission to visit prisons, but the commission lacked adequate resources to effectively monitor and investigate prison conditions. The International Committee of the Red Cross (ICRC) assisted family visits to Bougainville prisoners held in Rabaul, East New Britain Province.

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

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, but police frequently detained citizens arbitrarily without evidence. In some cases police detained family members of suspects to force their surrender.

Role of the Police and Security Apparatus

The Royal Papua New Guinea Constabulary (RPNGC) is responsible for maintaining internal security in all regions of the country. The RPNGC 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 RPNGC retains authority over the Bougainville police in enforcement of national law. Clan rivalries and a serious lack of resources diminished police effectiveness and hampered internal security activities throughout the country. Societal violence, particularly among tribes, was commonplace, and in many cases police lacked sufficient personnel or resources to prevent attacks or respond effectively to them. Warring tribal factions in rural areas often were better armed than local police, and authorities often tolerated intertribal violence in isolated rural areas until the tribes themselves agreed to a negotiated settlement.

Police impunity was also a serious problem. The RPNGC 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 otherwise due to negligence, authorities may 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 such 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 regarding police officers.

On January 23, members of the national capital police reserve unit allegedly shot and killed two men and injured two others when a raid on betel nut sellers in Hanuabada village escalated into violence. The incident sparked protests and unrest in the city, which led to a fuel shortage and closure of some public offices. Police investigations confirmed undertrained police reserve forces responsible for the shootings were not authorized to use firearms. No officers or reservists were disciplined for the deaths. In October the investigation was reopened following a change in police leadership.

The Australian Federal Police provided assistance to the RPNGC 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

By law police must have reason to believe that a crime was, is being, or is expected to be committed before making an arrest. 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 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 38 percent of the prison 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. According to Correctional Services data, detainees 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 there were delays due to infrequent circuit court sittings 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 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. 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 trial process 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 adjudicated 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. Police threatened and, at times, harmed family members of alleged offenders.

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. Newspapers included a variety of editorial viewpoints and reported on controversial topics, although many journalists

complained of intimidation tactics from agents of members of parliament (MPs) and other government figures aimed at influencing coverage.

Freedom of Speech and Expression: The government generally respected freedom of speech, although some activists reported the intimidating presence of unmarked vehicles outside of their homes. Critics of the government on social media reported intimidation and threats. In October the government passed a cybercrime law. Many civil society groups alleged the law was an attempt to control criticism of the government.

Press and Media Freedoms: Members of the media alleged substantial bribes often were offered to journalists and editors with the intent of buying favorable coverage. Multiple media outlets asserted their journalists, photographers, and videographers experienced intimidation or bribery attempts from some MPs and their associates during the year.

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.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access remained limited but continued to grow through the use of mobile phones. The growth of internet access resulted in increased use of social media and blogs to discuss and develop evidence of abuse of power and corruption in government. According to the International Telecommunication Union, 9.4 percent of the population used the internet in 2014.

In October the government passed a Cybercrime Policy and Sim Card Regulation. The National Information and Communications Technology Authority also produced advertisements warning that violation of the National Information and Communications Technology Act, which proscribes offensive and anxiety-inducing communications, including through social media and blogs, could be punished by fines up to 20,000 kina (\$6,460) or up to three months in jail. The country's leading newspaper described the policies as "too general (and said) they could open the door to abuse by those in authority."

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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.

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/.

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. The ICRC reported a large number of internally displaced persons throughout the highlands region due to tribal violence.

Protection of Refugees

Access to Asylum: The country's laws do not formally provide for the granting of asylum or refugee status. In November 2014 however, the government passed a law allowing individuals from the Indonesian province of Papua (formerly Irian Jaya) to apply for Papua New Guinea citizenship. With support from UNHCR, the government announced it would grant full citizenship and the right to work to persons determined to be refugees from Indonesian Papua.

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

The government has signed two agreements with Australia on refugees. The first (2012) allows Australia to send asylum seekers to Manus Island for processing only. The second (2013) allows asylum seekers to resettle in the country. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country raised questions about the constitutionality of the latter agreement. In 2014 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, and detention practices harmful to the well-being of transferees. The UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein stated the arrangement was leading to a chain of human rights abuses.

A total of 1,104 asylum seekers arrived in Manus. The International Organization for Migration began voluntary repatriation of detainees in 2013. As of September it assisted 494 voluntary returns. The resettlement of recognized refugees in the country scheduled to begin by the end of 2014 was delayed because of concern expressed in community consultations about resettlement policy. Public reaction was characterized by fear and suspicion from both local communities and potential candidates for resettlement.

On October 12, the government announced a different refugee resettlement policy. The policy requires employment and self-sufficiency as necessary conditions prior to a refugee's settlement. The policy indicated the government is to seek assistance from UNHCR to design durable solutions for refugees unable to work. A high-ranking government official observed the conditions did not reflect a good faith effort to settle refugees successfully according to their needs.

Approximately 262 persons were determined to be refugees. Of that group, 50 agreed to be settled in the country and were moved to a transit facility for cultural training but were not allowed to leave Manus Island, others reportedly had yet to agree to be settled in the country. UNHCR viewed the travel restrictions as illegal. Immigration officers allegedly assaulted one refugee for missing curfew at the transit center. The officers were charged by police for their role in the incident. The Department of Immigration stated refugees would only be allowed to leave Manus Island once they secured employment. One refugee, however, left Manus Island against the wishes of the Department of Immigration and was employed at the firm contracted by the government to find jobs for the other refugees.

In February 2014 Iranian transferee Reza Berati died as a result of blunt force trauma to the head inflicted 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 foreign staff were cited as contributing factors to the misuse of force in suppressing the riot.

Police arrested and charged two local suspects in Berati's death. Two foreign persons also suspected in the case left the country before they could be arrested or questioned. A trial began in September, was suspended, and then reopened in November after police and the two local suspects wrote to the judge indicating they had more evidence. The case remained open at year's end.

Two witnesses in the case were allegedly tortured and threatened with rape. The UN special rapporteur on torture criticized Australia's refugee settlement agreement with Papua New Guinea and its failure to protect the witnesses and the "escalating violence and tension at the Regional Processing Center."

In September 2014 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: In November 2014 the government passed a law allowing Indonesian Papuans in the country to apply for full citizenship. Authorities previously 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. In December the Department of Immigration announced citizenship registration at the East Awin settlement resulted in more than 2,000 citizenship determinations. The Department of Immigration also announced the 10,000 kina (\$3,230) citizenship fee would be lifted and that the Indonesian Papuans previously processed by UNHCR would be granted citizenship.

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. Freedom to Participate in the Political Process

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 and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent general election took place in 2012, and local government elections took place in 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-elections were successfully held to replace these MPs. By December most remaining petitions had been dismissed, but 33 remained before the courts.

On June 8, the Autonomous Region of Bougainville concluded its first self-managed regional elections. Polling was peaceful and independent observer missions declared the election free and fair. The Office of the Bougainville Electoral Commissioner was responsive to candidate and voter complaints and solicited feedback from international and domestic observer groups to improve the electoral process.

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 influenced the entire tribe to vote 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. There were numerous reports of government corruption during the year. 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 by officials 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.

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 government allowed the appointment of the chief ombudsman to lapse in May and did not meet to appoint another chief ombudsman during the year, leaving two of the three ombudsman positions vacant. The former chief ombudsman believed his appointment was allowed to lapse due to his efforts to investigate the prime minister for corruption-related offenses.

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 independent 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. ITFS investigated 350 cases and submitted 91 cases to the courts. In 2014 the government launched a Fraud and Corruption Track in the National Court to expedite these cases and reduced judicial processing from two years to four months.

In 2014 the government shuffled the attorney general, solicitor general, and police leadership and attempted to fire the chairman of the ITFS for their roles in corruption investigations against Prime Minister O'Neill for alleged illegal payments to the law firm, Paraka Lawyers. The government also attempted to appoint another ombudsman, who did not meet the position's statutory qualifications. The government allowed the chief ombudsman's appointment to expire and left the Ombudsman Commission with two empty seats (out of three). The government stopped funding the ITFS after the National Court nullified government attempts to disband the organization. The legality of payments to Paraka Lawyers and the role of the prime minister in the affair remained under investigation.

Corruption: In March 2014 the National Court sentenced former minister for national planning Paul Tiensten to nine years' hard labor for misappropriating 10 million kina (\$3.2 million) of public funds while serving as a state minister. Other politicians were found guilty of corruption but remained free while their cases were on appeal.

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 annually thereafter), 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 problems 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.

The government continued efforts to establish a national human rights commission. The National Executive Council recommended that the draft legislation be reformulated as an act of parliament instead of an amendment to the constitution. The Attorney General directed a technical committee to redraft the bill.

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

The constitution and law provide for equal protection 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 one or more women. A 2013 study by the Institute for Medical Research indicated 55 percent of women 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.

Widespread sexual violence was also committed by police and the unresponsiveness of authorities to complaints of sexual or intimate-partner violence deterred reporting of such crimes. 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.

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. 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 were struck by their partners, with the number approaching 100 percent in parts of the Highlands. The NGO reported there were only three shelters for abused women in Port Moresby, all privately run, which were often at full 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 another of their husband's wives.

Independent observers indicated that approximately 90 percent of women in prison were convicted for attacking or killing their husbands or another woman.

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 the UN Population Division, 29 percent of women between the ages of 15 and 49 used a modern method of contraception in 2014. The country's estimated maternal mortality ratio exceeded 220 deaths per 100,000 live births. Skilled care at birth was estimated at 43 percent, 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. Women continued to face severe inequalities in all aspects of social, cultural, economic, and political life. 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 imposing sentences, and 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. There were no differences in birth registration law between girls and boys.

Education: As of 2013 the law provides for free but not compulsory education through grade 12 and for subsidies thereafter under the government's tuition fee free policy. As a result of the policy, more than 20 percent more children were enrolled in school. Despite the policy many schools charged fees, however, 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 was due to cultural and social barriers, including the burdens 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.

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 age 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 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/.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities. 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. On May 27, the government launched a national disability policy aimed to remove barriers faced by persons, including children, with disabilities. Most buildings and public infrastructure remain inaccessible for individuals with disabilities. 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 underresourced 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 (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, transgender, and intersex 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. A survey in two provinces indicated up to 11.5 percent of respondents were physically assaulted for their HIV/AIDS status and 31 percent stated they were denied health services at least once. 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 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 2013 following local and international criticism, 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 or change the traditional beliefs underlying sorcery-related killings. Sorcery-related killings continued in numerous areas of the country and the phenomenon possibly is spreading. Some suggested internal migration and urban drift led to sorcery-related killings in districts formerly without such violence. After several incidents in August and September, observers concluded that the number of women being tortured and killed under sorcery accusations was increasing. Many believed sorcery-related violence was used to mask violence against women or to attain revenge against another group or individual. Reliable data on the issue remained elusive. Many cases went unreported and there was no comprehensive analysis of the drivers of sorcery-related violence across the complex human diversity in Papua New Guinea. The government announced a National Action Plan on Sorcery and Witchcraft and approved 3million kina (\$968,980) for implementation of the plan.

As of September 21, there were two indictments but no convictions in a high-profile 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. In other incidents victims of sorcery-related violence were harassed, tortured, and subjected to public humiliation for days before being released, rescued, or killed.

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

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 has considerable influence over issues related to trade union formation, registration, and activity. These laws do not cover workers in the informal sector, which accounted for 85 percent of the labor force, most of which was engaged in small-scale farming.

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. By law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when deemed contrary to government policy.

The law prohibits both retaliation against strikers and antiunion discrimination by employers against union leaders, members, and organizers. 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, which remained widespread in the logging sector. Observers attributed its ineffectiveness to lack of sufficient manpower and resources.

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 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.

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 some government efforts to prevent and eliminate forced labor during the year, but there were still reports forced labor and international human trafficking for the purposes of sexual exploitation and labor, including domestic servitude. Debt bondage occurred in the logging sector.

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 rejoin the crewmember's 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 this practice may prevent foreign workers from reporting or escaping situations of forced labor.

On July 27, authorities, with the support of the International Organization for Migration, apprehended a Thai-owned fishing vessel and rescued eight men believed to be victims of labor trafficking. 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 being impressed into 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/.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the minimum working age is 16, including for hazardous work. Children between the ages 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 ages of 11 and 16 must not interfere with school attendance, and children under age 16 should not be employed under working conditions dangerous to their health. The age provisions of the Minimum Age (Sea) Act 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.

There was a high rate of child labor in urban and rural areas, including in hazardous occupations. The lack of access to education contributed to the problem. 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 was a relative who 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/.

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 107 kina (\$35). The government did not effectively enforce this law. In fact the law explicitly precludes women from employment in certain occupations, allows the government to recruit only men or women for certain civil service positions, and discriminates by sex in eligibility for certain job-related allowances. The constitution bars discrimination on the basis of disability, but the government did not take measures to protect persons with disabilities from discrimination. No laws prohibit discrimination regarding race, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status. Discrimination occurred based on the above categories with respect to employment and occupation (see section 6.).

e. Acceptable Conditions of Work

In 2014 the government raised the minimum wage to 3.20 kina (\$1.00) per hour for all workers, including new entrants between ages of 16 and 21. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime work. 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 law and regulations allow for 12 weeks of paid maternity leave for female officers.

The DLIR is responsible for enforcing the laws on minimum wage and work hours, and occupational safety and health. The DILR sets occupational safety and health standards and is required by law to inspect 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 the fact penalties were insufficient to deter violations. The penalty is a fine not exceeding K100 (\$32). In the case of a second or subsequent, continuing offense, the employer is liable for a fine not exceeding K10 (\$3.20) for each day or part of a day for which the offense continues. Where an employer fails to obey an order, direction, or requirement, the court may order the offender 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 enforcement capacity. The logging industry in particular was known for extremely low wages and poor working conditions, including 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.