

# PAPUA NEW GUINEA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in 2017, and the People's National Congress party won a majority in the 111-seat unicameral parliament, led by former prime minister Peter O'Neill. In May, O'Neill resigned, and parliament elected James Marape prime minister. In some parts of the country, electoral contests involved widespread violence, fraud, bribery, voter intimidation, and undue influence.

The Royal Papua New Guinea Constabulary maintains internal security and reports to the Ministry of Police. The Defense Force is responsible for external security but also has some domestic security responsibilities, and reports to the Ministry of Defense. Civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings by police; torture by police; acts of government corruption; the existence of criminal defamation laws; trafficking in persons; the criminalization of consensual same-sex sexual conduct between men, although the law was not enforced; and child labor.

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 Deprivation of Life and Other Unlawful or Politically Motivated Killings**

During the year there were numerous reports the government or its agents committed arbitrary or unlawful killings. In March police officers shot and killed a 21-year-old man from the Gerehu suburb of Port Moresby without cause or provocation, local media reported. Police commanders have not identified the officers involved in the shooting, citing the ongoing investigation. In August police shot and killed a five-year-old boy after dispersing a gambling group. No arrests were made.

In January 2018 police officers shot and killed a man near his home in East New Britain Province. The officers involved claimed police acted on a tipoff from locals that the man, who allegedly had a criminal history, was part of a group of prison escapees. The victim's family rejected these allegations. Three police officers were dismissed from the force in November 2018 and sentenced to twenty years' imprisonment in February.

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

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

Although the constitution prohibits torture, individual police and correctional-services officers frequently beat and otherwise abused citizens or suspects before or during arrests, during interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. In January, eight intoxicated police officers fatally beat an 18-year-old teenager suspected of producing homebrewed alcohol. The victim was in a jail cell at the time of the assault. The officers were charged with unlawful assault and suspended pending court judgment. Police raped and sexually abused women, including women in detention. For example, in January, two police officers on separate occasions raped a 15-year-old girl in detention. The two officers were charged with rape, terminated, and had cases pending in court.

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

Prison conditions were poor overall. The prison system continued to suffer from serious underfunding, food shortages, inadequate medical facilities, and overcrowding in some facilities.

Physical Conditions: The country's prisons were overcrowded. Infrequent court sessions, slow police investigations, and bail restrictions for certain crimes exacerbated overcrowding.

Authorities held pretrial detainees in the same prisons with convicted prisoners but in separate cells. Pretrial detainees, frustrated by the slow processing of their cases, were at times the leaders of prison breaks, which were common.

All 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 younger detainees. Police sometimes denied access by juvenile court officers to detainees. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Sanitation was poor, and prisoners complained about disease. In July the commander of the second-largest jail in the country ordered the transfer of 90 prisoners to another provincial jail after an outbreak of tuberculosis led to the death of an inmate. A number of prisons experienced problems with inadequate ventilation and lighting.

In September the temporary transit accommodation on Manus Island closed, and all remaining refugees and nonrefugees were transferred to Port Moresby (see section 2.f.). Refugees awaited the possibility of transfer to third countries, while the remaining nonrefugees were transferred to the Bomana Immigration Center and other facilities. According to media reports, government officials have encouraged the nonrefugees to return voluntarily to their home countries. As of September, nine refugees and nonrefugees were held on Manus Island in facilities operated by the government's Immigration and Citizenship Authority (ICA).

Refugees reported that facilities were overcrowded and there was an irregular supply of clean water and electricity. Detainees continued to have inadequate access to basic health services, including mental health care (see section 2.f.).

Administration: The government mandated the Ombudsman Commission to visit prisons, but the commission lacked adequate resources to monitor and investigate effectively prison conditions, and there were no visits during the year. Authorities generally allowed family visits, and the International Committee of the Red Cross (ICRC) assisted family visits to Bougainville prisoners held in Kerevat Correctional Institution in East New Britain Province and Bekut Correctional Institution on Buka Island.

Independent Monitoring: The government permitted monitoring visits by independent observers. There were no visits 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 citizens without charge to steal from them. In January a police officer detained a student for six hours and stole his mobile phone while the student was in lockup. The officer was arrested and posted bail while awaiting a court hearing; as of November the case was ongoing. Persons have the right to challenge the lawfulness of their arrest or detention in court, but the government did not always respect this right.

#### **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, but 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. Judicial authorization is usually provided promptly but is not requested in the majority of cases. There were numerous reports of persons detained for weeks without charges or judicial authorization. These suspects may be charged with minor offenses and released after bail is paid. 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. If bail is denied or not granted promptly, suspects are transferred to prisons and can wait for years before they appear before a judge. Arrested suspects have the right to legal counsel and to be informed of the charges against them; however, the government did not always respect these rights. Detainees may have access to counsel, and family members may have access to detainees.

Pretrial Detention: Pretrial detainees comprised approximately 40 percent of the prison population. Due to very limited police and judicial resources and a high crime rate, authorities often held suspects in pretrial detention for lengthy periods. According to correctional services data, detainees could wait for as long as three years before trial, sentencing, or release, but there were media reports of detainees who waited for as long as nine years. 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 years. 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 and impartiality.

### **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. Judges conduct trials and render verdicts. Defendants have the right to an attorney, to be informed promptly and in detail of charges against them, to be present at their trial, to free interpretation services if desired, 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, plead cases, and appeal convictions. 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 for individuals and organizations to seek civil remedies for human rights violations. A mechanism established by the national court is used to fast-track cases of alleged human rights abuses. Through this process the national court may award civil remedies in cases of human rights abuses. 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 or Unlawful 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. In March acting on a court order instituted by the Ministry of Lands, police destroyed more than 200 houses in the Gerehu suburb of Port Moresby, leaving 2,000 persons homeless. As of September victims continued to live in makeshift shelters awaiting local authority direction to relocate. In June 2018 police officers raided a compound in Hobu, Morobe Province, in search of a suspected killer. According to media reports, they burned down 27 homes, leaving more than 100 persons homeless, assaulted residents, and destroyed food gardens, in retaliation for the killing of a senior police officer. The Morobe provincial government and a local parliamentarian relocated the affected individuals and settled the conflict with the police officers. As of September there were no reports of officers being disciplined for the offenses.

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 Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. Newspapers sometimes reported on controversial topics, although many journalists complained of intimidation aimed at influencing coverage by agents of members of parliament and other government figures. Self-censorship by journalists was common, especially when reporting on contentious political events.

Freedom of Expression: The government generally respected freedom of speech, although some activists reported the intimidating presence of unmarked vehicles outside of their homes. Government critics on social media reported intimidation and threats. In March 2018, acting on a complaint from a member of parliament,

police arrested a man for alleging on social media that the parliamentarian paid bribes to voters during the 2017 election. The same parliamentarian supported a government proposal to ban Facebook for one month to allow the government time to investigate fake accounts. On May 28, the communications minister announced that the government would implement such a ban, but the new government dropped the proposal in June after civil society groups protested.

Press and Media, Including Online Media: Media members alleged that politicians offered journalists and editors bribes with the intent of buying favorable coverage. On August 19, the president of the Media Council of Papua New Guinea (MCPNG) and the news director of government-owned television station EMTV, Neville Choi, was fired at the government's direction after Choi allowed EMTV news to cover soldiers protesting outside of the office of the prime minister. The government later denied the link to Choi's dismissal. On August 22, Choi was reinstated in response to public pressure on EMTV and the government.

In November 2018 EMTV suspended senior journalist Scott Waide for publishing reports that were "not favorable" to the station. EMTV claimed the decision to suspend Waide was taken by Kumul Telikom Holdings Board, which controls EMTV. After a week of national and international outcry, including from the MCPNG, Waide was reinstated later that month. Minister for Public Enterprise and State Investments William Marra Duma, however, said that an inquiry into the suspension would be launched and that Waide would be investigated for "displaying lack of news judgment."

Violence and Harassment: Journalists were subjected to harassment, intimidation, and in some cases violence by police and supporters of parliamentarians for their reporting. Multiple media outlets asserted their journalists, photographers, and videographers experienced intimidation attempts from some parliamentarians and their associates during the year. In May police assaulted a journalist as he tried to take photos and notes at the scene of a car accident. Social media reported that the driver was someone of high standing and known to police officers. As of September no action had been taken against the officers.

Libel/Slander Laws: The law allows for investigation and prosecution of offenses including defamatory publication of material concerning another person.

## **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 increasing 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.

The law prohibits using electronic systems to incite any form of unrest (called cyber-unrest). Responsibility for enforcing the law lies with police. The law calls for a maximum 25 years' imprisonment and a maximum fine of 50,000 kina (PGK) (\$14,700) for violations.

Media continued to report on five cases of persons charged in 2018 but not convicted because the courts, police, and relevant government agencies lacked guidance on how to implement the law. The charges related to character defamation on social media. Between June and September, three of the cases were dismissed while two of those charged were free on bail pending court interpretation. In July a senior official of a government agency was arrested and charged for cyber-harassment via WhatsApp messaging. He posted PGK 5,000 (\$1,470) bail pending a court appearance. The Department of Information and Communication and the National Information and Communication Regulation Authority conducted workshops with police and courts during the year to clarify how to implement the law.

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

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

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

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

Public demonstrations required police approval and 14 days' advance notice. 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.

In April 2018 police shot and killed four demonstrators in Madang who were participating in a protest march. As of October no officers were charged in the killings, and police stated a lack of cooperation from those at the scene hampered their investigation.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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 United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **e. Internally Displaced Persons**

Natural disasters, including volcanic eruptions in June and August in West New Britain Province, prompted mass displacement of communities, while tribal violence, ethnic clashes, and land disputes were responsible for approximately one-third of displacements. Displacement was generally protracted, with families living in temporary situations for more than one year on average. These populations were vulnerable because they lacked access to land, basic services, and protection. Women and children were especially susceptible to abuse. The government had no policy or legislation to address the needs of IDPs, and host communities often reacted with violence to displaced populations. The IOM cooperated with the country's National Disaster Center, the Red Cross Society, two provincial administrations, and a local government to complete displacement tracking assessments, identify displaced persons living in care centers, and register them following an eruption displacing approximately 13,000 persons.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Asylum seekers and refugees were sometimes subjected to abuse by security forces and the local population. In August the government opened a new detention facility, Bomana, in Port Moresby for asylum seekers who had their claims rejected or who were transferred from Manus Island to Port Moresby. Refugee and legal groups noted that asylum seekers detained at the Bomana detention facility were unable to speak to lawyers and doctors, blocking their urgent medical evacuations to Australia. Several others were detained after being approved for medical transfers and lost communication with their lawyers.

The psychiatric institution at the Bomana facility responsible for the mental-health needs of nonrefugees who were transferred from Manus Island to Port Moresby reportedly was closed. In September, ICRC observers were reportedly denied access to nonrefugees in the facility.

From January to March, an independent health advice panel overseeing medical transfer for asylum seekers languishing in the Manus Island offshore detention facility reported that 472 mental-health consultations and 375 specialist consultations were performed at the East Lorengau refugee transit center on Manus Island. Of these, 17 were admitted to Lorengau general hospital for mental-health conditions.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Legislation provides a refugee status determination process, under which those approved are eligible to apply for a refugee visa and certificate of identity. The law allows persons from Indonesia's Papua Province (formerly Irian Jaya) to apply for citizenship without having to pay the usual fee.

The government maintained two agreements with Australia on refugees. The first allowed Australia to send asylum seekers to Manus Island (see section 1.c.) for processing only. The second, which superseded the first, allows refugees and asylum seekers to resettle in the country under the same rules that apply to all other foreign nationals applying for citizenship, which require applicants to have resided permanently in the country for eight years. Refugees brought into the country under the latter agreement were exempted from paying the PGK 10,000 (\$2,940) application fee and were exempted from a work permit requirement. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country raised questions about the constitutionality of both agreements.

In 2017 Australian authorities closed the Manus Island Refugee Processing Center while refugees and asylum seekers were living in it. Hundreds of detainees, however, refused to leave the center. In August the East Lorengau refugee transit center was closed, and almost all remaining refugees and asylum seekers on Manus Island were transferred to Port Moresby.

Australian authorities and UNHCR trained the ICA on how to make refugee status determinations. ICA officers were responsible for processing refugee claims made by those on Manus Island. As of October more than 400 persons determined to be genuine refugees were accommodated in hotels in Port Moresby. Authorities determined 53 individuals to be nonrefugees and placed in the Bomana holding facility in Port Moresby approximately 30 who refused to participate in the status-determination process. Five persons remained in Manus awaiting court appearances for criminal offenses, and another 598 had accepted the voluntary departure package, which in some cases included as much as \$25,000 in cash, offered by Australian and Papua New Guinea authorities. The remainder were either deported, sent to Australia for medical treatment, settled in Papua New Guinea or the United States, or had died.

The ICA worked with the support of international organizations and NGOs to provide training, job matching, and temporary financial support to help refugees establish themselves in the country. Resettlement efforts were problematic, however, because several refugees who tried to resettle in the country became victims of crime.

Durable Solutions: The national refugee policy provides a way for Indonesian Papuans to apply for Papua New Guinean citizenship without having to pay the PGK 10,000 (\$2,940) citizenship fee. The ICA estimated that between 10,000 and 15,000 Indonesian Papuans lived in Papua New Guinea. Under the policy 1,259 Indonesian Papuans received citizenship certificates in 2017, more than 200 were awarded in 2018, and there was no report of any granted as of September.

Temporary Protection: The government provided temporary protection to persons from Indonesia's Papua Province who may not qualify as refugees. Approximately 3,000 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 Port Moresby.

### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government through free and fair elections. Citizens exercised this right through periodic but flawed elections based on universal and equal suffrage. While voting is supposed to take place by secret ballot, secrecy of the ballot was routinely compromised during elections, and assisted voting was common.

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

Recent Elections: The most recent general election occurred in 2017. Local government elections, initially scheduled for 2018 but postponed due to a lack of funding from the national government to the Electoral Commission, took place in July. There were reports of election-related deaths, violence, and polling fraud during the local-government elections. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the 2017 general election. There were also many incidents of violence and destruction of property, primarily in the Highlands, during and after the voting period, causing the deaths of at least 40 persons, including four police officers. The Electoral Commission announced in parliament the winner of the last seat (Southern Highlands), two months after voting concluded. According to media reports, the announcement of the winner set off a new wave of violence and unrest, which sent the town of Mendi into a “state of chaos” as supporters of the losing candidate destroyed and damaged local offices and businesses. In June 2018 Mendi was again in chaos after the national court dismissed an election petition from the losing candidate. His supporters burned a commercial aircraft and the national courthouse in Mendi.

An observer group from the Commonwealth Secretariat noted that the Electoral Commission faced funding shortages and logistical challenges, which were partly to blame for significant problems with the general-election voter registration process. A large number of voters’ names were missing from voter rolls, which delayed voting in multiple provinces. The campaign period was competitive and broadly peaceful, and media coverage of the election was robust and largely unrestricted. Citizens turned out in large numbers to cast their votes, although there were variations in voting practices across the country. In some areas voting was peaceful and followed procedure, while in other areas ballot secrecy was not respected, and group voting occurred. All observer groups expressed disappointment the government did not implement recommendations provided

after the 2012 national elections, which included an immediate and thorough update of voter rolls.

After the general election, the national court registered 77 election petitions that alleged illegal practices. By September more than 70 had been withdrawn or completed. Four petitions resulted in court-ordered ballot recounts, of which to date only two have been conducted pending funding availability.

Political Parties and Political Participation: There were no restrictions on party registration, and 45 parties contested the 2017 national elections. Several parties alleged that sitting members of parliament used government resources for campaigning, although the lack of transparency in accounting for funds made such claims hard to verify. The Ombudsman Commission issued a directive to freeze public funds controlled by parliamentarians starting when the campaign officially opened in 2017. The commission reported after the election, however, that unusually large amounts of money were withdrawn from these accounts in the 30 days before the freeze went into effect.

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 participation by women or members of minorities in the political process, but the deeply rooted patriarchal culture impeded women's full participation in political life. No women were elected to the 111-seat parliament, and 5 percent of candidates were female (167 of 3,332). The political participation of women was often limited, since there were social expectations for them to vote along tribal and family lines. The Electoral Commission instructed polling officials to create separate lines for women in order to allow them to vote more freely. There were five female judges in the national and supreme courts, and the chief magistrate and deputy chief magistrate were women.

There were three minority (non-Melanesian) members of parliament and several others of mixed parentage. Minorities generally did not face limitations in running for office.

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

The law provides criminal penalties for corruption by officials; the government, however, 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 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 committee generally operated independently of government influence, but a lack of trained staff hindered its effectiveness. Neither body had sufficient resources to carry out its mission.

Corruption: In July the new acting deputy police commissioner, David Manning, announced he was reopening an investigation into the Manumanu land scandal, in which a company belonging to family members of a government minister received PGK 46.6 million (\$13.7 million) for land that it did not legally own. In 2017 then prime minister Peter O’Neill had suspended two cabinet ministers, four department heads, the state solicitor, and other senior government executives for their involvement in this land scandal. Outcry from the general public and customary owners of the land led the prime minister to announce a commission of inquiry, but no report was released, and in August 2018 the then police commissioner announced that police were dropping an investigation into the deal, asserting they found no evidence of wrongdoing. Both ministers implicated in the scandal retained their portfolios.

The new police commissioner fired police officials at all levels, including the commissioner, two deputy commissioners, and three officers, in an effort to restore credibility and accountability. Using social media the minister urged popular and political support for a cultural change that respected due process, rule of law, and equal justice.

Financial Disclosure: Public officials are subject to financial disclosure law 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. The public did not have access to government declarations. Sanctions for noncompliance range from fines to imprisonment.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. While domestic human rights groups did not face threats from the government, civil society in the country remained weak and disorganized.

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 the completion and release of reports.

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

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by a sentence ranging from 15 years' to life imprisonment. Gender-based violence, including sexual violence, gang rape, and intimate-partner violence, was a serious and widespread problem. In a 2015 World Health Organization report, approximately 70 percent of women reported they had experienced rape or sexual assault. According to Amnesty International, approximately two-thirds of women had been beaten by their partners. Due to stigma, fear of retribution, and limited trust in authorities, most women did not report rape or domestic violence to authorities. In June a man raped and beat his wife to death. He posted bail pending a court hearing.

The legal system allows village chiefs to negotiate the payment of compensation to victims in lieu of trials for rapists. Anecdotal evidence suggests that victims and their families pursue tribal remedies, including compensation, in preference to procedures in official courts. Although the law criminalizes family violence and imposes maximum penalties of two years' imprisonment and PGK 5,000 (\$1,470) in fines in an effort to end the cultural practice of compensation, it is not enforced.

Police committed sexual violence (including against women in detention, see section 1.c.), 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.

There were 17 family and sexual violence units in police stations across the country to provide victims with protection, assistance through the judicial process, and medical care. Police leadership in some provinces led to improved services for victims of gender-based violence. Nevertheless, comprehensive services for victims of domestic and sexual violence were lacking in most of the country. This lack of services, along with societal and family pressure, often forced women back into violent and abusive homes.

Those convicted of rape received prison sentences, but authorities apprehended and prosecuted few rapists. The willingness of some communities to settle rape cases through material compensation rather than criminal prosecution also made the crime difficult to combat.

As of October, two of the five shelters for abused women in Port Moresby, which were often full and had to turn away women in need of counseling and shelter, closed due to budgetary constraints. The situation was worse outside the capital, where small community organizations or individuals with little access to funds and counseling resources maintained 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 husband or another woman.

Other Harmful Traditional Practices: Customary bride price payments continued. This contributed to the perception by many communities that husbands owned their wives and could treat them as chattel. In addition to being purchased as brides, women sometimes were given as compensation to settle disputes between clans.

Sexual Harassment: Sexual harassment is not illegal and was a widespread and severe problem. Women frequently experience harassment in public locations and the workplace. In Port Moresby the government and UN Women worked together to provide women-only public buses to reduce instances of sexual harassment on public transportation.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. The law, however, requires district courts to endorse orders for imprisonment before the imposition of the sentence, and judges frequently annulled such village court sentences.

## **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: Education is free and compulsory through grade 10. There were many complaints the government did not adequately fund education, leading to overcrowded classrooms and too few teachers. Some schools did not receive promised government education subsidies and reportedly closed as a result. Many schools charged fees despite the official free-education policy, and one-third of children completed primary school. Primary and secondary education completion rates tended to be slightly higher for boys than for girls. 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: In July the NGO Save the Children released the results of a small-scale study showing that an estimated 2.8 million children, or 75 percent of the child population, faced physical or emotional violence, and 50 percent faced sexual violence or family violence in the home. Child protection systems, especially in rural areas, were not adequate to meet the needs of children facing abuse. The NGO Medecins Sans Frontieres reported that children made up 50 percent of sexual violence cases referred to clinics. Other studies found that only the most egregious forms of sexual and physical abuse of children were reported to police, because family violence is viewed as a domestic matter.

Early and Forced Marriage: The legal age for marriage is 18 for boys and 16 for girls. There is a younger 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.

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 younger than 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 sex trafficking of children in urban areas, including of minors working in bars and nightclubs. There were reports of exploitation of children through the production of pornography and that both local and foreign children were subjected to sex trafficking. Although the law criminalizes child pornography, it does not specifically prohibit using, procuring, and offering a child for pornographic performances. NGOs reported increased prevalence of child sex trafficking.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There is a very small Jewish community in Port Moresby. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical or mental disabilities. Nevertheless, 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. Most buildings and public infrastructure remained inaccessible for persons with disabilities. Children with disabilities experienced an underresourced educational system and attended school in disproportionately low numbers. Those with certain types of disabilities, such as amputees, attended school with children without disabilities, while those who were blind or deaf attended segregated schools. The government endorsed sign language as a national language for all government programs, although access to interpreters was limited.

Through the National Board for the Disabled, the government granted funds to a number of NGOs that provided services to persons with disabilities. The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. 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 and for acts of gross indecency between male persons (a misdemeanor), three years' imprisonment. There were no reports of prosecutions directed at lesbian, gay, bisexual, transgender, and intersex persons under these

provisions during the year. There were reports of societal violence and discrimination against such persons, and 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; there was, however, a strong societal stigma attached to HIV/AIDS infection, which prevented some persons from seeking HIV/AIDS-related services.

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

Press reported vigilante killings and abuses continued to increase and became more common in urban areas. 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 April, six men received 25-year sentences for the killing of a man they suspected had killed a woman through sorcery. The government *Sorcery National Action Plan* established in 2016 lacked funding to carry out its mandate fully, and despite efforts by some provincial governments, police often lacked the capacity to stop killings of alleged sorcerers. In January 2018, 97 persons were convicted in a mass trial for eight sorcery-related murders that took place in 2014; eight persons were sentenced to death, and the remainder received life sentences.

Church leaders and policy makers observed that the number of persons reportedly tortured and killed for alleged sorcery was increasing. Many believed perpetrators used sorcery-related violence to mask violence against vulnerable members of the community, including women, or for revenge. Reliable data on the matter remained elusive with estimates ranging from 30 to 500 attacks resulting in death per year. In April 2018 eight police officers, including their provincial police commander, killed a man and assaulted several others whom they accused of practicing sorcery. All eight officers were fired from the police force, charged, and posted bail pending a court date.

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 highland provinces. The number of deaths and IDPs resulting from such conflicts continued to rise due to the increased availability of modern weapons (see section 2.e.). In July up to 30 persons, including pregnant

women and children, were killed in an ambush and retaliatory massacre by warring clans in the mountains of Hela Province, prompting a national and international outcry against what local and foreign observers termed a slaughter outside even the eroded rules of tribal warfare. Observers said factors beyond traditional rivalries driving the massacre included resentment at broken promises of royalties from nearby gas fields, distress following the 2018 earthquake, deteriorating basic services, and the availability of mobile phones and high-powered guns trafficked across the West Papua border.

## **Section 7. Worker Rights**

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

The law provides for 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 limited influence over trade union formation and registration. The law does not cover workers in the informal sector, which accounted for 85 percent of the labor force, most of whom were engaged in small-scale farming.

The law requires unions to register with the Department of Labor and Industrial Relations. An unregistered union has no legal standing and thus cannot operate effectively. Although the law provides for the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike or refusing to grant permission for a secret ballot vote on strike action. Some union leaders complained that the Labor Department's refusal to allow for votes on strike action constituted undue government influence. 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 cases of retaliation or unlawful dismissal for union activity, the court may fine an employer and 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 Labor Department is responsible for enforcing the law, but the government did not effectively enforce the law. Penalties were insufficient to deter violations.

With two labor inspectors per province and inadequate resources, inspectors usually monitored and enforced the law on an ad hoc basis. The Labor Department did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination, which remained widespread in the logging sector and in state-owned enterprises. Observers attributed its ineffectiveness to a lack of sufficient manpower and resources.

Unions were generally independent of both the government and political parties, whose influence diminished from previous years. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies, terminations, and appointments of managers or board members, 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 Labor Department and courts were involved in dispute settlement.

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

The constitution and law prohibit all forms of forced or compulsory labor. Penalties are sufficiently stringent to deter violations, but the government did not effectively enforce the law.

Logging and mining sites primarily operated in remote regions with negligible government oversight, and authorities did not make efforts to identify forced labor victims at these sites. The law 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) in order to return the crewmember to the ship. Observers noted this practice might prevent foreign workers from reporting or escaping situations of forced labor.

There were reports that foreign and local women and children were subjected to forced labor as domestic servants, as beggars or street vendors, and in the tourism sector (also see section 7.c.). Foreign and local men were subjected to forced labor, including through debt bondage, in the logging, mining, and fishing sectors. There also were reports of foreign workers, particularly from China and other

Pacific nations, entering the country with fraudulent documents and being subjected to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law does not prohibit all the worst forms of child labor. By law the minimum working age is 16, although children ages 14 to 15 may be employed if the employer is satisfied that the child is no longer attending school. In addition children ages 14 to 15 may work aboard ships. The minimum age for hazardous work is 16, but the government has not identified a list of which occupations are hazardous. There are no provisions prohibiting children ages 16 to 18 from engaging in hazardous work. Children ages 11 to 16 may be employed in light work 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 ages 11 to 16 must not interfere with school attendance, and children younger than 16 may not be employed in working conditions dangerous to their health. The law does not, however, specify the types of activities in which light work is permitted nor the number of hours per week this work may be undertaken. The Labor Department is responsible for enforcing child labor law provisions. The government did not effectively enforce the law, and penalties were insufficient to deter violations.

There was a high prevalence of child labor in urban and rural areas, including in hazardous occupations. Children were seen directing parking vehicles and selling cigarettes, food, and DVDs on the street and in grocery stores throughout the country, sometimes 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 may have been victims of forced labor. There were also reports of children engaging in mining activities, including prospectors forcing children to work in alluvial gold mining.

Children worked mainly in subsistence agriculture, cash crop farming, and livestock herding. This included seasonal work in plantations (for coffee, tea, copra, and palm oil) in the formal and informal rural economies.

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 sometimes constituted 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 Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

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

No law prohibits discrimination regarding race, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status. The constitution bars discrimination based on disability, but the government did not take measures to protect persons with disabilities from discrimination. The law bans discrimination based on gender for employment and wages in the workplace. The government did not effectively enforce the law.

The law explicitly precludes women from employment in certain occupations, allows the government to recruit either men or women for certain civil service positions, and discriminates by gender in eligibility for certain job-related allowances.

Discrimination occurred based on the above categories with respect to employment and occupation. For example, the International Labor Organization noted there were concerns regarding discrimination against certain ethnic groups, including Asian workers and entrepreneurs.

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

The minimum wage was above the official estimate for the poverty income level. 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. Labor law does not apply to workers in the informal sector.

The Labor Department is responsible for enforcing the law regarding minimum wage and work hours and occupational safety and health. It sets occupational safety and health standards and is required by law to inspect work sites on a regular basis. The government did not effectively enforce the law. Workers are entitled to

wages while the inspection takes place, although the law does not specify further protection for employees who seek to remove themselves from conditions they deem hazardous. The number of occupational health and safety and industrial relations inspectors was insufficient to enforce compliance. Penalties were insufficient to deter violations. In the case of a second or subsequent, continuing offense, the employer is liable for a fine for each day or part of each day for which the offense continued. When an employer fails to obey an order, direction, or requirement, the court may order imprisonment of the offender until the directive is obeyed.

Violations of wage, overtime, and occupational safety and health law 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 worker housing. Workers in the mining sector were also subjected to hazardous and exploitative conditions, including exposure to toxic metals such as mercury.

According to World Bank data, 90 percent of the 2.9 million workers labored in rural areas, where law enforcement and monitoring were weak.