

PAPUA NEW GUINEA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in June, and the People's National Congress won a majority in the 111-seat unicameral parliament, led by Prime Minister Peter O'Neill. 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 most significant human rights issues included: arbitrary killings by police; severe police abuse of detainees and citizens; harsh and sometimes violent conditions of detention for refugees and asylum seekers, including in the Australian-run regional refugee processing center (RPC) on Manus Island; restrictions on freedom of expression and assembly; arbitrary and violent displacement of people from their homes; government corruption; violence against women and girls; abuse and sexual exploitation of children; trafficking in persons; the criminalization of sexual activities between men, although the law was not enforced; intertribal violence; vigilante killings and abuses; child labor; and forced 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 several reports that the government or its agents committed arbitrary or unlawful killings. In May police officers shot and killed a man near his home in West New Britain Province. The four officers involved alleged the victim was involved in an armed robbery but provided no evidence. All four officers were charged with murder and remained in detention pending a court date.

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 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 May drunk police officers from the Waigani police station in Port Moresby beat a prominent doctor. The Police Internal Affairs Unit suspended the officers involved after the National Doctors Association threatened to go on strike in protest of widespread police brutality. In June, four of the officers involved in the incident were arrested, and in October, one of them was charged.

There were reports that police raped and sexually abused women while in detention. In December 2016 a police officer and male detainees in a Port Moresby police station raped a woman who was in detention. Authorities terminated the officer, while most of the detainees remained at large after breaking out of the police station immediately after the incident.

Prison and Detention Center Conditions

Despite minor physical improvements and increased attention to rehabilitation programs, 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 overcrowded. Infrequent court sessions, slow police investigations, and bail restrictions for certain crimes exacerbated overcrowding. The Correctional Service Commissioner also suggested that the difficulty and high cost of transporting detainees between provinces could lead to overcrowding. Two prisons, in Wabag, Enga Province, and Tari, Hela Province, remained closed due to tribal conflicts and unresolved land disputes. Facility closures forced the relocation of prisoners to other facilities,

which the National Court considered a human rights concern. The Mukurumanda Correctional Institution in Enga could not open during the year because of a dispute between the court and Correctional Services. The court alleged that Correctional Services was unable to meet the basic human rights of prisoners by providing them with water and sanitation, adequate space, and sufficient food.

Pretrial detainees frustrated by the slow processing of their cases were the leaders of prison breaks, which were common. Authorities held pretrial detainees in the same prisons as convicted prisoners but in separate cells. In eight prison breaks throughout the year, 177 persons escaped, and prison guards shot and killed 19 of the escapees. The largest breakout was from Buimo jail in Lae, where 58 persons escaped and prison guards shot and killed 17 of the escapees. A Correctional Services report on the incident concluded that the officers were acting in self-defense, and no disciplinary action was taken against the officers. In May after the Buimo prison escape, data obtained by a news agency revealed that many of the pretrial detainees who escaped had been waiting up to nine years for a trial.

All of the operating 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. In February, seven inmates physically and sexually assaulted two juvenile detainees in Buimo jail. Police sometimes denied juvenile court officers access to detainees. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Sanitation was poor, and prisoners complained that rations were insufficient. In August the national court ruled that food provided at the country's largest prison did not meet nutritional standards set out by law. The court ordered Correctional Services to provide more nutritionally balanced meals in all prisons. A number of prisons experienced problems with inadequate ventilation and lighting.

The Manus Island regional refugee processing center, paid for by the Australian government, officially closed on October 31. On November 20, approximately 350 men remained in the RPC and refused to leave. Immigration authorities stopped providing water, electricity, and food services to the RPC when it closed on October 31, leaving those that remained with dwindling supplies. The government continued to encourage the holdouts to transfer voluntarily to newer

facilities, the East Lorengau Refugee Transit Center (ELRTC), which had been built for refugees, and Lorengau West, which had been constructed primarily to house rejected asylum seekers.

In June the Australian government reached a court settlement with the nearly 2,000 refugees and asylum seekers who had been held on Manus Island starting in 2012 for illegally detaining them in dangerous and hostile conditions. Australia claimed that the settlement was not an admission of liability, but media and independent reports revealed those in the RPC were often subjected to physical abuse by security forces and were living in overcrowded and substandard accommodations for prolonged periods. Furthermore, detainees had inadequate access to basic services throughout the duration of their time in the RPC, including water and hygiene facilities, education, and health services, including for mental health.

Administration: The government mandated the Ombudsman Commission to visit prisons, but the commission lacked adequate resources to effectively monitor and investigate prison conditions. Their most recent prison visit was in 2015, funded by the government of Australia. 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. During the year the ICRC and the Office of the UN High Commissioner for Human Rights (OHCHR) visited facilities in the country.

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. In April, six reserve police officers arrested a mother and daughter who were selling food and drink on the street. The officers stole their items and sexually assaulted the mother. Police arrested the six officers after the woman's husband filed a formal complaint. Persons have the right to challenge the lawfulness of their arrest or detention in court, but the government did not always respect this right.

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 of 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. The Papua New Guinea Defense Force (PNGDF) is responsible for maintaining external security but also has some domestic security responsibilities. Clan rivalries and a serious lack of resources and discipline 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. Security for national elections was the responsibility of police with limited additional funding or manpower.

Civilian authorities maintained control over the RPNGC and PNGDF, although impunity was a serious problem. In February police assaulted a man who was at a police station to report an incident. He was physically and verbally abused, locked up for eight hours, and later released. The case was reported to the RPNGC Internal Affairs Office, but no action was taken against the officers, according to media reports.

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. In January the Police Internal Affairs unit established a partnership with the State Solicitor, Ombudsman Commission, and Transparency International to address police conduct and allegations of police brutality. During the launch police told media that in 2016 more than 100 officers were referred to

the unit for disciplinary action and 54 were terminated as a result. The other 46 were dealt with administratively through suspension and/or demotion.

To improve the RPNGC's professional capacity, it accepted training, including on human rights, from a number of foreign governments and international nongovernmental organizations (NGOs). As part of the Papua New Guinea-Australia Policing Partnership, Australian Federal Police officers provided advisory support to the National Fraud and Anti-Corruption unit and national police training through the Bomana Police College. All training provided under the partnership applied human rights principles. The Australian Federal Police also provided advisory officers to police in Port Moresby and Lae to improve law enforcement capacity. The International Organization for Migration (IOM) had an agreement to provide training for new police recruits on human rights, human trafficking, and exploitation. The ICRC facilitated workshops on international human rights law and policing standards for officers from the RPNGC in Port Moresby, Mount Hagen, and Bougainville. The OHCHR developed human rights modules and delivered them to police mobile response units in seven provinces.

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 prolonged, 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: Approximately 40 percent of the prison population was in pretrial detention. 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 waited up to three years before trial, sentencing, or release, but there were media reports of detainees waiting up to

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 to not 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. The national court established a human rights track to fast-track cases of alleged human rights abuses. Through this track 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 June police in Port Moresby forcefully evicted settlers using firearms and allowed bulldozers to demolish homes to make way for a commercial project. The operation destroyed 218 homes, 10 stores, and five chicken farms. In March a human rights association made up of persons living close to the Porgera Mine alleged that police working for the mining company carried out forced evictions, burning up to 50 homes. The company denied any involvement with the raid, and police claimed the homes were illegal.

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. Critics of the government on social media reported intimidation and threats. In 2016 the government amended the penal code to apply the provisions of a new cybercrime law (see section 2.a., Internet Freedom). Members of parliament applauded passage of the bill and said that it would allow the government to punish those who used social media to incite violence or break

the law. Many civil society groups alleged the law was an attempt to curb criticism of the government. In July the electoral commissioner obtained a court order to silence a blogger who was critical of his administration of the parliamentary elections. The media council viewed this court order as an attempt to suppress free speech.

Press and Media Freedom: Media members 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 parliamentarians and their associates during the year. In July election officials and police barred journalists from entering some vote counting rooms around the country.

Violence and Harassment: Journalists were subject to harassment, intimidation, and in some cases violence at the hands of police and supporters of parliamentarians for their reporting. In May supporters of a parliamentarian assaulted a television crew while shooting footage of a rally. In July a candidate for parliament verbally and physically harassed a reporter, accusing him of misreporting.

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, especially ahead of the national election.

The 2016 Cybercrime Code allows for investigation and/or prosecution of offenses including defamatory publication of material concerning another person, unlawful disclosure of classified information, and using electronic systems to incite any form of unrest (called cyber-unrest). Responsibility for enforcing the law lies with police. The law calls for up to 25 years in prison and fines up to 50,000 Papua New Guinea kina (\$15,700) for violations.

Media reported three cases of persons charged under the new law but were never convicted because the courts, police, and relevant government agencies do not yet understand the different roles and responsibilities of various actors in

implementing the new law. The charges related to character deformation on social media. The three implicated persons were on bail pending court interpretation. 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 the law would be implemented.

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; however, the government limited the freedom of peaceful assembly by not issuing permits routinely.

Freedom of Peaceful 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.

In 2016 students at the University of Papua New Guinea attempted to stage a protest calling for Prime Minister O'Neill to step down. After several weeks of trying and failing to obtain a permit, students and other protesters gathered to march toward parliament. Police intercepted the crowd and opened fire; more than 20 protesters were injured. The incident sparked unrest nationwide, and many human rights groups, including Amnesty International and Transparency International, condemned the use of high-powered firearms to shoot unarmed protesters. The government launched a commission of inquiry into the incident, but as of October it had not released the results of separate inquiries by police and the Ombudsman Commission.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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 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.

Abuse of Migrants, Refugees, and Stateless Persons: Asylum seekers and refugees were sometimes subjected to abuse by security forces and the local population. In April Australia's Senate Standing Committees released findings from a seven-month inquiry into allegations of serious abuse in the detention center on Manus Island. The inquiry documented evidence that asylum seekers were exposed to physical violence, sexual assault, and medical neglect leading to death, and collected "indisputable" evidence of correspondingly widespread mental health problems that led to self-harm.

In August police found the body of Iranian refugee Hamed Shamshiripour hanging from a tree in Lorengau town on Manus Island, and in October a second refugee, Rajeev Rajendran, from Sri Lanka was found dead at the Lorengau hospital in Manus, also a suspected suicide. Rajendran had previously been admitted to the hospital for attempted suicide. Human rights groups alleged that both men suffered from mental illness, exacerbated by frequent clashes with local police, and that both men's lives could have been saved had they received proper mental health services.

In April, PNGDF personnel shot toward the Manus Island RPC, injuring nine individuals, two of whom were asylum seekers. According to media reports, the officers were drunk and were angry over allegations that asylum seekers had invited a young boy into the center. Tensions between detainees and local police and residents remained high.

Internally Displaced Persons (IDPs)

The IOM estimated that as of November, more than 90,000 persons were internally displaced. Natural disasters, including flooding and volcanic eruptions, caused nearly 72 percent of displacements, while tribal violence, ethnic clashes, and land disputes were responsible for approximately 28 percent. Displacement was generally protracted, with families living in temporary situations for more than one

year on average. These populations were vulnerable because of their lack of access to land, basic services, and protection. Women and children were especially susceptible to abuse. The government has no policy or legislation to address the needs of IDPs, and host communities often reacted with violence to displaced populations.

Protection of Refugees

Access to Asylum: While the law does not formally provide for the granting of asylum or refugee status, legislation passed during the year established a refugee status determination process. Since 2014 the law has allowed individuals from the Indonesian province of Papua (formerly Irian Jaya) to apply for Papua New Guinea citizenship without having to pay the usual required fee.

The government maintains two agreements with Australia on refugees. The first allows Australia to send asylum seekers to Manus Island (see sections 1.d. and 2.d., Abuse of Migrants, Refugees, and Stateless Persons) for processing only. The second allows asylum seekers to resettle in Papua New Guinea. International organizations, NGOs, and civil society groups in the country raised questions about the constitutionality of the latter agreement.

In May, Australian authorities announced that they would close the Manus Island RPC by the end of October. In July authorities began cutting essential services to portions of the center, including water, electricity, and telephones, to encourage residents to move to the East Lorengau Refugee Transit Center. These services were cut completely on October 31. The ELRTC could hold between 200 and 300 persons at its existing capacity, but some refugees refused to move there because they said it was unsafe. As of November 20, the ELRTC held 204 refugees, with 18 refugees at Lorengau West, while approximately 350 refugees and rejected asylum seekers remained in the RPC.

The Immigration and Citizenship Service Authority (ICSA) was trained by Australian Immigration and Border Protection and UNHCR on how to make refugee status determinations. ICSA officers are responsible for processing refugee claims by those on Manus Island. As of October 610 were determined to be genuine refugees, 201 had their claims denied, and another 598 had accepted the voluntary departure package, which in some cases included cash amounts up to \$25,000, offered by Australia and Papua New Guinea authorities. The remaining men were either deported, sent to Australia for medical treatment, settled in Papua New Guinea or the United States, or had passed away.

ICSA 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, as several refugees who tried to resettle in the country became victims of crime. As of September, seven refugees had been able to establish themselves successfully in the country while another 24 had started the process. The remaining refugees were waiting to see what other options would become available, including possible resettlement in the United States.

Durable Solutions: The national refugee policy provides a way for Indonesian Papuans to apply for Papua New Guinean citizenship without having to pay the 10,000 kina (\$3,130) citizenship fee. ICSA estimated that between 10,000 and 15,000 Indonesian Papuans lived in Papua New Guinea. Since 2014 more than 2,385 Indonesian Papuans have received citizenship certificates under this policy, including 1,385 in April.

Temporary Protection: The government provided temporary protection to individuals from Papua 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 the capital, Port Moresby.

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, the 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 took place in June, and local government elections took place in 2013. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the general elections. There were also many incidents of violence and destruction of property, primarily in the Highlands, during the voting period, causing the deaths of at least 40 individuals, including four police officers. The Electoral Commission announced the results of the winner of the last seat (Southern Highlands) in

parliament in late September, two months after voting concluded. According to media reports, this 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.

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 voter registration process. A large number of voters’ names were missing from the 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. Papua New Guineans 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 there was group voting. All observer groups expressed disappointment that the government did not implement recommendations provided after the 2012 national elections, which included an immediate and thorough updating of the voter rolls.

After the general election, the National Court registered 77 election petitions that alleged illegal practices.

Political Parties and Political Participation: There were no restrictions on party registration, and 45 parties contested the 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 this claim hard to verify. The Ombudsman Commission issued a directive to freeze public funds controlled by parliamentarians starting when the election officially opened on April 20. The commission reported after the election, however, that there was an unusually high amount of money 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 laws limit the participation of women and/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. 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. In general, minorities 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; 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 Public Accounts Committee is a permanent parliamentary committee established by the constitution with a mandate to examine and report to parliament on public accounts and national property.

The Ombudsman Commission met with civil society and at times initiated action based on input received. Although civil society organizations engaged with individual members of the Public Accounts Committee, the committee was less receptive to public input and generally did not seek to engage with civil society. The Public Accounts Committee generally operated independently of government influence but lack of trained staff hindered its effectiveness. Neither body had sufficient resources to carry out its mission. The government appointed a chief ombudsman in May after a two-year delay. The former chief ombudsman believed his appointment was allowed to lapse due to his efforts to investigate the prime minister for corruption-related offenses.

In April the temporary interagency body known as Investigation Task Force Sweep officially ceased operations, citing a complete lack of funding and political support.

Corruption: In February the prime minister suspended two cabinet ministers, four department heads, the state solicitor, and other senior government executives for their involvement in the Manumanu land scandal. According to leaked government memos, a company belonging to family members of one of the ministers received 46.6 million kina (\$14.6 million) for land that it did not legally own. Outcry from the general public and customary owners of the land led the prime minister to announce a commission of inquiry. The Ombudsman Commission also announced it would investigate the deal, but as of September neither report was complete. The government did not file criminal charges or pursue sanctions against these executives, and both ministers were re-elected in July and given new ministerial portfolios.

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. 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 direct 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 completion and release of reports.

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

Women

Rape and Domestic Violence: 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 that they had experienced rape or sexual assault in their lifetime. According to Amnesty International, approximately two-thirds of women have been struck 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. Gangs used rape and violence against women as part of initiation.

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. The law criminalizes family violence and imposes penalties of up to two years' imprisonment and up to 5,000 kina (\$1,570) in fines in an effort to end the cultural practice of providing compensation to victims. Implementing regulations were not complete, however, and the law was not in effect despite being passed in 2013.

Police committed widespread sexual violence, 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. Implementation of the law remained incomplete.

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 made the crime difficult to combat.

Human Rights Watch reported there were five shelters for abused women in Port Moresby, which were often full and had to refuse women in need of 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. 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 cut down on sexual harassment on public transportation.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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: The law provides free education through grade 10 and for subsidies thereafter under the government's tuition-free policy. There were many complaints that the government did not adequately fund education, leading to overcrowded classrooms, too few teachers, and a decline in the quality of education. Many schools charged fees and only 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 2016 Save the Children released the results of a small-scale study showing that 70 percent of children faced physical or emotional violence and that 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. Other studies found that only the most egregious forms of sexual and physical abuse of children were reported to police, as family violence is viewed as a domestic matter. Although the country passed a Child Protection Act in 2015 to strengthen child protection efforts and compliance with the Convention on the Rights of the Child, implementing regulations were incomplete.

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. A UNICEF survey covering the years 2005-13 found that 21 percent of women from ages 20 to 24 had married before the age of 18 and 2 percent had married before the age of 15.

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 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 and 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. NGO sources 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 travel.state.gov/content/childabduction/en/legal/compliance.html.

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. Most buildings and public infrastructure remained inaccessible for individuals with disabilities. Children with disabilities suffered from the underresourced educational system and attended school in disproportionately low numbers. 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; 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 unconfirmed reports of societal violence or 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; however, there was 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. The government repealed the controversial Sorcery Act in 2013, which had provided a defense for violent crime if the accused was acting to stop witchcraft. The government established the Sorcery National Action Plan (SNAP) in 2016, to be implemented by a national committee. The committee, however, lacked funding to carry out its mandate fully, and despite efforts by some provincial governments, police often lacked the capacity to stop sorcery-related killings.

Church leaders and policy makers observed that the number of persons reportedly tortured and killed for alleged sorcery was increasing. Some suggested internal

migration and urban drift led to sorcery-related killings in districts formerly without such violence. Many also believed perpetrators used sorcery-related violence to mask violence against vulnerable members of the community, including women, or for revenge. Reliable data on the issue remained elusive.

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 highlands provinces. The numbers of deaths and IDPs resulting from such conflicts continued to rise due to the increased availability of modern weapons (see section 2.d.).

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 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 which were engaged in small-scale farming.

The law requires unions to register with the Department of Labor and Industrial Relations (DLIR). An unregistered union has no legal standing and thus cannot operate effectively. Unions were generally independent of both the government and political parties, whose influence diminished from previous years. 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 or refusing to grant permission for a secret ballot vote on strike action. Some union leaders complained that DLIR's refusal to allow for votes on strike action constituted undue 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 DLIR is responsible for enforcing the law but did so selectively. Penalties were insufficient to deter violations since the maximum fine was 1000 kina (\$313). With two labor inspectors per province and inadequate resources, inspectors usually monitored and enforced the law on an ad hoc basis. The DLIR 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 lack of sufficient manpower and resources.

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. In 2016 the state-owned airline Air Niugini fired eight pilots for their stop-work action during a time of political tension. The chief executive officer of the airline said that the pilots' action had damaged the reputation of the airline, since many flights had to be cancelled. In February the Supreme Court ruled the employment decision was not reviewable since Air Niugini is not a public body.

Workers in both the public and private sectors engaged in collective bargaining. The DLIR and 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 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. There were reports that foreign and local women and children were subjected to forced labor as domestic servants and as beggars or street vendors. Foreign and local men were subjected to forced labor, including through debt bondage, in the logging, mining, and fishing sectors.

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) 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.

In 2015 authorities identified 21 victims of labor trafficking on foreign fishing vessels, yet prosecuted and imprisoned 12 for immigration violations, further limiting forced labor victims' ability to obtain redress. In 2016 authorities returned the victims to their country of origin.

There were instances of women and children forced into 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 that the number of foreign workers, particularly from China and other Pacific nations, entering the country with fraudulent documents and being subjected to forced labor was increasing.

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, and the minimum age for hazardous work is 18. Children between the ages of 11 and 16 may be employed in a family business or enterprise provided they have parental permission, medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance, and children under age 16 may not be employed in working conditions dangerous to their health.

The DLIR is responsible for enforcing child labor law provisions; 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. Poverty, inadequate health care and education, and urbanization 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 may have been victims of forced labor. 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 www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution bars discrimination on the basis of disability, but the government did not take measures to protect persons with disabilities from discrimination. The law bans discrimination on the basis of 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 only men or women for certain civil service positions, and discriminates by sex in eligibility for certain job-related allowances. No law prohibits discrimination regarding race, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status.

Discrimination occurred based on the above categories with respect to employment and occupation (see section 6). Widespread discrimination with respect to women occurred, especially in the attainment of management positions.

e. Acceptable Conditions of Work

The minimum wage was 3.50 kina (\$1.10) per hour for all workers. 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 laws do not apply to workers in the informal sector.

The DLIR is responsible for enforcing the law regarding minimum wage and work hours and occupational safety and health. The DLIR sets occupational safety and health standards and is required by law to inspect work sites on a regular basis. Due to a lack of resources, however, inspections took place only when requested by workers or unions. They 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. Although the DLIR and the courts attempted to enforce the law regarding minimum wage and hours of work, they were not effective, in part

because 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 a day for which the offense continues. Where 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 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 worker housing. Workers in the mining sector were also subjected to hazardous and exploitative conditions, including exposure to toxic metals such as mercury. During 2016 fatal accidents occurred at the Ok Tedi mine and the Chinese-operated Ramu nickel mine.

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