

PAPUA NEW GUINEA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in 2012, and local government elections occurred in 2013. In some parts of the country, electoral contests involved widespread violence, fraud, bribery, voter intimidation, and undue influence.

Civilian authorities at times did not maintain effective control over the security forces.

The principal human rights concerns were severe police abuse of detainees and police abuse of citizens; violence and discrimination against women and girls; and vigilante killings and abuses, some related to alleged involvement in sorcery and witchcraft. A significant area of controversy involved the Australian-run regional refugee processing center on Manus Island. In April the Supreme Court ordered the immediate closure of the center. At year's end, however, the center remained open.

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

The government frequently failed to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was pervasive.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

During the year, there were reports that the government or its agents committed arbitrary or unlawful killings. In September a senior police officer shot and killed a man who was walking along the highway in Madang Province. The circumstances of the killing were not clear as of November, but the provincial

police commander placed the officer on suspension pending the outcome of an investigation.

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

There were reports that police raped women while in detention. In June a police officer in Port Moresby raped a woman detained for public intoxication. Authorities charged the officer with depravation of liberty and sexual penetration without consent. As of November he remained free on bail.

Prison and Detention Center Conditions

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

Physical Conditions: The country's prisons were designed to accommodate 4,166 inmates, but as of October they held 4,945 inmates: 3,096 convicted prisoners and 1,894 pretrial detainees. 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 can lead to overcrowding. Two prisons, in Wabag, Enga Province, and Tari, Southern Highlands, remained closed due to tribal conflicts and unresolved health problems. Facility closures forced the relocation of prisoners to other facilities, which the National Court considered a human rights concern. The Bundaira Correctional Institution in Eastern Highlands re-opened during the year after rehabilitation work was completed.

Pretrial detainees frustrated by the slow processing of their cases were the leaders of prison breaks. In February more than 80 prisoners broke out of the Buimo jail in Lae, the second largest prison in the country. Most of the escapees were pretrial detainees. Prison guards shot and killed 12 of the escapees. Authorities held pretrial detainees in the same prisons as convicted prisoners but in separate cells.

All but one of the 19 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. Police sometimes denied juvenile court officers access to detainees. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Death in prisons or pretrial centers due to misuse of force did not occur during the year. One prisoner died of illness while in detention. Sanitation was poor and prisoners complained that rations were insufficient. A number of prisons experienced problems with inadequate ventilation and lighting.

Administration: Recordkeeping was inadequate. Authorities inadvertently released some detainees early and held others beyond the end of their sentences. There were no known steps taken to improve recordkeeping. In March, 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.

The government mandated the Ombudsman Commission to visit prisons, but the commission lacked adequate resources to effectively monitor and investigate prison conditions. During the year the Ombudsman Commission's detention monitoring team visited only one prison and as of November had not released a report on the visit. 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. Prisoners had permission to practice their religion.

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

Role of the Police and Security Apparatus

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

Police impunity was also a serious problem. In March, six police officers were arrested for armed robbery and charged with stealing money and other valuables, including a pistol. The officers were drunk at the time of the robbery, which they carried out with police-issued weapons. All six were being held awaiting court appearances and were suspended without pay. No one has been indicted or prosecuted following a 2015 incident in which police killed a motorist for not stopping at a roadblock. Several members of the defense force in the car were also injured, sparking violent confrontations between police and defense forces.

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 Commissioner told the media that from 2007 to 2014, there were 1,600 complaints of police abuse, resulting in demotions for 134 officers; monetary fines for another 417; and the clearing of 202 officers. He stated that over the same period, authorities recommended more than 600 dismissals but only 247 were successful, as the courts dismissed most of the cases.

To improve the RPNGC's professional capacity, it accepted training, including on human rights, as part of the Papua New Guinea-Australia Policing Partnership. This also 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 was based on the application of human rights principles. The Australian Federal Police also provided advisory officers to the 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.

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. Only national or Supreme Court judges may grant bail to persons charged with murder or aggravated robbery. In all other cases, police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them; however, the government did not always respect these rights. Detainees have access to counsel, and family members have access to detainees.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Arrested suspects have the right to have their arrests subjected to judicial review; however, the government did not always respect this right.

Pretrial Detention: Approximately 37 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 months. In addition, there were delays due to infrequent circuit court sittings because of shortages of judges and travel funds.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for a presumption of innocence and due process, including a public trial, and the court system generally enforced these provisions. 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, access government-held evidence, plead cases, and appeal convictions. The law extends these rights to all suspects. The shortage of judges created delays in both the trial process and the rendering of decisions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters from which individuals and organizations may seek civil remedies for human rights violations. 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 August police in Port Moresby forcefully evicted settlers using firearms and allowed bulldozers to demolish homes to make way for a housing project. In the process of disbanding an angry crowd, police shot and killed one of the settlers. A police investigation had not identified the officer responsible.

Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting. Police threatened and at times harmed family members of alleged offenders.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. Newspapers included a variety of editorial viewpoints and reported on controversial topics, although many journalists complained of intimidation aimed at influencing coverage by agents of members of parliament and other government figures.

Freedom of Speech and Expression: The government generally respected freedom of speech, although some activists reported the intimidating presence of unmarked vehicles outside of their homes. Critics of the government on social media reported intimidation and threats. In August the government amended the penal code to apply the provisions of a new cybercrime law (see “Internet Freedom” below). Government MPs applauded the passage of the bill and said that it would allow the government to punish those who use social media to incite violence or break laws. Many civil society groups alleged the law was an attempt to curb criticism of the government.

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

Violence and Harassment: Journalists were subject to harassment, intimidation, and in some cases violence at the hands of police and supporters of MPs for their reporting. In May plainclothes police assaulted a journalist covering a story at the Boroko Police Station, and in June police assaulted a journalist who was running for cover at the scene of a confrontation between university students and police. In July supporters of an MP in court on corruption charges verbally and physically harassed reporters from the country’s main print media outlets.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access remained limited but continued to grow through the use of mobile phones. The growth of internet access resulted in increased use of social media and blogs to discuss and develop evidence of abuse of power and corruption in government. According to the International Telecommunication Union, 11.7 percent of the population used the internet in 2016.

In August the government passed Cybercrime Code 2016, which codifies regulations put forth in the 2015 Cybercrime Policy. The act 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 the police. The Cybercrime Code calls for up to 25 years in jail and fines up to 50,000 Papua New Guinea kina (\$16,150) for violations.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

In June 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, although human rights groups lamented that the commission's mandate was to investigate student action and not police use of force. By the end of November the government had not released results of separate inquiries by the police and the Ombudsman Commission.

Freedom of Association

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

c. Freedom of Religion

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

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), 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: In April, two suspects in the 2014 death of Iranian refugee Reza Berati each received sentences of 10 years in prison. Two other suspects had left the country before they could be arrested. Berati died as a result of blunt force trauma to the head inflicted during a riot inside the Manus Island center (see below) caused by discontent among asylum seekers at perceived slow case processing. At least 69 persons were treated for injuries, including one gunshot wound. Tensions between detainees, local guards, and some foreign staff were cited as contributing factors to the misuse of force in suppressing the riot.

In 2014 Hamid Khazaei died after contracting septicemia at the center. Poor sanitation conditions and inadequate access to medical care at the center were cited as possible aggravating factors. Physical conditions and medical care at the Manus Island center have subsequently improved, but the psychosocial impact of prolonged detention on those living there remained a concern for many stakeholders.

Internally Displaced Persons

The IOM estimated that between 2013 and 2016, more than 75,000 persons had been internally displaced in the country. Natural disasters, including flooding and cyclones, caused nearly 90 percent of displacements, while tribal violence was responsible for 5 percent. Displacement in the country 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 service, 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 country's laws do not formally provide for the granting of asylum or refugee status, legislation passed during the year establishes 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 has signed two agreements with Australia on refugees. The first (2012) allows Australia to send asylum seekers to Manus Island for processing only. The second (2013) allows asylum seekers to resettle in the country. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country raised questions about the constitutionality of the latter agreement. In April the Supreme Court ruled that the detention of refugees and asylum seekers on Manus Island was unconstitutional, as it breaches their rights to personal liberty as guaranteed in the constitution. Following the April ruling, restrictions at the processing center were eased, and refugees and asylum seekers were allowed to move freely within the center and to leave during the day. They must return, however, to the center by a 9 p.m. curfew imposed for safety and security reasons. Authorities were concerned that this would lead to increased tensions and violence between frustrated asylum seekers and locals.

Australia and Papua New Guinea authorities stated that they were seeking solutions to allow them to close the processing center and comply with the court order, although they gave no timeline.

The Immigration & Citizenship Service Authority (ICSA) was trained by Australian Immigration & 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 September, 649 were determined to be genuine refugees, 158 had their claims denied, and 203 were awaiting processing, which ICSA stated would be complete by year's end. In addition, the IOM had carried out voluntary repatriation of 500 detainees from Manus since 2013.

The national executive council endorsed the national refugee policy in December 2015. The policy outlines broad principles of a resettlement program, including the requirement that refugees become self-sufficient through employment in the

local economy. 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 October only eight refugees had been able to establish themselves successfully in the country, and only 24 of the 649 identified refugees indicated a willingness to resettle in the country. The remaining refugees were waiting to see what other options would become available, although neither government had indicated what the options might be.

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 (\$3,230) citizenship fee. ICSA estimated that more than 10,000 Indonesian Papuans lived in Papua New Guinea. Since 2014 more than 1,000 Indonesian Papuans had received citizenship certificates under this policy, and ICSA had registered approximately 2,000 more persons who may be eligible for citizenship before year's end.

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 change 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 has been routinely compromised during elections, and assisted voting was common.

Elections and Political Participation

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

replace these MPs. By December 2015 the courts had dismissed most remaining petitions, but 33 remained before the courts. In January the court found two MPs guilty of election fraud, but both were reinstated after by-elections.

In 2015 the Autonomous Region of Bougainville concluded its first self-managed regional elections. Polling was peaceful and independent observer missions declared the election free and fair. The Office of the Bougainville Electoral Commissioner was responsive to candidate and voter complaints and solicited feedback from international and domestic observer groups to improve the electoral process.

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

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

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

Section 4. Corruption and Lack of Transparency in Government

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

The Ombudsman Commission and Public Accounts Committee are key organizations responsible for combating government corruption. The 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 allowed the appointment of the chief ombudsman to lapse in 2015 and did not meet to appoint another chief ombudsman during the year, although it appointed a new acting chief in August. 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 2011 the government established Investigation Task Force Sweep (ITFS), a temporary interagency body with the mandate to arrest, charge, and prosecute government officials engaged in corruption. The government stopped funding the ITFS after the National Court nullified government attempts to disband the organization. The ITFS has not been active since 2014, which many considered a response to its decision to investigate high-level government officials for alleged illegal payments to the law firm, Paraka Lawyers.

Corruption: In July the National Court found Ati Wobiro, governor of Western Province, guilty of misappropriating 7 million kina (\$2.26 million) of public funds. He received a sentence of 10 years in prison. Other politicians found guilty of corruption remained free while their cases were on appeal.

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

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

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

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

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

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 2013 UN survey, 80 percent of men in one province admitted perpetrating physical and/or sexual violence against a partner. A 2013 study by the Institute for Medical Research indicated 55 percent of women experienced spousal rape. According to Amnesty International, approximately two-thirds of women in the country were struck by their partners, with the figure approaching 100 percent in parts of the Highlands. 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 (\$1,615)

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.

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

There were 17 family and sexual violence units in police stations across the country. The government established these units with donor support to provide victims with protection, assistance through the judicial process, and medical care. 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. Traditional village familial networks, which sometimes served to mitigate violence, were weak and largely absent when youths moved from their villages to larger towns or the capital.

Human Rights Watch reported there were only five shelters for abused women in Port Moresby, all run by faith-based organizations, which were often at full capacity 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 to increase. This, and the common practice of polygyny, 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, although the courts ruled that such settlements denied women their constitutional rights.

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

Reproductive Rights: Couples and individuals generally have the right to decide freely the number, spacing, and timing of their children, free from discrimination, violence, and coercion. The decision of the husband or male partner on such matters, however, usually prevailed over the wishes of the woman. Although women did not face barriers to reproductive health care stemming from the law or government policy, logistical problems faced by the Health Department in distributing supplies hindered access. Medical facilities also were limited in their capacity to provide adequate reproductive and maternal health services to the growing population. According to the UN Population Division, 29 percent of women between the ages of 15 and 49 used a modern method of contraception in 2014. The country's estimated maternal mortality ratio was 215 deaths per 100,000 live births in 2015. Skilled care at birth was estimated at 53 percent, mainly due to an acute shortage of midwives, poor accessibility, lack of adequate delivery facilities, and low levels of trust in public services.

Discrimination: Although the law provides extensive rights for women dealing with family, marriage, and property disputes, gender discrimination existed at all levels. Women continued to face severe inequalities in all aspects of social, cultural, economic, and political life. Some women held senior positions in business, the professions, and the civil service, but traditional and deep-rooted discrimination against women persisted. Women, including in urban areas, were often considered second-class citizens.

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

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

Children

Birth Registration: Citizenship is derived through birth to a citizen parent. Birth registration often did not occur immediately due to the remote locations in which many births took place. Failure to register did not generally affect access to public services such as education or health care. There were no differences in birth registration law between girls and boys.

Education: The law provides free but not compulsory education through grade 10 and for subsidies thereafter under the government's tuition-free policy. According to the UN Children's Fund (UNICEF), the country's net enrollment rate was 63 percent. Despite the policy, many schools charged fees, however, 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. This was due to cultural and social barriers, including the burdens placed on girls of family care, domestic responsibilities, and customary marriage. Recent reports confirmed that girls were at high risk of domestic and sexual violence, sexual harassment in schools, commercial exploitation, and HIV infection, which posed serious threats to their education.

Child Abuse: In September, 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. The study found that child protection systems, especially in rural areas, were not adequate to meet the needs of children facing abuse, and that there was a need for a formal reporting structure. 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 as of November.

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. The Child Protection Act of 2015 changes the legal age of marriage for both girls and boys to 18 and criminalizes marriage before 18,

with a penalty of fines between 10,000 kina (\$3,230) and 20,000 kina (\$6,460) and jail terms of five to seven years. To implement this change, the Marriage Act must be amended, which had not happened as of November. A UNICEF survey covering the years 2005-2013 found that 21 percent of women ages 20-24 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. Lack of resources and access to remote regions hampered the government's ability to take steps to prevent child marriages and enforce the law.

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

Sexual Exploitation of Children: The minimum age for consensual sex is 16. The maximum penalty for violators is 25 years' imprisonment or, if the victim is under age 12, life imprisonment. Child pornography is illegal; penalties range from five to 15 years' imprisonment, but enforcement remained a problem. There were cases of commercial sexual exploitation 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. In 2015 the government launched a national disability policy aimed at removing barriers faced by persons, including children, with disabilities. Most buildings and public infrastructure remained inaccessible for individuals with disabilities. Generally, families took care of persons with disabilities at home, and there was no formal reporting of abuse in educational or mental health facilities. Children with disabilities suffered from the under-resourced 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. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure (see section 7.d.).

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

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

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. A survey in two provinces indicated up to 11.5 percent of HIV/AIDS positive-respondents were physically assaulted for their HIV/AIDS status and 31 percent stated they were denied health services at least once. The NGO Business Coalition against HIV/AIDS and other NGOs worked to combat discrimination against persons with HIV/AIDS.

Other Societal Violence or Discrimination

Press reports of 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. In 2014 the government called partners together to draft a sorcery national action plan, but no funding had been released for implementation. The national government lacked the capacity to enforce these laws or change the traditional beliefs underlying sorcery-related killings. However, some provincial governments in the Highlands have set up police units specifically charged with responding to sorcery incidents. These police units met with limited success, especially when entering villages where they were outgunned and outnumbered.

During one week in October in Port Moresby, three women and one man were found dead after being brutally tortured. Police stated the deaths were related to sorcery accusations. Observers concluded that the number of women 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 women or for revenge. Reliable data on the issue remained elusive. Many cases went unreported and there was no comprehensive analysis of the drivers of sorcery-related violence. In some incidents, victims of sorcery-related violence were harassed, tortured, and subjected to public humiliation for days before being released, rescued, or killed.

Long-standing animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of law enforcement were factors underlying frequent violent tribal conflict in highland areas. During the year tribal fighting continued in the highlands provinces. Deaths and the numbers of IDPs resulting from such conflicts continued to rise due to the increased availability of modern weapons. The Internal Displacement Monitoring Center estimated that approximately 22,500 persons had been internally displaced as a result of tribal fighting and natural disasters. The ICRC estimated the number could be as high as 110,000. There were no reliable estimates for deaths caused by tribal fighting.

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. Labor laws do not cover workers in the informal sector, which accounted for 85 percent of the labor force, most of which was engaged in small-scale farming.

The law requires unions to register with the Department of Labor and Industrial Relations (DLIR). Although the law provides the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike or refusing to grant permission for a secret ballot vote on strike action. By law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when deemed contrary to government policy.

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

The DLIR is responsible for enforcing labor laws but did so selectively. The DLIR did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination, which remained widespread in the logging sector and in

state-owned enterprises. Observers attributed its ineffectiveness to lack of sufficient manpower and resources.

Workers exercised the right to form and join unions. The government did not use registration to control unions. An unregistered union has no legal standing and thus cannot operate effectively. Unions were 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, or in pay disputes. In most cases, the strikes were brief due to temporary agreements reached between the government and workers. In September the state-owned airline Air Niugini fired eight pilots for their stop-work action in July during a time of political tension. The CEO of the airline said that the pilots' action had damaged the reputation of the airline, since many flights had to be cancelled. As of November the pilots were challenging the decision in court.

Workers in both the public and private sectors engaged in collective bargaining. The DLIR and the courts were involved in dispute settlement. There were no reports of violations of collective bargaining rights.

b. Prohibition of Forced or Compulsory Labor

The constitution and laws 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 Foreign Seafarer's Act allows officials, on order of a judge or magistrate, to apprehend a non-citizen 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 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 ages of 11 and 16 must not interfere with school attendance, and children under age 16 may not be employed under working conditions dangerous to their health.

The DLIR is responsible for enforcing child labor laws; however, enforcement was not effective due to lack of resources and weak penalties.

There was a high rate of child labor in urban and rural areas, including in hazardous occupations. The lack of access to education contributed to the problem. Children sold cigarettes, food, CDs, and DVDs on the street and in grocery stores near mining and logging camps. There were reports of boys as young as 12 being exploited as "market taxis" in urban areas, carrying extremely heavy loads for low pay; some 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 U.S. Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

Widespread discrimination with respect to women occurred, especially in the attainment of management positions. The law bans discrimination on the basis of gender for employment and wages in the workplace and mandates an employer found guilty of the offense be charged 107 kina (\$35). The government did not effectively enforce 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. The constitution bars discrimination on the basis of disability, but the government did not take measures to protect persons with disabilities from discrimination. No laws prohibit discrimination regarding race, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status. Discrimination occurred based on the above categories with respect to employment and occupation (see section 6).

e. Acceptable Conditions of Work

The minimum wage was 3.20 kina (\$1.03) 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. There is no prohibition on excessive or compulsory overtime. The law provides for at least one rest period of 24 consecutive hours every week. Labor laws do not apply to workers in the informal sector. Regulations allow for 12 weeks of paid maternity leave for female civil servants, although there is no law granting maternity leave in nongovernment sectors.

The DLIR is responsible for enforcing the laws on minimum wage and work hours, and occupational safety and health. The DILR sets occupational safety and health standards and is required by law to inspect work sites on a regular basis. Due to a lack of resources, however, inspections took place only when requested by workers or unions. During the year there were 15 occupational health and safety and 16 industrial relations inspectors, insufficient to enforce compliance. Although the DLIR and the courts attempted to enforce the laws on minimum wage and hours of work, they were not effective, in part because penalties were insufficient to deter violations. The penalty is a fine not exceeding 100 kina (\$32). In the case of a

second or subsequent, continuing offense, the employer is liable for a fine not exceeding 10 kina (\$3.20) for each day or part of a day for which the offense continues. Where an employer fails to obey an order, direction, or requirement, the court may order 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 subject to hazardous and exploitative conditions, including exposure to toxic metals such as mercury. During the year fatal accidents occurred at the OK Tedi Mine and the Chinese-operated Ramu nickel mine.

Under occupational health and safety laws, employees can request a workplace inspection if they believe conditions are hazardous. 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 in conditions they deem hazardous.

According to World Bank statistics, 90 percent of the 2.9 million workers labored in rural areas where law enforcement and monitoring was weak. No statistics were available on workplace deaths or injury rates.