



Papua New Guinea

Amnesty International submission to the UN Universal Periodic Review 11th session of the UPR Working Group, May 2011

B. Normative and institutional framework of the State

Implementation of international human rights obligations

The reporting by Papua New Guinea (PNG) on its obligations under the international human rights treaties to which it is party has been very poor.¹ This reflects and has adversely impacted on the political will to implement PNG's obligations under these human rights treaties and to promote and protect the human rights of its population.

National Human Rights Institution

The government has been unable to set up the human rights institution which the National Executive Council endorsed in 1997. Amnesty International welcomes, however, the 2007 Final Option Paper on the establishment of the PNG Human Rights Commission and the setting up of a small unit within the Ombudsman's Commission to investigate complaints of human rights violations by the police. A draft Bill on the setting up of the PNG Human Rights Commission was prepared in 2008; however, it has yet to go through the parliamentary process.

Gender discrimination

Discrimination against women in PNG remains of grave concern to Amnesty International. Harmful norms, practices and traditions contribute to the negative stereotyping of women and their widespread discrimination in almost all facets of society.

Polygamy is widely practiced in many rural areas of the country and often perpetuates the perception that women have a lowly status and can be treated as a commodity. This is further exacerbated by the practice of paying a "bride price", i.e. "buying" a woman. In their concluding observations on PNG in July 2010, the CEDAW Committee urged the government to 'put in place without delay a comprehensive strategy, including legislation, to modify or eliminate customary practices and stereotypes that discriminate against women in conformity with articles 2, 2 (f) and 5 (a) of the Convention.'²

¹ Convention on the Elimination of All Forms of Discrimination against Women; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; and, Convention on the Rights of the Child.

² Concluding observations of the Committee on the Elimination of Discrimination against Women: Papua New Guinea, UN Doc. CEDAW/C/PNG/CO/3 (2010), para. 26.

Furthermore, the Constitution does not include “gender” or “sex” as a prohibited ground of discrimination, which is inconsistent with PNG’s obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women, Article 2.

C. Promotion and protection of human rights on the ground

Violence against women

In July 2010, the Committee on the Elimination of Discrimination against Women expressed concern that “harmful norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes of women” have contributed to “the persistence of violence against women, including sexual violence at domestic and community levels”.³

A widely prevalent culture of silence leads to serious under-reporting of violence against women. Furthermore, village courts often promote traditional reconciliation between the violent offender and the victim instead of ensuring that the perpetrator is prosecuted in the courts.

There are currently no laws specifically prohibiting violence against women and girls which makes it difficult for the authorities to deal adequately with violence in the family and in the community. While there have been numerous attempts since the 1990s to introduce family protection (domestic violence) legislation, these attempts have lacked the necessary political support from the country’s leaders.

In 2002 there were two positive developments: the Sexual Offences and Crimes against Children Act 2002 was passed by Parliament and the corroboration rule was abolished. The government has since reported that there is a project, within the Law and Justice Project framework, to develop a comprehensive law on gender violence and sexual offences.

There continues to be a severe shortage of emergency shelters and counseling for women fleeing violence and in need of counselling.⁴ While a partnership exists between the government and trauma response centres, the government’s support for these centres is often insufficient. Furthermore, very little money is allocated to the Department of Community Development to support social services like counselling for women.

Following his mission to PNG in May 2010, the UN Special Rapporteur on Torture reported that police officers frequently arrest women on minor offences with the intention of sexually abusing them. He also highlighted incidents where women, as punishments, were placed in cells with male detainees and subjected to gang rapes. Such abuses are rarely documented and investigated and perpetrators are not prosecuted.⁵

Women victims of violence are often subjected to undue pressure from family and members of the community to “settle” serious criminal charges by way of compensation payment alone. In other cases,

³ *Ibid.*, paragraphs 25 and 29.

⁴ In July 2010, Amnesty International presented a petition with 37,000 signatures to Minister of Community Development Carol Kidu calling for the establishment of new and support to existing safe-houses around the country.

⁵ OHCHR press release, “UN Special Rapporteur on Torture presents preliminary findings on his Mission to Papua New Guinea,” 25 May 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10058&LangID=E> (last accessed 20 October 2010).

when women do lodge complaints, they are intimidated, threatened and even beaten up by close relatives, including their violent partners. Women's groups working with female survivors of violence often face intimidation and persecution from family members of the women victims and the perpetrators.

Failure to curb unlawful sorcery-related killings

In January 2009, the government responded to the sharp rise in reports on sorcery-related murders in PNG by establishing a committee, under the Constitutional Review and Law Reform Commission, to review the laws relating to sorcery and other measures to curb the number of sorcery-related murders. Little information is available on the progress of work of this committee.

Traditional beliefs are strongly upheld in rural areas where groups of tribesmen target so-called 'Sangumas' or witches who they accuse of having magical powers. Within traditional tribes, sorcery is thought to account for sudden or unexplained deaths or illnesses. The end result is often that someone is killed for another person's unexplained death. Women are six times more likely to be accused of sorcery than men. Women suffering from HIV/AIDS are often seen as victims of sorcery.

In the remote communities and highlands provinces of PNG, "puri puri" (the traditional belief of sorcery) is reported to be used as a pretext for brutal acts of violence against women. More than 50 reported cases of sorcery-related deaths occurred in 2008 alone, and local authorities believe that many more murders may have gone unreported.

- In February 2009, local men in Ban village shot dead 60-year-old Plak Mel Doa and threw his body into a fire. His son, Anis Dua, was also dragged from his home and burnt alive. Local people had accused them of causing the death of a prominent member of the community by sorcery.
- In another case, in January 2009, a village court comprising church pastors and local officials found a 40-year-old man from a village in Unggai-Bena district in the Eastern Highland province guilty of sorcery and sentenced him to death. A group of local men then hacked him to death with bush knives.
- On 6 January 2009, a group of men stripped a woman naked, gagged, tortured and burned her alive at Kerebug rubbish dump in Mount Hagen, because they suspected her of practicing witchcraft.

The Chair of the Constitutional Review and Law Reform Commission in January 2009 stated that 'sorcery' is increasingly used as a way of finding scapegoats or killing someone for reasons of revenge or envy. Those targeted for killing have no access to a fair trial and are regularly tortured before being killed. Many of these killings are not brought to trial because witnesses are unwilling to testify for fear of being tortured or killed by those on trial or by their family or tribal members. The lack of public trust in the police adversely affects its capacity and ability to investigate these killings and hold those responsible to account.

In July 2010, while reporting to the CEDAW Committee, Minister Carol Kidu acknowledged that the government did not have statistics on the number of people killed or arrested in relation to witchcraft in the country. Estimates for 2009, put the number of killings in Chimbu province alone to 200.⁶

⁶ http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10423203&pnum=0 accessed 10 October, 2010

Forced evictions during “Operation Ipili” in Porgera

In July and August 2009, Amnesty International investigated the forced evictions and serious misconduct by police between April and July 2009 during “Operation Ipili” in Porgera, Eastern Highlands.

Amnesty International’s investigations revealed that aspects of the police’s conduct in Porgera during “Operation Ipili” violated both domestic law and international human rights law and standards, especially in relation the forced eviction of people from their homes, burning down of houses and destruction of personal belongings, gardens and livestock in Wuangima village in April 2009. The people affected were not provided with assistance to ensure that their rights were respected and the destruction of property was carried out without legal authority and contrary to the terms of warrants issued by the District Court at Porgera, which were limited to search for illegal materials. Amnesty International is also concerned that there were no effective means by which members of the public could complain against the police acting in violation of national or international law and standards.

Forced evictions violate several human rights, including the right to adequate housing. As a state party to the International Covenant on Economic, Social and Cultural Right and other international human rights treaties, PNG must ensure that no agent of the state, including the police, carry out forced evictions, and in the event a forced eviction does occur, it must ensure that the victims are able to seek an effective remedy for the harms related to the forced evictions.

D. Recommendations for action by the State under review

Amnesty International calls on the Papua New Guinea authorities:

Implementation of International Human Rights obligations

- To report on the implementation of its obligations on the ICESCR, ICCPR, ICERD, CEDAW and CRC to the relevant Treaty Bodies without delay;
- To design an effective framework to implement its national and international human rights obligations.

National Human Rights Institution

- To appoint a task force to oversee the prompt establishment of the National Human Rights Institution, ensuring that there is adequate representation by women and young people, people living with disabilities and other disadvantaged and vulnerable groups;
- To ensure that National Human Rights Institution have powers to investigate human rights violations in order to complement accountability mechanisms already in place such as the courts of justice, the Ombudsman’s Office and the Leadership Code Commission.

Gender equality

- To amend the Constitution to include “sex” and “gender” as prohibited grounds for discrimination;
- To ensure equality between women and men in domestic law and to adopt and implement a national gender policy and gender action plan;
- To modify or repeal existing laws and regulations that discriminate against women and girls;

- To ensure that all public servants are aware of the gender policy and how to implement it in their work in an effective manner.

Eliminating gender-based violence

- To develop a legislative reform package to eliminate gender based violence;
- To ensure that all complaints of violence, including sexual violence against detainees by police, are fully investigated and that suspected perpetrators are brought to justice;
- To invite the UN Special Rapporteur on Violence against Women to visit PNG;
- To ensure that the national government and each provincial and local-level government has in place a plan for the prevention of violence against women and girls, based on a common framework to ensure coherence across provinces and compliance with PNG's due diligence obligations,
- To ensure that women and girls who are subject to gender-based violence have access to healthcare services, counselling, emergency accommodation and long-term and sustainable housing and livelihood solutions, and legal advice, including in cooperation with non-governmental organizations and international donors;
- To ensure that healthcare professionals, welfare officers, counsellors and legal advisors are trained in how to respond to female survivors of gender-based violence in a manner which respects women's human rights and prioritizes their safety and welfare.

Sorcery-related killings

- To vigorously pursue investigations of all sorcery-related killings to ensure that the perpetrators are brought to justice;
- To develop and implement strategies, including for social change, to prevent further acts of sorcery-related killings;
- To implement awareness-raising programmes to educate communities about the causes of HIV/AIDS, and to challenge any link between women with HIV/AIDS and notions of sorcery.

Forced Eviction in Porgera

- To carry out full investigations into the forced evictions and related police violence in the Special Mining Lease Area, as part of the "Operation Ipili", to prosecute those responsible for human right violations, and to provide remedies to those affected, including adequate alternative accommodation and compensation, in full consultation with those affected;
- To ensure that the prohibition on forced evictions under international law and the human rights consequences of forced evictions are part of comprehensive human rights training for police, and to ensure the participation of senior members of the police force in all such training;
- To immediately assess whether Special Mining Lease Area residents require relocation, and if so, to ensure that such relocation occur promptly and in a manner that fully respects their human rights;
- To establish an effective complaints mechanism in Porgera to enable members of the public to make complaints, including against police officers, without fear of repercussions, and to conduct awareness campaigns to increase public understanding of procedures for reporting complaints;
- To ensure that police officers wear identification when carrying out police duties.