



UPR Submission

Papua New Guinea

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Summary

Papua New Guinea is at a crucial moment in its history. Construction of a \$15 billion ExxonMobil-led liquefied natural gas (LNG) project is underway, and the project should provide a massive boost to the country's economy once it is completed. But while lucrative extractive industry operations like the new LNG project can have profound human rights and environmental consequences, the government has consistently failed to adequately regulate such operations.

Overall, Papua New Guinea has done little to address longstanding human rights and governance problems that have consistently hobbled progress in the country. Corruption scandals continue to grab the headlines, the collapse of key government institutions continues apace, and members of the country's police force continue to engage in torture, rape, and other abuses with impunity. Widespread violence against women rages unabated throughout the country.

Just as troubling is that the government has taken steps to diminish accountability rather than improve its capacity to govern responsibly. Especially alarming are government-sanctioned moves to curtail the powers of its own widely-praised Ombudsman Commission, the only government institution that has had some success combating government abuse and mismanagement. The government has also supported controversial amendments to Papua New Guinea's Environment Act that would strip citizens of their right to challenge the legality of controversial extractive industry projects in court.

Extractive Industries and the Future of Papua New Guinea

The Papua New Guinea government has staked the country's future on exploitation of its extraordinary abundance of natural resources. Extractive industries are the main engine of Papua New Guinea's economy and account for a large proportion of the country's private sector employment opportunities. But the government has a long track record of failing to adequately regulate private companies or deal responsibly with community conflicts that erupt around company operations.

In many areas of key human rights concern, the Papua New Guinea government has essentially abdicated its responsibility to regulate the activities of large multinational extractive companies. For instance, Human Rights Watch has documented multiple incidents of gang rape and other violent abuses by private security guards employed by Papua New Guinea's Porgera gold mine, run by the Canadian company Barrick Gold. The police only moved to initiate investigations into these allegations after Human Rights Watch documented them in

2010. Yet the government provides no regular oversight of such private security forces, meaning that human rights abuses by these private forces are tackled, or ignored, depending largely on whether the company involved is willing to proactively address the problem. Victims often have no safe and accessible channel they can use to report abuses.

The environmental and health impacts of company operations are also often without meaningful government scrutiny, even in the controversial logging industry, where local analysts and civil society groups allege that violations of national laws and regulations are routine. Over the years local civil society groups have documented how some rural communities have suffered intimidation or abuse, and lost the forests they depended on for a livelihood to illegal or poorly-regulated logging operations. Papua New Guinea already has a painful history dealing with the failures of government to adequately address these issues. The Ok Tedi disaster resulted from the discharge of mine waste [tailings] into the Strickland River system in the 1990s, impacting the health and livelihoods of local communities. The practice of riverine tailings disposal still continues today.

In 2010 a group of citizens filed suit to prevent the Chinese-owned Ramu nickel mine from building a pipeline that would deposit mine waste into the ocean. The government responded by introducing amendments to the country's Environment Act that would strip citizens of their right to challenge government-sanctioned projects in court. As of the time of writing, parliament had passed those amendments but they had yet to be signed into law. Supporters of the Ramu mine also reportedly intimidated and harassed the plaintiffs in the case.

The government has often failed to effectively mediate community conflicts over compensation payments linked to extractive projects, or provide policing services adequate to maintain law and order. The LNG project has already generated violent disputes over compensation payments at this early stage of development, fully four years before the gas is expected to flow. In October 2010 aggrieved community members staged a violent attack on an LNG-related construction site, and many local activists worry that disagreements between rival groups of claimants could lead to an increase in violent clashes over eligibility for compensation payments.

Torture, Rape, and other Police Abuses

Human Rights Watch has previously documented widespread patterns of abuse by Papua New Guinea's police force, including use of excessive force, torture, and sexual violence against children as well as adults. Those abuses remain rampant and almost all of those responsible continue to enjoy impunity. These patterns of abuse by the police have deeply eroded the public trust and cooperation crucial to effective policing.

In May 2010 the UN Special Rapporteur on Torture traveled to Papua New Guinea and documented routine beatings of criminal suspects by police that often rise to the level of torture, extortion of sex from female detainees, corruption, and other abuses. Police often deliberately disable suspects of serious crimes and escapee prisoners, sometimes by cutting their tendons with bush knives and axes. The Special Rapporteur found that the conditions in correctional institutions were "poor" and in police lockups "appalling." Children are regularly detained with adults in police lockups.

Impunity remains the norm when it comes to police abuses, and efforts to investigate them are often poorly received. The Special Rapporteur noted that a government intelligence officer even attempted to attack one of the Special Rapporteur's own team during an encounter inside a police station.

More than five years after the police beat and sexually assaulted several dozen women and girls (and gang raped at least four in detention) in a raid on the Three-Mile Guest House in Port Moresby in March 2004, the Ombudsman Commission issued a report finding that police unlawfully arrested and detained the victims, used excessive force, and raped and humiliated them. The Commission also found that senior officials failed to supervise or control the officers under their command.

In July mobile police squads housed and fed by Barrick Gold at the company's Porgera gold mine allegedly kidnapped and raped three teenage girls. In an unusual and positive move, the police suspended the alleged culprits from duty and opened a criminal investigation into the incident. At the time of this writing, the investigation is still ongoing.

Donor-backed efforts to provide training to improve the capacity of the Papua New Guinea police have had little discernable impact on the force's human rights record. In Human Rights Watch's view, at this stage more urgency should be placed on ending impunity for serious abuses than on further efforts to improve officers' understanding of their human rights obligations.

Violence Against Women

Violence against women and girls is a problem of epidemic proportions, with studies indicating that more than half of all women in Papua New Guinea have suffered physical assault by a male partner. The dislocating effects of rapid social change have increased violence which affects, in particular, a huge proportion of the country's female population. Socially marginalized women such as sex workers are especially vulnerable. Violence against women accused of practicing sorcery is also common, and local activists say that such allegations are often leveled against women with the deliberate intention of making it possible to carry out violence against them.

Sexual violence against women is commonplace. The government provides no effective assistance to victims and often leaves perpetrators unpunished and there are insufficient support services such as shelters and emergency health care. Victims face formidable barriers to obtaining redress through the justice system, including lack of information, limited legal aid, and geographic distance. Many village courts rely on customary laws that fail to protect women's rights. This problem is exacerbated by some police officers' own propensity to engage in sexual violence.

Government Corruption and Institutional Decay

Government institutions in Papua New Guinea are regularly embroiled in corruption scandals. A judicial report that came to light in April 2010 detailed how top-level government officials and others siphoned off some \$300 million from government coffers through phony compensation claims. Meanwhile the capacity of key public institutions continues to decay, especially in rural areas where the government often fails to provide basic services like health and education. The

Papua New Guinea government is obligated under international law to progressively realize its citizens' rights to health and education.

In 2010 the government supported moves to curtail the powers of its Ombudsman Commission, the very institution tasked with unearthing patterns of government corruption and abuse. As of the time of writing, those amendments have been passed by parliament but not yet signed into law, partly because the move triggered widespread civil society protests.

The Rights to Health and Education

The government has eroded respect for economic, social and culture rights as seen by the closure of rural aid posts and health centers, declining transportation infrastructure, the failure of allocated funds to reach local governments, and a shortage of drugs, medical equipment, and trained health professionals all limit access to quality healthcare. Rates of maternal and child mortality are among the highest in the region.

Papua New Guinea has the highest prevalence of HIV/AIDS in the Pacific: around 34,100 people are living with the disease (0.92 percent of adults in 2010), with young women most likely to be diagnosed. Gender-based violence and discrimination and poor access to healthcare fuel the virus's spread. People living with HIV/AIDS often face violence and discrimination. Antiretroviral therapy is inaccessible to most. Despite training, police undermine prevention efforts by targeting female sex workers and men and boys suspected of homosexual conduct, for beatings and rape. Police do so in part because they can threaten arrest using laws criminalizing homosexual conduct and certain forms of sex work, and because social stigma against homosexuals and sex work shields the police from public outrage.

Primary education is neither free nor compulsory. The net enrollment rate in primary education was 53 percent in 2009, according to AusAID. Barriers include long distances to schools, a shortage of upper secondary placements, high school fees, and school closures due to insecurity. Girls in particular risk sexual abuse by other students and teachers, face a lack of water and sanitation facilities, and must survive daily dangerous journeys to and from school.

Recommendations

Extractive Industries and the Future of Papua New Guinea

- Abandon plans to amend the country's Environment Act to strip local community members of their right to challenge the legality of government-sanctioned extractive industry projects that may impact human rights in a court of law.
- Establish a viable institutional mechanism to oversee the conduct of all private security actors in Papua New Guinea.
- Make public the results of the police investigation into allegations of rape by security personnel at the Porgera mine. Ensure that any perpetrators are fully prosecuted for their crimes.

Torture, Rape, and other Police Abuses

- The Ombudsman Commission should strengthen the work of its human rights desk on police abuses, and the government should give the Commission the resources it needs to do this effectively.
- Make strong and repeated public statements, at the highest institutional level (beginning with the new Minister of Police and the Commissioner of Police) against police violence against children, sex workers, and men and boys perceived to be homosexual.
- Punish officers who torture, rape, or use excessive force, using administrative sanctions, including dismissal, and criminal prosecution. Similarly punish commanding officers who know or should know of such acts, and who fail to prevent or punish them. Improve the speed and efficiency with which cases of criminal action by police are sent to the public prosecutor.
- Hold all police officers who undergo human rights training accountable for following it.
- Strengthen the police force's Internal Affairs Directorate and penalize officers who do not cooperate with it. Investigate alleged abuses and delays in implementing dismissal orders, and allow outside monitoring of cases, for example by the Ombudsman Commission. Take greater steps to improve public access to complaint units, including public education about the complaints process.
- Immediately designate an independent body outside the police force to monitor police violence against children. If the Ombudsman Commission is given this responsibility, it should also be provided with adequate resources to do so.
- Ensure that children are never detained with adults in police lockups or prisons.
- Strengthen and expand the juvenile justice system. Fully support or reactivate juvenile reception centers and juvenile policy monitoring units throughout the country.

Violence Against Women

- Prioritize government efforts to combat impunity for violence against women, including through more robust monitoring of police conduct to ensure that police officers do not engage in violence against female detainees.
- Improve access for victims of sexual violence to medical, legal, counseling, and other support services. Health services should include access to post-exposure prophylaxis for HIV and emergency contraception.

Government Corruption and Institutional Decay

- Withdraw government support from proposed amendments that would curtail the power of the country's Ombudsman Commission, one of the few national institutions that has had some success in fighting official corruption and abuse.