

PAPUA NEW GUINEA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in 2017, and the People's National Congress party won a majority in the 111-seat unicameral parliament, led by 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.

Human rights issues included unlawful or arbitrary killings by police; torture; government corruption; gender-based violence, including acts committed by police; trafficking in persons; the criminalization of same sex conduct between men, although the law was not enforced; and child labor.

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

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

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

During the year there were numerous reports the government or its agents committed arbitrary or unlawful killings. In January police officers shot and killed a man near his home in East New Britain Province. The officers involved claimed police acted on a tipoff from locals that the man, who allegedly had a criminal history, was part of a group of prison escapees. The victim's family rejected these allegations.

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

b. Disappearance

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

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

Although the constitution prohibits torture, individual police and correctional services officers frequently beat and otherwise abused citizens or suspects before or during arrests, during interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. In July, two police officers from the Airborne Tactical Unit in Port Moresby assaulted a 15-year-old boy in Kimbe, West New Britain Province. The officers claimed the victim had stolen from a woman at the market. A video of the assault circulated on social media. In August the West New Britain Provincial Commander suspended the officers, charged them with assault, and referred them to the Police Internal Affairs Unit for investigation.

There were reports police raped and sexually abused women while in detention.

Prison and Detention Center Conditions

Prison conditions were poor overall, but prison conditions improved in the country's largest prison, Bomana. The prison system continued to suffer from serious underfunding, food shortages, inadequate medical facilities, and overcrowding in some facilities.

Physical Conditions: The country's prisons were overcrowded. Infrequent court sessions, slow police investigations, and bail restrictions for certain crimes exacerbated overcrowding. One prison commander also suggested that the closure of prisons in some provinces led to overcrowding and health issues in neighboring prisons. The prison in Wabag, Enga Province, remained closed due to unresolved land disputes, while the prison in Tari, Hela Province, reopened in September.

Authorities held pretrial detainees in the same prisons with convicted prisoners but in separate cells. Pretrial detainees, frustrated by the slow processing of their cases, were the leaders of prison breaks, which were common. In five prison breaks during the year, 120 persons escaped, and prison guards shot and killed nine of the escapees. The largest breakout was from Lakiemata Prison in Kimbe, where 39 persons escaped and prison guards shot and killed three of the escapees. Four persons were killed trying to escape from Buimo Prison in Lae. Correctional Services has not reported on the incidents nor suggested disciplinary action against

the officers. A national court judge suggested that the national court needed more resources to reduce the number of pretrial detainees overcrowding prisons.

All prison facilities had separate accommodations for juvenile offenders. The Department of Justice and attorney general operated four juvenile facilities, and the Roman Catholic Church operated three juvenile reception centers to hold minors awaiting arraignment prior to posting of bail. Human Rights Watch reported authorities routinely held juveniles with adults in police detention cells, where older detainees often assaulted the younger detainees. Police sometimes denied access by juvenile court officers to detainees. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Sanitation was poor, and prisoners complained that rations were insufficient. In May a magistrate ordered the immediate transfer of 97 detainees from the Jomba police station holding cells after the provincial police commander reported they had run out of funds to buy food rations. A number of prisons experienced problems with inadequate ventilation and lighting.

The Manus Island Regional Processing Centre (RPC), paid for by the Australian government, officially closed in 2017. As of September 403 refugees and 124 non-refugees were still being held on Manus Island in facilities operated by the government's Immigration and Citizenship Authority. The government continued to encourage non-refugees to return to their country of origin, although many refused or could not obtain travel documents from their country of origin.

There were reports local security forces on Manus physically abused refugees. Refugees also reported that facilities were overcrowded and there was an irregular supply of clean water and electricity. Detainees continued to have inadequate access to basic health services, including mental health care.

Notably, the conditions in the largest prison, Bomana, improved from the previous year. Under new management, there have been no major incidents between prisoners and prison guards, sanitation has improved, and rehabilitation programs have been developed for prisoners.

Administration: The government mandated the Ombudsman Commission to visit prisons, but the commission lacked adequate resources to effectively monitor and investigate prison conditions. The team visited two prisons during the year. Authorities generally allowed family visits, and the International Committee of the Red Cross (ICRC) assisted family visits to Bougainville prisoners held in Kerevat

Correctional Institution in East New Britain Province and Bekut Correctional Institution on Buka Island.

Independent Monitoring: The government permitted monitoring visits by independent observers. During the year the ICRC and the Office of the United Nations 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 May, six police officers assaulted and detained a former deputy police commissioner for five hours without any charges before releasing him. The Police Internal Affairs Unit reported that the officers were suspended and would be charged once the investigation was complete. 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 common, 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 are responsible for security during national elections, although additional funding and manpower was generally limited.

Civilian authorities maintained control over the RPNGC and PNGDF, although impunity was a serious problem. In December 2017 men in police uniform

reportedly shot and killed a 15-year-old who was waiting to shower at a water pump in Port Moresby. In June police said two officers had been identified for further questioning, but as of November no formal charges had been brought.

The RPNGC Internal Affairs Unit 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 June police reported that from 2015 to 2017, more than 250 police officers were dismissed through the police disciplinary process due to lack of discipline, disgraceful conduct, and corruption.

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 (PNG-APP), Australian Federal Police officers provided advisory support and mentoring to a number of directorates and work areas within the RPNGC, including Family and Sexual Violence Units, Juvenile Justice Units, the National Fraud and Anti-Corruption Unit, the Internal Affairs Unit, and national police training at the Bomana Police College. Much of the training provided under the partnership included instruction on human rights principles and gender awareness with a focus on empowering female members of the RPNGC. Although the majority of the PNG-APP effort was concentrated within Port Moresby, advisors also trained police from many major provincial areas throughout the country.

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 used them to instruct 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 not granted promptly, suspects are transferred to prisons and can wait for years before they appear before a judge. Arrested suspects have the right to legal counsel and to be informed of the charges against them; however, the government did not always respect these rights. Detainees may have access to counsel, and family members may have access to detainees.

Pretrial Detention: Pretrial detainees comprised approximately 40 percent of the prison population. Due to very limited police and judicial resources and a high crime rate, authorities often held suspects in pretrial detention for lengthy periods. According to correctional services data, detainees could wait for as long as three years before trial, sentencing, or release, but there were media reports of detainees who waited for as long as nine years. Although pretrial detention is subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations, particularly in locating witnesses, and occasional political interference or police corruption, frequently delayed cases for years. In addition, there were delays due to infrequent circuit court sittings because of shortages of judges and travel funds.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for a presumption of innocence and due process, including a public trial, and the court system generally enforced these provisions. Judges

conduct trials and render verdicts. Defendants have the right to an attorney, to be informed promptly and in detail of charges against them, to be present at their trial, to free interpretation services if desired, and 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 mechanism to fast-track cases of alleged human rights abuses. Through this process the national court may award civil remedies in cases of human rights abuses. District courts may order "good behavior bonds," commonly called "protection orders," in addition to ordering that compensation be paid for violations of human rights. Courts had difficulty enforcing judgments. In addition, largely unregulated village courts adjudicated many human rights matters. Village and district courts often hesitated to interfere directly in domestic matters. Village courts regularly ordered payment of compensation to an abused spouse's family in cases of domestic abuse rather than issuing an order to detain and potentially charge the alleged offender.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the constitution prohibits such actions, there were instances of abuse. Police raids, searches, and forced evictions of illegal squatter settlements and suspected criminals often were marked by a high level of violence and property destruction. In June police officers raided a compound in Hobu, Morobe Province, in search of a suspected killer. According to media reports, armed officers burned down 27 homes, leaving more than 100 persons homeless, assaulted residents, and destroyed food gardens, in retaliation for the killing of a senior police officer. As

of September no charges were laid against the officers. Their provincial commander said the officers acted in anger after one of their own was killed.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The government generally respected freedom of speech, although some activists reported the intimidating presence of unmarked vehicles outside of their homes. Government critics on social media reported intimidation and threats. In 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 stated 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 March, acting on a complaint from a member of parliament, police arrested a man for alleging on social media that the parliamentarian paid bribes to voters during the 2017 election. The same parliamentarian supported a government proposal to ban Facebook for one month to allow the government time to investigate fake accounts. The government dropped the proposal after civil society protested.

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 November a government-owned television station (EMTV) suspended senior journalist Scott Waide for publishing reports that were “not favorable” to the station. EMTV claimed the decision to suspend Waide was

taken by Kumul Telikom Holdings Board, which controls EMTV. After two days of national and international outcry, including from the Media Council of PNG, Waide was reinstated. However, the Minister for Public Enterprise & State Investments William Marra Duma, said that an inquiry into the suspension would be launched and that Waide would be investigated for “displaying lack of news judgement.”

Violence and Harassment: Journalists were subject to harassment, intimidation, and in some cases violence by police and supporters of parliamentarians for their reporting. In February officials working for the Morobe provincial governor assaulted a journalist after they alleged that his reporting about the governor was too negative. Police arrested four of the six perpetrators, but quickly released them after they paid a fine of Papua New Guinea kina (PGK) 300 (\$90).

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access remained limited but continued to grow through the increasing use of mobile phones. The growth of internet access resulted in increased use of social media and blogs to discuss and develop evidence of abuse of power and corruption in government, especially ahead of the national election.

The law on cybercrime 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 a maximum 25 years imprisonment and a maximum fine of PGK 50,000 (\$15,000) for violations.

Media reported five cases of persons charged under the law but who were not convicted because the courts, police, and relevant government agencies lacked guidance on how to implement the new law. The charges related to character defamation on social media. Three of the cases were dismissed while two were free 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 to implement the law. According to the ITU, 11 percent of the population uses the Internet.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

Public demonstrations require police approval and 14 days' advance notice. If public demonstrations occurred without official approval, police normally requested crowds to disperse. If that failed, and if violence or public disturbances ensued, police used tear gas and fired shots in the air to disperse crowds.

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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 2017 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 May Rohingya refugee Salim Kyawning died in an apparent suicide after he jumped from a moving bus in Lorengau on Manus Island. Two refugee men also died from suspected suicides in 2017. Human rights groups alleged that these men all suffered from mental illness, exacerbated by frequent clashes with local police, and that their lives could have been saved had they received proper mental health services. In June a fact-finding mission from the UNHCR observed high levels of anxiety and depression among the refugees, and a lack of psychiatric support.

In February PNGDF personnel assaulted three asylum seekers, injuring all three. Tensions between detainees and local police, soldiers, and residents remained high.

Internally Displaced Persons (IDPs)

Natural disasters, including a 7.5 magnitude earthquake in February and volcanic eruptions, caused most displacements, while tribal violence, ethnic clashes, and land disputes were responsible for approximately one-third. Displacement was generally protracted, with families living in temporary situations for more than one year on average. These populations were vulnerable because they lacked access to land, basic services, and protection. Women and children were especially susceptible to abuse. The government had no policy or legislation to address the needs of IDPs, and host communities often reacted with violence to displaced populations.

Protection of Refugees

Access to Asylum: While the law does not formally provide for the granting of asylum or refugee status, legislation provides a refugee status determination process. The law allowed persons from the Indonesian’s Papua Province (formerly Irian Jaya) to apply for Papua New Guinea citizenship without having to pay the usual 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 2017 Australian authorities closed the Manus Island RPC and moved refugees to the East Lorengau Refugee Transit Center. As of October the transit center held approximately 400 refugees.

Australian Immigration and Border Protection and UNHCR trained the Immigration and Citizenship Service Authority (ICSA) on how to make refugee status determinations. ICSA officers are responsible for processing refugee claims by those on Manus Island. As of October, 403 persons were determined to be genuine refugees, 124 had their claims denied, and another 598 had accepted the voluntary departure package, which in some cases included as much as \$25,000 in cash offered by Australian and Papua New Guinea authorities. The remainder were either deported, sent to Australia for medical treatment, settled in Papua New Guinea or the United States, or had died.

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, because several refugees who tried to resettle in the country became victims of crime.

Durable Solutions: The national refugee policy provides a way for Indonesian Papuans to apply for Papua New Guinean citizenship without having to pay the PGK 10,000 (\$3,000) citizenship fee. ICSA estimated that between 10,000 and 15,000 Indonesian Papuans lived in Papua New Guinea. Under the policy 1,259 Indonesian Papuans received citizenship certificates in 2017, and during the year through October, another 115 received citizenship.

Temporary Protection: The government provided temporary protection to persons 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 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 occurred in June 2017, and local government elections took place in 2013. Local government elections scheduled for August were postponed until 2019 due to a lack of funding from the national government to the electoral commission. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the general election. There were also many incidents of violence and destruction of property, primarily in the Highlands, during and after the voting period, causing the deaths of at least 40 persons, including four police officers. The Electoral Commission announced in parliament the winner of the last seat (Southern Highlands) in September 2017, two months after voting concluded. According to media reports, the announcement of the winner set off a new wave of violence and unrest, which sent the town of Mendi into a “state of chaos” as supporters of the losing candidate destroyed and damaged local offices and businesses. In June Mendi was again in chaos after the national court dismissed an election petition from the losing candidate. His supporters burned a commercial aircraft and the national courthouse in Mendi.

An observer group from the Commonwealth Secretariat noted that the Electoral Commission faced funding shortages and logistical challenges, which were partly to blame for significant problems with the voter registration process. A large number of voters’ names were missing from voter rolls, which delayed voting in multiple provinces. The campaign period was competitive and broadly peaceful, and media coverage of the election was robust and largely unrestricted. Citizens turned out in large numbers to cast their votes, although there were variations in voting practices across the country. In some areas voting was peaceful and followed procedure, while in other areas ballot secrecy was not respected, and group voting occurred. All observer groups expressed disappointment the government did not implement recommendations provided after the 2012 national elections, which included an immediate and thorough update of voter rolls.

After the general election, the National Court registered 77 election petitions that alleged illegal practices. By September more than 50 had been withdrawn or completed. Four petitions resulted in court-ordered ballot recounts.

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 such claims hard to verify. The Ombudsman Commission issued a directive to freeze public funds controlled by parliamentarians starting when the election officially opened in 2017. The commission reported after the election, however, that unusually high amounts of money were withdrawn from these accounts in the 30 days before the freeze went into effect.

In some areas tribal leaders determined which candidate a tribe would support and influenced the entire tribe to vote for that candidate.

Participation of Women and Minorities: No law limits participation by women 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, and only 5 percent of candidates were female (167 of 3,332). The political participation of women was often limited, since there were social expectations for them to vote along tribal and family lines. The Electoral Commission instructed polling officials to create separate lines for women in order to allow them to vote more freely. There were five female judges in the national and supreme courts, and the Chief Magistrate and Deputy Chief Magistrate were women.

There were three minority (non-Melanesian) members of parliament and several others of mixed parentage. 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 a lack of trained staff hindered its effectiveness. Neither body had sufficient resources to carry out its mission. The government appointed a chief ombudsman in 2017 after a two-year delay. The former chief ombudsman believed the government allowed his appointment to lapse due to his efforts to investigate the prime minister for corruption-related offenses.

In 2017 the temporary interagency anticorruption body known as Investigation Task Force Sweep officially ceased operations, citing a complete lack of funding and political support. In September the prime minister announced the government had approved the re-establishment of the independent commission against corruption.

Corruption: In 2017 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 PGK 46.6 million (\$13.6 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, but as of September, no report had been released. In August the police commissioner stated that police were dropping an investigation into the deal and that they found no evidence of wrongdoing. Both ministers implicated in the scandal retained 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 the 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 they had experienced rape or sexual assault. According to Amnesty International, approximately two-thirds of women had been beaten by their partners. Due to stigma, fear of retribution, and limited trust in authorities, most women did not report rape or domestic violence to authorities. In January the media reported that a woman was repeatedly beaten and raped by her brother-in-law, who also sewed her genitalia shut and tied her up. Authorities charged the man with rape, deprivation of liberty, and unlawful wounding.

Rape, including spousal rape, is a crime punishable by a sentence ranging from 15 years to life imprisonment. 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 maximum penalties of two years' imprisonment and PGK

5,000 (\$1,500) 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 enacted in 2013.

Police committed 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 turn away 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 shelters.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, authorities charged an increasing number of women with murdering another of their husband's wives. Independent observers indicated that approximately 90 percent of women in prison were convicted for attacking or killing their husband or another woman.

Other Harmful Traditional Practices: Customary bride price payments continued. This contributed to the perception by many communities that husbands owned their

wives and could treat them as chattel. In addition to being purchased as brides, women sometimes were given as compensation to settle disputes between clans.

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

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

Discrimination: Although the law provides extensive rights for women dealing with family, marriage, and property disputes, gender discrimination existed at all levels. Women continued to face severe inequalities in all aspects of social, cultural, economic, and political life.

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

Children

Birth Registration: Citizenship is derived through birth to a citizen parent. Birth registration often did not occur immediately due to the remote locations in which many births took place. Failure to register did not generally affect access to public services such as education or health care.

Education: In 2012 the government established a policy of free education through grade 10 and pledged to provide subsidies for students thereafter. There were many complaints 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 despite the free education policy, 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 nongovernmental Save the Children released the results of a small-scale study showing that 70 percent of children faced physical or emotional violence and 50 percent faced sexual violence or family violence in the home; child protection systems, especially in rural areas, were not adequate to meet the needs of children facing abuse. Other studies found that only the most egregious forms of sexual and physical abuse of children were reported to police, because family violence is viewed as a domestic matter. Although the country passed a law in 2015 to strengthen child protection efforts in 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 years for boys and 16 for girls. There is a lower legal marriage age (16 years for boys and 14 for girls) with parental and court consent.

Customary and traditional practices allow marriage of children as young as 12 years, 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 years. The maximum penalty for violators is 25 years' imprisonment or, if the victim is younger than 12 years, life imprisonment. Child pornography is illegal; penalties range from five to 15 years' imprisonment, but enforcement remained a problem. There were cases of sex trafficking of children in urban areas, including of minors working in bars and nightclubs. There were reports of exploitation of children through the production of pornography and that both local and foreign children were subjected to sex trafficking. The law does not criminally prohibit using, procuring, and offering a child for pornographic performances. NGOs reported increased prevalence of child sex trafficking.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.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. Nevertheless, persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and provision of other state services. Most buildings and public infrastructure remained inaccessible for persons with disabilities. Children with disabilities experienced an 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. 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), is 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 reports of societal violence and discrimination against such persons, and they were vulnerable to societal stigmatization, which may have led to underreporting.

HIV and AIDS Social Stigma

There were no reports of government discrimination against persons with HIV/AIDS; 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 controversial anti-sorcery legislation 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 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 killings of alleged sorcerers. In January, 97 persons were convicted in a mass trial for eight sorcery-related murders that took place in 2014. Eight persons were sentenced to death and the remainder received life sentences.

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

Long-standing animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of law enforcement were factors underlying frequent violent tribal conflict in highland areas. During the year tribal fighting continued in highland provinces. The number of deaths and IDPs resulting from such conflicts continued to rise due to the increased availability of modern weapons (see section 2.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers in the public and private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. The government has limited influence over trade union formation and registration. The law does not cover workers in the informal sector, which accounted for 85 percent of the labor force, most of whom were engaged in small-scale farming.

The law requires unions to register with the Department of Labor and Industrial Relations. An unregistered union has no legal standing and thus cannot operate effectively. Although the law provides for the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike or refusing to grant permission for a secret ballot vote on strike action. Some union leaders complained that the labor department's refusal to allow for votes on strike action constituted undue government influence. By law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when deemed contrary to government policy.

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

The labor department is responsible for enforcing the law but did so selectively. Penalties were insufficient to deter violations since the maximum fine was PGK 1,000 (\$290). With two labor inspectors per province and inadequate resources, inspectors usually monitored and enforced the law on an ad hoc basis. The labor department did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination, which remained widespread in the logging sector and in state-owned enterprises. Observers attributed its ineffectiveness to a lack of sufficient manpower and resources.

Unions were generally independent of both the government and political parties, whose influence diminished from previous years. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies, terminations, and appointments of managers or board members, or in pay disputes. In most cases the strikes were

brief due to temporary agreements reached between the government and workers. In February state-owned Ok Tedi Mine fired 93 employees for participating in a one-day protest demanding better working conditions. The chief executive officer of Ok Tedi said the employees' decision to stage a protest was not in line with proper protocol for filing grievances. The workers filed a complaint with the labor department but as of October the investigation had not been completed.

Workers in both the public and private sectors engaged in collective bargaining. The labor department and courts were involved in dispute settlement.

b. Prohibition of Forced or Compulsory Labor

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

Logging and mining sites primarily operated in remote regions with negligible government oversight, and authorities did not make efforts to identify forced labor victims at these sites. The law allows officials, on order of a judge or magistrate, to apprehend a noncitizen crewmember of a foreign-registered ship who fails to rejoin the crewmember's ship during its time in the country. The crewmember is placed at the disposal of the diplomatic representative of the country in which the ship is registered (or, if no such representation exists, the ship's owner or representative) in order to return him to the ship. Observers noted this practice might prevent foreign workers from reporting or escaping situations of forced labor.

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

Also see the Department of State's *Trafficking in Persons Report* at 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 years. The minimum age for hazardous work is 18, but the government has not identified a list of which occupations are hazardous. Children between 11 and 16 years may be employed in light work in a family business or enterprise, provided they have parental permission, medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between 11 and 16 years must not interfere with school attendance, and children younger than 16 may not be employed in working conditions dangerous to their health. The law does not, however, specify the types of activities in which light work is permitted nor the number of hours per week this work may be undertaken. The labor department is responsible for enforcing child labor law provisions; however, enforcement was not effective due to lack of resources and weak penalties.

There was a high prevalence of child labor in urban and rural areas, including in hazardous occupations. Children were seen directing parking and selling cigarettes, food, and DVDs on the street and in grocery stores throughout the country, sometimes near mining and logging camps. There were reports of boys as young as 12 years being exploited as “market taxis” in urban areas, carrying extremely heavy loads for low pay; some may have been victims of forced labor. There were also reports of children engaging in mining activities, including prospectors forcing children to work in alluvial gold mining.

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

Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the “host” family, in situations that sometimes constituted domestic servitude. In some cases the host was a relative who informally “adopted” the child. There were reports of commercial sexual exploitation of children (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

No law prohibits discrimination regarding race, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status. The constitution bars discrimination based on disability, but the government did not

take measures to protect persons with disabilities from discrimination. The law bans discrimination based on gender for employment and wages in the workplace. The government did not effectively enforce these laws.

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

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

e. Acceptable Conditions of Work

The minimum wage was PGK 3.50 (\$1.05) per hour for all workers; this was above the official estimate for the poverty income level. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime work. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas, and it provides for premium pay for overtime work. Labor laws do not apply to workers in the informal sector.

The labor department is responsible for enforcing the law regarding minimum wage and work hours and occupational safety and health. It sets occupational safety and health standards and is required by law to inspect work sites on a regular basis. Due to a lack of resources, however, inspections took place only when requested by workers or unions. Workers are entitled to wages while the inspection takes place, although the law does not specify further protection for employees who seek to remove themselves from conditions they deem hazardous. The number of occupational health and safety and industrial relations inspectors, 43, was insufficient to enforce compliance. The labor department and the courts were not effective in enforcing the law regarding minimum wage and hours of work, 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 each day for which the offense continued. When an employer fails to obey an order, direction, or requirement, the court may order imprisonment of the offender until the directive is obeyed.

Violations of wage, overtime, and occupational safety and health 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.

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