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## 2009 Human Rights Report: Papua New Guinea

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy with a population of approximately 6.3 million and more than 800 indigenous tribes. The most recent general elections, held in 2007, were marred by bribery, voter intimidation, and influence peddling. A coalition government, led by Prime Minister Michael Somare, was formed following the elections. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

The government generally respected the human rights of its citizens, but there were serious problems in some areas. Human rights abuses included arbitrary or unlawful killings by police, police abuse of detainees, poor prison conditions, police corruption and impunity, lengthy pretrial detention, infringement of citizens' privacy rights, government corruption, violence and discrimination against women and children, discrimination against persons with disabilities, intertribal violence, violence against ethnic Asians, and ineffective enforcement of labor laws.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, police killed a number of persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, public concern about police violence persisted.

There were no further known developments in the following cases involving police actions: the 2008 death of a young man resulting from a shootout between police and youths in Kimbe Province; the 2008 police killings of three gunmen who tried to rob the Bank South Pacific in West New Britain; the March 2007 shooting of three persons in which one person died and two were injured; the May 2007 shooting of three persons, two of whom died; and the 2007 shooting death of Jeffrey Kui.

There were numerous press reports during the year of vigilante killings and abuses related to alleged involvement in sorcery and witchcraft. For example, in January a group of men in Mount Hagen reportedly stripped a woman naked, bound her hands and feet, stuffed a cloth in her mouth, and burned her alive for allegedly confessing to have eaten a

man's heart. Amnesty International (AI) reported that in February local residents shot and killed a man from Ban village near Mount Hagen and threw his body into a fire. They then dragged the man's son from his home and burned him alive. When police arrived and attempted to investigate the deaths, heavily armed local residents prevented them from removing the bodies to a hospital for autopsies. In September the *National* newspaper reported that members of a community in Sandaun Province beat to death three men for allegedly performing witchcraft on a local resident prior to the resident's death on September 1. Police had taken the three men into custody, but community members negotiated their release after assuring police that the men would not be harmed. However, enraged community members killed the men later the same night.

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#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, individual police members frequently beat and otherwise abused suspects during arrests and interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees.

In April authorities arrested five police officers in connection with the alleged rape of a cleaning woman at a police station in Port Moresby; the authorities were investigating the case at year's end.

There were no further known developments in the June 2008 police shooting that resulted in the amputation of the suspect's leg, the August 2008 police shooting and wounding of bank robbery suspect William Kapris, the 2007 case in which an auxiliary police officer in Rabaul allegedly shot and injured a high school student, or the 2007 alleged police beating of a soldier in Port Moresby.

On September 22, a National Court judge found seven members of the police force in Madang liable for breach of basic human rights of five young men in 2004. The prosecution claimed that the police officers forced two of the five detainees to have sex with each other. In addition the prosecution alleged that the policemen subjected the detainees to torture and held them for three weeks without charges. The court found the seven policemen, as well as their commissioner and the government, liable. At year's end damages were pending assessment.

#### Prison and Detention Center Conditions

Despite minor improvements to existing cells and increased capacity, prison conditions generally remained poor, and the prison system continued to suffer from serious underfunding. Of the four prisons that remained closed during most of 2008, two were reopened, and two--in Tari, Southern Highlands and Daru, Western Province--remained closed due to tribal conflicts and health concerns, respectively. Neither prisons nor police detention centers had medical care facilities. In some police holding cells, detainees lacked bedding and sufficient food and water. Overcrowding in prisons and police cells remained a serious problem. The Correctional Services deputy commissioner for operations confirmed that the country's prisons had a holding capacity of 3,600 beds, but the number of inmates at year's end was 4,901, approximately half of whom were pretrial detainees. There were 226 female and 238 juvenile prisoners. While there were some improvements in the pace of police investigations and an increase in the number of judges in the magistrates' courts and the National Court, in some areas infrequent court sessions, slow police investigations, and bail restrictions for certain crimes continued to exacerbate overcrowding. Prison escapes were common, even from high-security installations.

Male and female inmates usually were held separately, but some rural prisons lacked separate facilities, and there were reports in the past of assaults on female prisoners. There were no separate facilities for juvenile offenders; however, in some prisons juveniles were provided with separate sleeping quarters. To hold minors waiting to be arraigned prior to bail being posted, there were three juvenile reception centers located in Port Moresby, Lae, and Goroka. Human Rights Watch reported that juveniles routinely were held with adults in police detention cells, where in many cases they were assaulted by older detainees. Police denied juvenile court officers access to police cells. Pretrial detainees were held in the same prisons as convicted prisoners but had separate cells.

The government permitted monitoring visits by independent human rights observers, and one such visit was made during the year.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

A commissioner who reports to the minister for internal security heads the national police force, the Royal Papua New Guinea Constabulary. Internal divisions related to clan rivalries and a serious lack of resources negatively affected police effectiveness. Police corruption and impunity were serious problems. At year's end there were no reports of any action taken against officers who in 2007 allegedly assaulted the director of police prosecutions in Port Moresby.

Police shootings are investigated by the police department's Internal Affairs Office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court. Despite these prescribed procedures, in many cases investigations remained unresolved.

There is an Ombudsman Commission that deals with public complaints and concerns about members of the police force.

#### Arrest Procedures and Treatment While in Detention

Under the law, to make an arrest police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, but this was rare in practice. Police, prosecutors, and citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Only National or Supreme Court judges may grant bail to persons charged with willful 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, and to have their arrests subjected to judicial review; however, the government did not always respect these rights. Detainees had access to counsel, and family members had access to detainees.

Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for lengthy periods. 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. Additionally, circuit court sittings were infrequent because of shortages of judges and travel funds. Some detainees were held in jail for up to two years because of the shortage of judges.

#### e. Denial of Fair Public Trial

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

##### Trial Procedures

The legal system is based on English common law. The law provides for due process, including a public trial, and the court system generally enforced these provisions. Judges conduct trials and render verdicts; there are no juries. Defendants have the right to an attorney. 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 shortage of judges created delays in both the process of trials 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. District courts may order "good behavior bonds," commonly called "protection orders," in addition to ordering that compensation be paid for violations of human rights. However, courts had difficulty enforcing judgments. Additionally, many human rights matters were handled by village courts, which were largely unregulated. Village and district courts often were hesitant to interfere directly in domestic matters. Village courts regularly ordered that compensation be paid to an abused spouse's family in cases of domestic abuse rather than issue a domestic court order.

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

The constitution prohibits such actions; however, there were instances of abuse. Police raids and searches of illegal squatter settlements and homes of suspected criminals often were marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting.

In December 2008 police evicted approximately 400 persons from a squatter settlement in Port Moresby by bulldozing and burning down their homes in response to the murder of prominent businessman Sir George Constantinou, allegedly by residents in the settlement. Police stated that they had given the settlers three days' notice to move out. The government did not provide any temporary accommodation, transportation, or food to the squatters.

According to reports by local media and AI, police burned down 50 houses in the Porgera District on April 27, during a police crackdown on lawlessness and illegal mining in the area. Police stated that the occupants were illegal squatters engaged in illegal mining and other criminal activities. A number of landowners in Porgera subsequently filed suit against the police, charging that during the operation police also destroyed more than 300 homes of legal residents who lived near the mining area.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in

practice. All newspapers included a variety of editorial viewpoints and reported on controversial topics. There was no evidence of officially sanctioned government censorship; however, newspaper editors complained of intimidation tactics aimed at influencing coverage.

In 2008 the managing director, editors, and subeditors of the daily newspaper *Post Courier* reportedly were referred to the Parliamentary Privileges Committee over coverage of a diplomatic scandal involving a foreign government. However, the *Post Courier* confirmed that the government did not follow through with such a referral, and the journalists were not called before the committee. Journalist Simon Eroro, who had received threats related to the case, was still working for the *Post Courier* at year's end.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet. The International Telecommunication Union reported that in 2008 approximately 2 percent of the country's inhabitants used the Internet.

#### 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; however, the government often limited this right in practice. Public demonstrations require police approval and 14 days' notice. Asserting a fear of violence from unruly spectators, police rarely gave approval.

In October police denied approval for a march and rally planned by the Papua New Guinea Council of Churches and the Salvation Army in support of the UN campaign "Stand Up, Take Action" against poverty. Also in October, police prevented a protest from being held in Madang against the building of a marine industrial park in Vidar.

##### Freedom of Association

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

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

#### Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community in the country.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High

Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not use it.

#### Protection of Refugees

Although a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, the government has not enacted enabling legislation and has not established a system for providing protection to refugees. The government did not grant refugee status or asylum. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention or its 1967 protocol.

With support from the UNHCR, the government continued to provide protection to approximately 2,700 persons residing at the East Awin refugee settlement who fled the Indonesian province of West Papua (formerly Irian Jaya). Another 5,000 such persons, classified by the government as "border crossers," lived in villages adjacent to the border with Indonesia. During the year approximately 300 West Papuans who had been living in Papua New Guinea for many years voluntarily returned to West Papua Province in Indonesia under a voluntary repatriation program.

Registered refugees residing in the East Awin refugee settlement were granted a residence permit that allowed them to travel freely within the country and, on a case-by-case basis, to travel abroad, depending on the urgency of the business and a guarantee of financial support by sponsoring institutions.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic but flawed elections based on universal suffrage.

#### Elections and Political Participation

The most recent general election was held in 2007. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the election. After the election the National Court registered 53 election petitions that alleged illegal practices. By year's end 28 petitions were dismissed and 14 were withdrawn, two by-elections and four judicial recounts were ordered, and court decisions were pending on the remaining five petitions.

Election-related violence erupted between supporters of two rival candidates in the weeks leading up to the November by-election for the Kandep open electorate in Enga Province, reportedly resulting in at least two deaths and a number of injuries. Due to the violence, the by-election polling, originally scheduled for one day, was spread out over a week. In November the government reported that a total of 275 persons, mostly polling and electoral officials, were held against their will for nearly three days at two different locations by supporters of two of the candidates before being freed by mobile police squads.

Political parties could operate without restriction or outside influence.

There is no law limiting political participation by women, but the deeply rooted patriarchal culture impeded women's full participation in political life. There was one woman in the 109-seat Parliament. She served as minister of community development, the only cabinet position held by a woman. There was one female National Court justice and no female

provincial governors. A 2008 proposal for three nominated seats for women to increase the number of women in Parliament failed to pass during the year.

There were six minority (non-Melanesian) members of Parliament. Of these, two were in the cabinet, and three were provincial governors.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption at all levels of government was a serious problem due to weak public institutions, leadership, and governance; lack of transparency; politicization of the bureaucracy; and the use of public resources to meet traditional clan obligations.

In February former Southern Highlands governor Hami Yawari was charged with misappropriating more than 300,000 kina (approximately \$116,730) belonging to the provincial government. At year's end this and other cases involving Yawari were awaiting assignment of trial dates before the National Court. In March the Ombudsman Commission announced it was freezing funds in the rehabilitation education sector infrastructure trust accounts (RESI) pending further investigation after it determined that none of the more than 37 million kina (approximately \$14.4 million) withdrawn from the RESI accounts had been spent on improving educational establishments. Investigation of the matter continued at year's end. In April the government suspended the Police Association president, Robert Ali, and members of his executive committee pending investigation of alleged misappropriation of more than 500,000 kina (approximately \$194,550) of association funds. The case remained pending at year's end.

The Ombudsman Commission was still investigating the May 2008 case involving allegations that representatives of a foreign government had offered 80 million kina (approximately \$31.1 million) to government officials in exchange for establishing diplomatic relations and a separate 2008 case in which the media claimed that a government minister had 100 million kina (approximately \$38.9 million) in a foreign bank account. At year's end no investigation reports on either case had been released.

Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission, the Leadership Tribunal, and the Public Accounts Committee are key organizations responsible for combating government corruption.

No law provides for public access to government information. The government published frequent public notices in national newspapers and occasional reports on specific topics 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.

On the evening of December 11, unknown assailants shot and wounded Chief Ombudsman Commissioner Chronex Manek as he returned home from an official function. Manek reported that three men armed with guns jumped out of a vehicle that had followed him home, surrounded his vehicle, and shot him twice through his car window as he rammed his

car into their vehicle in an attempt to escape. The assailants then fled the scene. Manek was treated at a local hospital for a bullet wound in his arm and later released. The authorities were investigating the incident at year's end.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations.

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

The constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex; however, enforcement of the provisions was not effective.

##### Women

Violence against women, including domestic violence and gang rape, was a serious and prevalent problem.

Rape, including spousal rape, is a crime punishable by imprisonment, and prison sentences were imposed on convicted assailants, but few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. The legal system allows village chiefs to negotiate the payment of compensation in lieu of trials for rapists.

Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter, few victims pressed charges, and prosecutions were rare. Widespread sexual violence committed by police officials and their unresponsiveness to complaints of sexual or domestic violence served as barriers to reporting by both women and men. Traditional village mores, which served as deterrents against violence, were weak and largely absent when youths moved from their villages to larger towns or to the capital. AI reported that there were only three shelters for abused women in Port Moresby, all privately run; the situation was even worse outside the capital.

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

Prostitution is illegal; however, the laws were not enforced, and the practice was widespread. Sexual harassment is not illegal, and it was a widespread problem.

Under the country's family planning policy, couples and individuals have the right to decide freely and responsibly the number, spacing and timing of their children free from violence and coercion. However, in practice the decision of the husband or male partner on such matters usually prevailed over the wishes of the woman. Access in practice to contraception and adequate obstetric and postnatal care was hindered by logistical problems faced by the Health Department in distributing supplies. Medical facilities also were limited in their capacity to provide adequate services to the growing population. Women and men had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The laws have provisions for extensive rights for women dealing with family, marriage, and property disputes. Some women have achieved senior positions in business, the professions, and the civil service; however, traditional discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Women continued to face severe inequalities in all spheres of life: social, cultural, economic, and political. There is no employment antidiscrimination law.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. By law a district court must endorse orders for imprisonment before the sentence is imposed, and circuit-riding National Court justices frequently annulled such village court sentences. Polygyny and the custom in many tribal cultures of paying a "bride price" tended to reinforce the view that women were property. In addition to the purchase of women as brides, women sometimes were given as compensation to settle disputes between clans, although the courts have ruled that such settlements denied the women their constitutional rights.

According to statistics published by the UN Educational, Social, and Cultural Organization, women continued to lag behind men in literacy and education; 53 percent of women were literate, compared to 62 percent of men. The Ministry of Community Development was responsible for women's issues and had considerable influence over the government's policy toward women.

#### Children

Citizenship is derived through birth to a citizen parent.

Independent observers generally agreed that the government did not dedicate significant resources to protecting the rights and welfare of children. Religious and secular nongovernmental organizations (NGOs) operated programs to protect and develop youth and children.

Primary education was not free, compulsory, or universal. Substantial fees were charged and posed a significant barrier to children's education. Many children did not progress further than primary school.

Boys and girls had equal access to medical care, but many children did not receive effective care. Government-provided free medical care for citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas.

Sexual abuse of children was believed to be frequent. Independent sources confirmed that in two major cities, 1,000 or more cases of child sexual abuse were reported during the year. Incest is a crime and reportedly increased in frequency. There were cases of commercial sexual exploitation of children between the ages of 14 and 16 in urban areas, including minors working in bars and nightclubs. Human Rights Watch documented numerous instances of police abuse of children.

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. However, customary and traditional practices allow marriage of children as young as age 12, and child 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.

The minimum age for consensual sex is 16. The maximum penalty for violators is 25 years' imprisonment or if the child is under age 12, life imprisonment. Child pornography is illegal. Penalties range from a minimum of five to a maximum of 15 years' imprisonment.

#### Trafficking in Persons

The law does not prohibit all forms of trafficking in persons. The criminal code does not prohibit the trafficking of adults, but prohibits the trafficking of children for sexual exploitation or slavery. There were reports of trafficking of women and girls within the country for sexual exploitation and domestic servitude. Custom requires the family of the groom to pay a "bride price" to the family of the bride. While marriages were usually consensual, women and girls were sometimes sold against their will. There also were reports of Asian women being trafficked into the country to work in the sex industry.

Transactional sex was common and often involved the sexual exploitation of children. There were reports of men trafficked to mining and logging camps for the purpose of forced labor.

Asian organized crime groups, foreign logging companies, and Papuan businessmen were believed to lure the majority of foreign trafficking victims to the country with false offers of legitimate jobs.

The government investigated allegations of corruption among officials dealing with passport issuance and immigration. The allegations primarily involved the illegal issuance of residence and work permits for Chinese or South Asian nationals migrating to the country. Although they originally suspected that corrupt officials were aiding the transport of trafficking victims into the country, authorities did not uncover any evidence that mala fide permits and passports were used for this purpose. Nevertheless, there was concern that the country may have been used as a route for trafficking in persons to Australia through different means.

The maximum penalty for slavery-related offenses is 20 years' imprisonment. The Ministry of Justice is responsible for enforcing the law but was ineffective in doing so. There were no prosecutions for trafficking in persons during the year. The Ministry of Justice conducted an antitrafficking workshop during the year.

There were no government programs to assist trafficking victims.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities; however, there are no antidiscrimination laws. Persons with disabilities faced discrimination in education, training, and employment. No legislation mandates accessibility to buildings, and most buildings were not accessible.

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.

#### National/Racial/Ethnic Minorities

Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. In the last few years, the number of deaths resulting from such conflicts continued to rise due to the increased availability of modern weapons.

During the year tribal fighting continued in Western and Eastern Highlands Provinces. In March several hundred members of the Watut tribe raided Biangai tribe villages in Bulolo District, Morobe Province, burning houses, looting properties, and destroying food gardens. Government officials established a peace mediation team to settle the conflict between the two tribes. An agreement was signed between the Morobe provincial government (MPG) and the affected ethnic groups to resolve the matter amicably and in accordance with the law. The MPG also established a Law and Order Committee responsible for coordinating and overseeing all current and future peace mediation efforts in the province. At year's end tensions remained between the two groups, but there was no further violence.

In early May three Chinese employees of the predominantly Chinese-owned Ramu nickel-cobalt mining project were seriously injured in an attack by a group of Papua New Guinea workers who reportedly were angry about working conditions at the site (see section 7.e.). On May 12, violence broke out during a protest march organized in Port Moresby

by the organization "NGOs and Civil Society Group" to press authorities to clamp down on the influx of Asians into the country. The protesters alleged that Asian immigrants were taking over cottage industries they thought should be reserved for citizens. Some protesters and others looted shops run by Asians. By May 14, the violence had subsided in the capital as many Asian-owned businesses closed as a precaution. However, over the following days, violence erupted in the cities of Lae and Madang and in several Highlands towns as crowds attacked Asian businesses there. According to press reports, thousands of persons were involved in the looting before police were able to contain the situation. One looter in Lae reportedly was hacked to death and another trampled to death. Some injuries were reported, including several looters shot by police. The authorities subsequently apologized for the violence, and the government announced the appointment of a bipartisan parliamentary committee to investigate the violence, assess its causes, and review the types of businesses operated by Asians in the country. In November, however, three members of Parliament resigned from the committee to protest the ousting of its chairman; according to press reports, Parliament voted to replace the chairman after he indicated the committee would expose involvement of certain politicians in questionable activities with Asian individuals. The committee had not produced a report by year's end.

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

Sodomy and acts of "gross indecency" between male persons are illegal. The maximum penalty for sodomy is 14 years' imprisonment, and for acts of gross indecency between male persons (a misdemeanor), it is three years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender (LGBT) persons under these provisions during the year. There were no specific reports of societal violence or discrimination against LGBT persons, but they were vulnerable to societal stigmatization.

#### Other Societal Violence or Discrimination

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS-related services. Unlike in some previous years, there were no known reports that companies dismissed HIV-positive employees after learning of their condition. The nongovernmental Business Coalition against HIV/AIDS worked to combat discrimination against persons with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides for the right to form and join labor unions, subject to registration by the Department of Labor and Industrial Relations (DLIR), and workers exercised this right in practice. The government did not use registration to control unions; however, an unregistered union has no legal standing and thus cannot operate effectively. An estimated half of the approximately 250,000 wage earners in the formal economy were members of approximately 50 trade unions. The Public Employees Association represented an estimated 12,000 persons employed by national, provincial, and municipal governments, or one-third of the public-sector workforce. Unions were independent of both the government and political parties.

The law provides for the right to strike, although the government may and often did intervene in labor disputes to require arbitration before workers may legally strike. The law prohibits retaliation against strikers, but it was not always enforced. The DLIR is responsible for enforcement. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases the strikes were brief and ineffective.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and engage in collective bargaining, and workers exercised these rights in practice. However, under the law the government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The DLIR and the courts are involved in dispute settlement. Wages above the minimum wage were set through negotiations between employers and employees or their respective industrial organizations.

The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, the DLIR enforced the law selectively.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred in the formal economy. Some children were obliged to work long hours as domestic servants in private homes (see section 7.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law establishes the minimum working age as 16; for hazardous work, the minimum age is 18. However, children between the ages of 11 and 18 may be employed in a family business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance. Some children under 18 worked in bars and nightclubs and were vulnerable to commercial sexual exploitation. Children also were exploited in the production of pornography. There were children selling cigarettes, food, CDs, and DVDs on the street and in grocery stores near mine and logging camps. Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the "host" family. In some cases the host family was a relative who had informally "adopted" the child. The DLIR is responsible for enforcing child labor laws.

#### e. Acceptable Conditions of Work

The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. In April the board increased the minimum wage to 100.80 kina (approximately \$39) per week and also abolished the separate, lower youth wage for new entrants into the labor force between ages 16 and 21. Although it was above the national per capita income, the minimum wage did not provide a decent standard of living for a worker and family who lived solely on the cash economy.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. 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. The law provides for at least one rest period of 24 consecutive hours every week. Although the DLIR and the courts attempted to enforce the law, they were not effective.

The DLIR is also responsible for enforcing the Industrial Health and Safety Law and related regulations. The law requires inspection of work sites on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions.

Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations. The law protects legal foreign workers. The few illegal foreign workers lacked full legal protection.

In May fighting broke out between Chinese and Papua New Guinea workers at the predominantly Chinese-owned Ramu nickel-cobalt mining project; the local workers reportedly were angry at the project's Chinese managers following an industrial accident at the site. In July the authorities ordered construction work halted at the project. In August the project resumed, reportedly following resolution of a number of health and safety issues.