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U.S. Department of State

Papua New Guinea Report on Human Rights Practices for 1996

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PAPUA NEW GUINEA

Papua New Guinea (PNG) comprises some 1,000 tribes and over 800 distinct languages in a population of about 4 million. It has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections, and has an independent judiciary.

The Government has constitutional authority over the Defense Force (PNGDF), the Royal Papua New Guinea Constabulary (RPNGC) and intelligence organizations. Government security forces committed serious human rights abuses.

Exploitation of such natural resources as minerals, hydrocarbons, and tropical timber, and production of tree crops such as coffee, cocoa, and copra, generate significant export and tax revenues. However, 85 percent of the population resides in isolated villages, and engages in subsistence and smallholder agriculture. For a majority of the citizens, income and literacy are at a low level, and infant and maternal mortality rates are high.

The 8-year-old secessionist movement on the island of Bougainville continued. While human rights abuses by both sides decreased following the September 1994 cease-fire, the secessionist Bougainville Revolutionary Army (BRA) later repudiated the cease-fire and, following repeated BRA attacks, the Government also renounced it in March and launched an unsuccessful offensive in June-July. Human rights abuses by both sides, including extrajudicial killings and physical abuse, increased with the greater level of hostilities. Some human rights abusers have been prosecuted in the courts.

Besides the conflict with the BRA, there continued to be credible reports that security forces committed extrajudicial killings, were responsible for disappearances, abused prisoners and detainees, and employed harsh enforcement measures against civilians. The Government on occasion investigated alleged instances of abuse and prosecuted those believed responsible. Prison conditions remain poor, there are lengthy pretrial detentions, and the Government limits freedom of assembly. Extensive discrimination and violence against women, discrimination against the disabled, and ethnically motivated tribal violence remain serious problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings

The PNGDF on Bougainville, as well as the progovernment militia allied with it, and the RPNGC when taking police actions, committed a number of extrajudicial killings. While no defense force or militia members have yet been prosecuted, the authorities on occasion punished some RPNGC officers, fulfilling a promise by police officials to bring police officers accused of serious misconduct to trial.

According to the United Nations Special Rapporteur, who visited in late 1995 at the invitation of the Government, the PNGDF was believed to have extrajudicially executed 64 people between 1991 and 1995. The Government reportedly made no response to the allegations of human rights violations that the Special Rapporteur transmitted to it. Although reports of extrajudicial killings have lessened, PNGDF soldiers and allied militia members, called in to mediate a local dispute, were suspected to have killed eight ex-BRA members in June, after leading them away from a village near Torokina. Although the PNGDF leadership vowed to investigate the allegation and take tough measures against those involved, no report was publicly released and no corrective action was taken. Following a month-long research mission to PNG, two representatives from Amnesty International (AI) told the media that relatives had reported several killings that had taken place on Buka island, the administrative center of Bougainville province.

In August the Prime Minister stated that human rights abuses on Bougainville were inevitable, but reaffirmed the Government's commitment to investigate and prosecute those on all sides who commit serious abuses. The Government has begun an investigation into the murder of the Premier of Bougainville in which Defense Force members have been implicated. No other reported human rights abuses by security forces on Bougainville have been investigated. With the Prime Minister's announced general amnesty in May 1995 for BRA crimes committed up to that time, which was extended to include security force actions on Bougainville, it is unlikely that the Government will investigate past abuses, the worst of which took place in 1989 and 1990.

RPNGC overreaction on occasion resulted in extrajudicial killings. In an incident in July, which witnesses described as an execution-style murder, a policeman called to investigate harassment reports shot a young man at point-blank range with a police-issued assault rifle on a street in Port Moresby in front of a crowd of onlookers. The victim was an innocent bystander. The policeman was later arrested and charged with willful murder. In March a pregnant woman, who was a passenger along with several children in a car driven by her husband, was shot by police who thought the car was stolen. The policeman responsible was arrested and later charged with murder, after the woman died in the hospital. Other examples of actions taken against police officers for extrajudicial killings include: A constable sentenced to 5 years in prison for killing a man when police attempted to quell a brawl at a convenience shop in Port Moresby; three policemen charged with murder for the November 1994 death of a man

whom they had struck several times in the course of arresting him for running a black market beer operation in Enga province; and in October the police commander in Lae, the country's second largest city, was arrested and charged with willful murder for the shooting death of a man during a riot at a sporting event in September. There were also reports that detainees died under suspicious circumstances while in police custody, as well as during arrests. The country's Chief Magistrate expressed concern in April about the long delays in internal investigations of police shootings, saying that police investigators appeared "suspiciously reluctant" to complete their investigations.

The BRA killed and terrorized civilians in areas it controls. The BRA reportedly killed six civilians including an elderly woman on Bougainville's west coast in June, a civilian in southwest Bougainville in April, two civilians in south Bougainville also in April, three civilians including an old woman in northwest Bougainville in February, two civilians in southwest Bougainville also in February, and three civilians outside Bougainville's main town of Arawa in January. In September the BRA reportedly killed five civilians and wounded several others in an ambush in Buin, southern Bougainville, and killed two villagers, who were described as dedicated peace workers, near Tinputz in the northern part of the island. Frequently the BRA ambushes civilians after they leave government-controlled care centers to tend their fields and gardens at their abandoned villages. The Red Cross field office in Arawa, which coordinates operations on the island, temporarily closed in July after rebels fired on it, the third such BRA attack since the Red Cross resumed operations on Bougainville. Both the visiting U.N. Special Rapporteur and the AI team heard reports that the BRA was responsible for atrocities, executions, and unlawful detentions.

In October Theodore Miriung, the Premier of the progovernment Bougainville Transitional Government and an advocate for peace was killed by unidentified gunmen while dining with his family at their home village. Miriung had been strongly critical of both the Government and the rebels for using force to resolve the Bougainville crisis. To ensure the objectivity of the investigation, at the Prime Minister's request an independent inquest was conducted, headed by a distinguished jurist appointed by the Commonwealth Secretariat. Prior to departing the country following a 3-week investigation, the Sri Lankan judge who conducted the inquest told the press that some Defense Force members along with resistance members were involved in the killing. The Government was awaiting a full report at year's end.

b. Disappearance

There were several reports that people disappeared on Bougainville while they were under the control of the PNGDF and its allied militia. In February the chief provincial officer publicly expressed concern over allegations that nine people had disappeared in various parts of Bougainville while detained by security forces. In September the chief coordinator of the Kangu Beach care center disappeared after being detained by PNGDF soldiers.

The BRA also was suspected of involvement in several disappearances, including one case in July in which a man disappeared after being picked up by the BRA in Kieta. According to one report, scores of patients removed by the BRA from the Longata health center could have died when taken to BRA-controlled areas where health care was not available.

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

The Constitution forbids torture and other cruel or degrading treatment or punishment. Nonetheless, some PNG soldiers, allied militia and police, as well as BRA insurgents, continued to engage in such practices. In April PNGDF members reportedly detained several Buka villagers without charges, forcing

some to run extended distances or sit unsheltered at gunpoint under the scorching sun for long periods of time. In May a PNGDF officer detained a senior provincial political leader overnight and threatened him at gunpoint for reporting directly to authorities in Port Moresby.

RPNGC members used excessive force, particularly when dealing with tribal fighting in the highlands region of the country. In a particularly egregious incident, police mobile squads reportedly shot several villagers and left over 200 families homeless when they burned homes and destroyed other property in the Markham Valley following tribal violence in February. During the 2-month-long coroner's inquest, the Police Commissioner admitted that the police had overreacted and caused massive destruction.

Members of the police have been accused of being ill-disciplined and quick to use violence to obtain information, to punish perceived slights, or to punish those in police custody. In June police beat students and a reporter at a demonstration (see Section 2.b.). During a joint police-electoral commission workshop in May, the Prime Minister called on police to refrain from unnecessary and rough behavior when carrying out their duties. The Police Commissioner has publicly vowed to discipline police members who use brutal tactics.

Police officers have been charged before the courts for criminal offenses (see Section 1.a.). In April two officers were sentenced to 7 years' imprisonment for the December 1994 rape of a teenage girl at the police barracks in Port Moresby. In February a policeman was charged with raping a girl at a police station in the Western Highlands province earlier that month. In a case in May involving the beating of a prisoner, the courts fined the four prison wardens involved, in addition to setting a judgment against the State.

A BRA rebel, accused of participating in a reign of terror in the Tinputz district of Bougainville in late 1995, was convicted in September and sentenced to an 8-year jail term on arson, armed robbery, and theft charges. Up to 18 other BRA insurgents are awaiting prosecution on charges including murder, rape, and armed robbery. Following numerous complaints, in September police on Buka arrested on assault charges one militia member and announced plans to arrest others believed responsible for harassing several villagers, who were illegally detained for several days in a militia camp, and reportedly forced to crawl naked, and drink urine.

Prisons are severely overcrowded and understaffed, and are unable to provide adequate medical care or even food due to the Government's financial problems. Although the Correctional Services Act, which came into effect in February, attempted to address humane custody of prisoners, the Minister responsible for prisons stated publicly that most inmates were being held in "appalling conditions." He called upon the Government to either fund the system adequately or close the prisons. The acting Prison Commissioner admitted in May that prison conditions throughout the country had deteriorated, especially due to overcrowding. Many prisoners as well as guards do not have uniforms, making it difficult for outsiders to distinguish between the two. The prison in Daru, Western Province, was closed in 1993, with only those convicted of the most serious offenses such as rape and murder being held in the local jail. All other convicts were released into society, which led to the expression of great concern by the country's Chief Justice in September.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The courts generally enforce constitutional protections against arbitrary arrest and detention. However, these protections were weakened by the 1993 Internal Security Act (ISA) and amendments to existing

anticrime legislation that provide that judicially issued warrants are no longer required when authorities suspect that a person has committed an ISA offense or certain other offenses. Under 1993 amendments to the Bail Act and the Criminal Code, only National or Supreme Court judges may grant bail in certain criminal cases involving firearms. In all other cases, bail may be granted unless the judge rules otherwise. Those under arrest have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Given the relative shortage of police and judicial resources and an exceptionally high crime rate, pretrial detention periods can be long, particularly in rural areas. However, pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level. Nonetheless, cases are frequently delayed for months awaiting the results of police investigations.

The Constitution prohibits exile and it is not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the courts are independent of executive, legislative, and military authorities. The legal system is based on English common law. The Supreme Court is the final court of appeal and holds original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There are also village courts headed by lay persons, who judge minor offenses under both customary and statutory law.

The Constitution provides for due process, including a public trial, and the court system generally enforces these provisions. Defendants have the right to an attorney. Legal counsel is provided either by the public solicitor's office or by the Law Society on recommendation of the public solicitor's office for those accused of serious offenses and unable to afford counsel. "Serious offenses" are generally defined as felony charges or any case heard in either the National or district court (as opposed to the village or magistrate courts). Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. Despite these safeguards, justice was delayed for many remandees throughout the country in September when Supreme and National Court circuit schedules were disrupted due to a financial crisis.

There were no reports of political prisoners.

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

While the authorities generally respect privacy rights, police--especially in the highlands--have burned homes to quell intertribal conflict and punish communities suspected of harboring suspected criminals.

Some communities have sought redress through civil suits, a practice that provides compensation to victims but does not result in criminal prosecution of the perpetrators. Over the past 2 years, the State has paid nearly \$5 million following court-ordered judgments for wrongful police raids. In a court case in August, the judge not only ordered the state to pay sizable monetary compensation to villagers in the southern highlands for a police raid in 1990, but also ordered the former police minister and three police officers personally to pay compensation for their roles in committing abuses, which included assault, false arrest, and inhuman treatment of suspects.

In spite of constitutional provisions requiring warrants, the police continued to conduct warrantless searches.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Following the September 1994 cease-fire agreement with the BRA, the armed conflict decreased significantly. However, the BRA boycotted an October 1994 peace conference, and continued insurgent activities in 1995-96. The Government repudiated the cease-fire in March, and launched an unsuccessful military operation against the BRA in June-July.

Prior to commencing the operation, the Government warned all civilians in BRA-held areas to move to government-supported care centers for their own protection. Many thousands did, but found that the authorities were not able to feed or care for the new arrivals. Many subsequently returned to their villages after the operation ended. Others, who either chose not to go to the care centers or whom the BRA prohibited from doing so, risked being caught in the fighting. In one incident, four members of a family were reportedly killed by a government mortar round which exploded in their village, Kurai, in central Bougainville. Without confirming the incident, the security forces apologized, but stressed that civilians had been warned to leave the area.

PNGDF abuse of the local population is blamed for provoking the Kangu Beach massacre in September, in which 12 soldiers and policemen were killed and five others taken prisoner. The Government released a report in October blaming members of the Resistance Force (a progovernment militia) and the BRA for the killings, but criticized PNGDF "severe provocations" including: Troop indiscipline; drunkenness; drug use; fraternization with local women; and mistreatment of Resistance Force personnel.

The BRA in July reportedly burned two villages and a community school in retaliation against villagers who had departed for government care centers. The BRA also reportedly prevented people in areas it controlled from traveling to government-controlled areas for medical treatment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for free speech, including freedom of the media, and the Government generally respects this freedom in practice.

The media provided independent coverage and analysis of major controversies, including the ongoing insurrection on Bougainville and the legal problems of government and opposition politicians.

The two daily newspapers and the two weeklies compete aggressively in Port Moresby, but have limited circulation in other urban areas. One of the dailies is owned by a Malaysian firm, which has invested heavily in PNG's timber industry; the newspaper publishes little on the controversial subjects of logging and forestry, but is generally independent and unbiased on other issues. The television broadcasting company, EM-TV, is also independent, although there is limited television reception outside Port Moresby. The government-owned National Broadcasting Corporation (NBC) owns two radio networks that potentially could reach the country's entire population, but the networks are limited by poor funding and the deteriorating state of their equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding into other areas of the country.

Journalists are required to obtain permission from the Prime Minister's office and from the defense force commander before traveling to Bougainville. Requests are frequently denied under the rationale that the PNGDF cannot guarantee the reporters' safety (see Section 2.d.).

In January the Constitutional Review Commission (CRC), a parliamentary body, began a review of ways to make the media "more accountable" and to ensure that persons "aggrieved by media abuses have accessible redress." However, media and general public representatives reacted strongly, viewing the CRC effort as an attempt to control the media. The CRC initially reported in June that no new restrictions needed to be enacted, and recommended instead that an independent media commission be established charged with self-regulation, an approach that the media representatives supported. However, media representatives again became concerned when the CRC chairman stated in October that the CRC had been directed to draft legislation to make the media more accountable and to establish an independent body, in addition to the media commission, that would look into complaints against the media.

The Government showed itself acutely sensitive to media criticism on several occasions. In February the Prime Minister attacked as "totally unfounded" and "damaging to the country" a media report, later confirmed, relating to strained meetings between a World Bank team and the Government. The Prime Minister sought consideration of barring the media representatives involved from reporting on parliament. The Forestry Minister admitted to having placed four telephone calls in an unsuccessful attempt in September to convince EM-TV management to stop showing a documentary on Bougainville, while it was being broadcast. The Minister defended his actions by saying the program was not in the people's interest. Such government sensitivities have apparently affected reporting. The editor of a Port Moresby newspaper stated publicly in February that the media have deliberately chosen not to report on certain areas that would be open subjects in Western societies, such as the private lives of political leaders and allegations of corruption.

The courts occasionally tried citizens and foreigners under those provisions of the Censorship Act that ban the import, broadcast or publication of materials deemed pornographic according to Papua New Guinea's Censorship Code. The usual sentence for violations is confiscation and destruction of restricted goods, although the courts can legally impose a fine of \$17 or more, or a prison sentence of up to 2 years. Cosmopolitan and Cleo magazines were banned in 1995 for having "gone against the nature of decency" in several of their issues.

The BRA reportedly on occasion jammed the broadcasts of the progovernment provincial station, Radio United Bougainville.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly

Public assemblies and private associations are legal. Public demonstrations require police approval and 7 days' prior notice. Such permission is frequently denied on the grounds that such activities encourage bystanders to engage in vandalism and violence. Students protesting university fees staged unapproved demonstrations. In one such demonstration in June, police fired tear gas and warning shots over the heads of protesting students at the university campus in Port Moresby, and beat several students as well as a television reporter after the students allegedly threw rocks. The police commander defended the police action, and stated that students must give the required 7 days' notice to hold demonstrations.

The Government does not require registration of associations. International affiliation of church and civic groups is also freely permitted.

c. Freedom of Religion

The Constitution contains provisions for freedom of religion, and the Government respects them in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Government approval is required to travel to Bougainville. Following the September 1994 cease-fire on Bougainville PNG security forces no longer required travellers to Buka to obtain permits. However, following a series of lethal BRA attacks around the island in March, all scheduled flights were cancelled and the airport closed for a short period. Even officials of the progovernment Bougainville Transitional Government have on occasion been restricted from travelling from the administrative center on Buka to Bougainville. The PNGDF occasionally imposed sea travel restrictions on villagers living on small islands off Bougainville due to concerns over potential BRA attacks.

Otherwise, the Government does not restrict freedom of movement within and outside the country. The Government has not applied sections of the ISA that authorize the Government to exclude from any part of the country anyone convicted under the act or likely to commit an offense under its provisions. It has on occasion used its immigration powers to prohibit entry of noncitizens with whose views it disagrees. In June it refused to issue a visa to a Tongan human rights monitor invited to participate in a government-hosted U.N. Decolonization Committee meeting taking place in Port Moresby.

The BRA reportedly restricted people from moving from its areas into government areas. The BRA also prevented several church groups from entering its areas to conduct peace vigils, although it did permit entry to a three-woman religious group in May.

The Government provides first asylum for approximately 3,000 people who have fled from the neighboring Indonesian province of Irian Jaya. The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) in assisting the Irian Jayans who live in the East Awin refugee camp in Western Province. Until June this camp was administered by the UNHCR, but its functions were transferred to the Government when the UNHCR closed its office. Just prior to the closing, the Government announced a new policy of limited integration of Irian Jayans having certain skills or other qualifications, who could be accorded permissive residency status and permitted to leave the refugee settlement. A government committee is being formed to review applicants for such permission; it can also authorize repatriation of Irian Jayans who violate the conditions of their refugee status. There were no known forced repatriations of Irian Jayans to Indonesia in 1996. Several thousand traditional border-crossers live just within the country's border and move more or less freely between the two countries.

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

Citizens freely exercise the right to change their government through direct elections with a secret ballot and universal adult suffrage. The voters elect a unicameral parliament of 109 members from all 19 provinces and the Port Moresby National Capital District. Any citizen can stand for election; several foreign-born citizens sit in Parliament and one sits in the Cabinet. With a multiplicity of small parties, coalition governments tend to be weak and shifting; none has yet survived its 5-year electoral mandate in the 20 years of PNG independence. The next general election will be held in July 1997.

Although there are no legal barriers to their participation in political life, women are underrepresented in senior positions in government and in politics. There are no women in the Cabinet or in Parliament. Although 3 women have been elected to parliament since independence in 1975, none has been elected in the past 15 years.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no official barriers to the formation of human rights groups. While the PNG Association for Human Rights, formed in 1992, has been inactive, the Individual and Community Rights Advocacy Forum (ICRAF), a nongovernmental organization (NGO), has become increasingly active since its formation in 1993. ICRAF concentrated its efforts on human rights and the environment. NGO's exercised their right to comment on human rights issues in the media without any known governmental interference or retribution. ICRAF leaders participated in a peaceful demonstration by Irian Jayan supporters who presented a petition to members of the U.N. decolonization meeting in Port Moresby in June.

The Government permitted a month-long visit by representatives of Amnesty International, who were investigating human rights problems, especially those relating to Bougainville. The team completed its visit, which included a stop in Buka, in July.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal guarantees, women often face discrimination.

Extreme ethnic and geographic diversity prevents any tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, has consistently avoided favoring any group.

Women

Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. While ostensibly protected by their families and clans, women are nonetheless often victims of violence. Traditional village deterrents are breaking down, and the number of gang rapes is believed to have risen. Although rape is punishable by imprisonment, and sentences are levied when assailants are found guilty, few assailants are apprehended. Domestic violence such as wife beating is also common, but is usually viewed by police and citizenry alike as a private, family matter. According to a 1992 report of the Law Reform Commission, two-thirds of wives have been beaten by their husbands.

Violence committed by women against women frequently stems from domestic problems, and, where polygynous marriages are still customary, there has been an increase in the number of women charged with the murder of another of their husband's wives. According to one report, 65 percent of women in prison are there for attacking or killing another woman. In view of the number of such incidents, a senior police official in the highlands region in April called for legislation to make a man who has married more than one wife responsible if one of the wives dies as a result of a fight among the wives.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women in the modern sector have achieved senior positions in the professions, business, and civil service. However, traditional patterns of discrimination against women persist. Despite constitutional and legal provisions, most women, even those in urban areas, are considered second-class citizens. For example, village courts tend to be overly severe on women, imposing jail terms on those found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. In April the Government

approved amendments to the Village Courts Act requiring that orders for imprisonment be endorsed by a district court before they take effect. Polygyny, a customary practice among some tribes, particularly in the highlands, and the custom of paying bride-price serve to reinforce a view of women as property. This view was carried to the extreme when tribesmen from a western highlands village, in pressing compensation claims for the death of a relative, demanded that a young woman be included as part of a compensation package of goods and money. ICRAF brought the matter to the National Court which in June issued a protective custody order to prevent the villagers from threatening the woman.

According to U.N. Children's Fund (UNICEF) figures released in June, Papua New Guinea has a very high maternal mortality rate. Only 40 percent of women are literate, trailing men by nearly 10 percent. According to another U.N. report, 33 percent of girls are not attending primary school, compared to 21 percent of the boys, thus perpetuating their disadvantage. Both the Government and NGO's are working to improve the status and conditions of women, but have had limited results. The Government provides grant to the National Council of Women. A Division of Women's Affairs exists in the Department of Youth, Home Affairs, and Religion.

Children

The Government did not dedicate significant resources to protect the rights and welfare of children. Most programs to protect and develop youth are operated by NGO's and religious organizations. Many government programs are severely underfunded. In PNG's traditional clan system, children are generally cared for within the extended family, in accordance with financial resources and the tribe's access to services. Because of the geographic isolation and remoteness of many villages, malnourishment and infant mortality rates are very high. More than 60 infants out of every 1,000 die during their first year of life. Although statistics are not available, welfare officers believe that child abuse is increasing as village life and the extended family give way to the influences of modern society. Although PNG ratified the U.N. Convention on the Rights of the Child (CRC) in 1993, it has not yet completed the report due in 1995 on CRC implementation, nor prepared the national program of action.

People with Disabilities

Through the National Board for the Disabled, the Government provides limited funding to more than a dozen NGO's that provide services to the disabled. The Government does not provide direct programs or services. Services and health care for the disabled, except for that provided by the traditional family and clan system, do not exist in several of the country's provinces. No legislation mandates accessibility for the disabled. Disabled persons face discrimination in education, training, and employment.

Section 6. Worker Rights

a. The Right of Association

The right to form and join labor unions is provided by law, subject to registration by the Department of Industrial Relations. While the Government does not use registration as a form of control over unions, an unregistered union has no legal standing with the Department of Labor or before the courts and, accordingly, cannot operate effectively. Unionized workers account for about one-half of the 250,000 wage-earners in the formal economy and are organized into some 50 trade unions. Most of the unions representing private-sector workers are associated with the Trade Unions Congress. Unions are independent of the Government and of political parties. They may freely affiliate with international organizations.

Both public- and private-sector unions exercised their legal right to strike in 1996.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to engage in collective bargaining and to join industrial organizations. These rights are exercised freely. The Government did not take action to amend a law criticized by the International Labor Organization in 1994 that gives it discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. Antiunion discrimination by employers against union members and organizers is prohibited by law. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages over the minimum wage are set through negotiations between employers and employees or their respective industrial organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and all forms of forced or compulsory labor, and there were no reports of such practices.

d. Minimum Age for Employment of Children

The minimum working age, as established in the Employment Act, is 18 years. However, children between the ages of 11 and 18 may be employed in family-related work provided they have parental permission, a medical clearance, and a work permit from a labor office. Such employment is rare, except in subsistence agriculture.

e. Acceptable Conditions of Work

Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with worker and employer representation. A 1992 determination, which is still valid, reduced the minimum wage for newly hired urban workers significantly, to equal the minimum wage for rural workers. The minimum wage of about \$17.00 (22.96 kina) per week does not provide a decent standard of living for a worker and family who exist solely on the cash economy. At the same time, the national youth wage, for new entrants into the job market of 16 to 21 years of age, was set at 75 percent of the adult minimum wage. The Department of Labor and Employment and the courts take steps to enforce the minimum wage law, but enforcement is not effective because of the lack of resources. The depreciation of the kina against the U.S. dollar, about 30 percent since September 1994, has reduced the real wage received by most workers. Minimum wage levels, allowances, rest periods, holidays, leave, and overtime are regulated by law. The workweek is limited by law to 42 hours (44 in rural areas). The law provides for at least one rest period of 24 consecutive hours in every week.

Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that inspections take place on a regular basis, but, due to a shortage of inspectors, they occur only when requested by workers or unions. The ability of workers to remove themselves from hazardous conditions varies by workplace. Where workers are unionized there is some measure of protection in such situations.

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