



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Papua New Guinea Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

---

#### 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.

Serious disorder erupted in March. PNGDF Commander Brigadier General Jerry Singirok called on then Prime Minister Julius Chan and Vice Prime Minister Chris Haiveta to resign, following disclosure of a plan to hire foreign mercenaries from the company Sandline International in the Bougainville conflict. Looting and demonstrations took place, and both PNGDF troops and civilian protesters surrounded Parliament. Prime Minister Chan stepped down temporarily but resumed his position after being cleared of wrongdoing by a commission of inquiry. He lost his parliamentary seat in July national elections, and a new government headed by Prime Minister Bill Skate took office.

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 citizens, income and literacy are at a low level, and infant and maternal

mortality rates are high.

The Government's human rights record remained the same. Killings and kidnappings by both sides in the 9-year secessionist insurgency on Bougainville continued, until a cease-fire was successfully negotiated in October. Besides the conflict with the Bougainville Revolutionary Army (BRA), there continued to be credible reports that members of the 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 allegations of abuse and prosecuted those believed responsible. Prison conditions remain poor, there are lengthy pretrial detentions, and the Government infringes on citizens' privacy rights and limits freedom of assembly. Extensive discrimination and violence against women, discrimination against the disabled, and violence between tribes remain serious problems.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

On February 12, members of the security forces at Kokopau, Bougainville, allegedly executed a man suspected of killing a member of the progovernment resistance and a telephone technician. PNGDF soldier Taylor Bojori was arrested for killing a progovernment resistance fighter on Bougainville on August 15. Members of the constabulary committed a number of extrajudicial killings during police actions throughout the country, and the authorities on occasion punished constabulary officers.

Excessive use of force by police resulted in several extrajudicial killings. While praying in the hills near Port Moresby in January, John Leo was shot and killed by police in pursuit of fleeing robbers. Four policemen in Lae were suspended after allegedly beating to death a man suspected of sorcery on March 12. A youth who had allegedly been selling wristwatches in front of a supermarket was shot and killed while fleeing from police on June 3. Police Sergeant Samson Ambus was sentenced to 7 years' imprisonment on August 27 for killing businessman Sande Ratu during a search for illegal beer. An off-duty PNGDF soldier, Missian Waingut, was also sentenced to 7 years for manslaughter after killing a man during an argument.

There was no progress in the investigation of the October 1996 killing of Theodore Miriung, Premier of the progovernment Bougainville Transitional Government. Despite clear indications that members of the progovernment resistance and the PNGDF were involved, no arrests were made.

The level of armed conflict on Bougainville decreased. However, there were continued reports of civilian casualties.

A BRA commander who spoke in favor of disarmament was reportedly killed by his own men in June. A number of PNGDF and other security force personnel were killed in BRA ambushes.

#### **b. Disappearance**

Reports of disappearances were fewer than in 1996. However, there continued to be allegations that both sides in the Bougainville conflict detained members of the opposing forces, who were not seen again. Due to limited access to Bougainville, these reports are difficult to verify.

Bougainville Member of Parliament John Momis was kidnaped by rebel elements and held hostage for 16 days before being released in June.

In July the BRA released five members of the PNGDF who had been taken prisoner following the Kangu Beach massacre of September 1996.

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

The Constitution forbids torture and other cruel or degrading treatment or punishment. However, members of the security forces abused prisoners and detainees. Police reportedly threaten suspects with death or severe injury if they do not confess.

Constabulary members used excessive force at times, particularly in attempts to compel a community to surrender a criminal suspect. On July 21, police allegedly burned 30 houses and several shops in retaliation for the slaying of a police sergeant in Madang. In August the Government rebuked and reprimanded a police commander who threatened to burn a number of villages (see Section 1.f.).

In March police used tear gas and rubber bullets to quell a riot by approximately 2,000 people over the proposed hiring of foreign mercenaries. However, only one serious injury was reported; a security guard chopped off a looter's hand.

Prisons are overcrowded and understaffed, and are unable to provide adequate medical care or food to inmates. Conditions are life-threatening. Many prisoners as well as guards do not have uniforms, making it difficult for outsiders to distinguish between the two. The authorities closed at least three prisons as the result of deterioration and neglect. Inmates were either moved elsewhere or released. Outbreaks of typhoid were reported at some prisons.

The Government permits prison 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). Amendments to existing legislation 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. Suspects who are arrested have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Due to limited police and judicial resources and a high crime rate, suspects are often held in pretrial detention for a long time, particularly in rural areas. 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 results of police investigations.

Exile is prohibited by the Constitution and 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 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 legal system is based on English common 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 upon the recommendation of the Public Solicitor's office for those accused of serious offenses who are 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.

There were no reports of political prisoners. Several nongovernmental organization (NGO) leaders who took part in protests against the Government in March claimed that charges subsequently brought against them were politically motivated. The charges were later dropped (see Section 2.b.).

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

Although the authorities generally respect privacy rights, police at times have burned homes to quell conflict between tribes and punish communities suspected of harboring criminal suspects (see Sections 1.c. and 1.f.). Some communities have sought redress through civil suits; this provides compensation to victims but does not result in criminal prosecution of the perpetrators.

On August 26, the East Sepik police commander threatened to burn a number of villages if the suspect in an attack on a foreign tourist was not handed over. Prime Minister Bill Skate directed that appropriate action be taken against the officer who had made the threat, and the officer was subsequently "rebuked and reprimanded."

Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids.

## **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 issues, including the controversy over the presence of the Sandline mercenaries and the national elections held in July.

The combined circulation of two daily English-language newspapers is less than 60,000. Two weekly newspapers, one in English and one in Pidgin (the national lingua franca), are also published. All freely express a variety of editorial viewpoints, and report on controversial issues such as alleged abuses by police and security forces, cases of alleged corruption by government officials, Bougainville insurgent views, etc. One of the dailies is owned by a Malaysian firm, which has invested heavily in the country'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 independent. Television reception is mostly limited to the Port Moresby area. The government-owned National Broadcasting Corporation owns two radio networks whose effectiveness is limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding into other areas of the country.

Journalists who wish to travel to Bougainville are required to obtain permission from the Prime Minister's office and from the commander of the PNGDF. Requests are frequently denied on the grounds that the Government is unable to guarantee the reporter's safety.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Public demonstrations require police approval and 7 days' notice. The authorities frequently deny permission on the grounds that such activities could encourage bystanders to engage in vandalism and violence.

On May 5, police raided the headquarters of human rights nongovernmental organizations PNG Watch, Individual and Community Rights Advocacy Forum, and Rainbow Trust, confiscating books, pamphlets, computers and diskettes. During the raids, PNG Watch executive officer Jonathan O'ata was arrested and charged with three counts of illegal assembly related to the Sandline mercenary protests in March. Sam Inguba, police commander of the National Capital District, said that the raids were a normal part of preelection operations, and that the police were searching for illegal firearms. Student activist John Napu and an executive of the Melanesian Solidarity Front, John Kawowo, were arrested on May 6 and also charged with unlawful assembly. After learning that his name was on a list of people to be arrested, human rights attorney Powes Parkop appeared voluntarily before the police and was similarly charged on May 13. The men were released on bail. The arrests were widely publicized and criticized. All charges against the four were quietly dropped in September, although this fact was not publicized (see Section 4).

The Constitution provides for freedom of association and the Government generally respects this right in practice. Associations that wish to open a bank account and conduct financial transactions are required to register for this purpose. The process of registration may be slowed by bureaucratic inefficiency, but there is no policy of denying registration. International affiliation of church and civic groups is freely permitted.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

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

Government approval is required to travel to Bougainville. The PNGDF occasionally imposed sea travel restrictions on villagers living on small islands off Bougainville due to concerns over potential BRA attacks.

Apart from Bougainville, the Government does not restrict freedom of movement within and outside the country. The BRA reportedly restricted people from moving from areas under its control to government-controlled areas.

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, and has administered the camp since June 1996, when the UNHCR office closed. The Government has a policy of limited integration for Irian Jayans with certain skills or other qualifications, who are accorded limited residency status and are permitted to leave the refugee settlement. Those who violate conditions of their refugee status can be repatriated. There were no known forced repatriations of Irian Jayans to Indonesia. Several thousand traditional border-crossers live in the border area and move freely between the two countries.

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

Citizens freely exercise their right to change their government through direct elections with a secret ballot and universal adult suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen can stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

Following a general election in June in which 66 percent of eligible voters participated, Bill Skate became Prime Minister, forming a coalition with members of the People's Progress and Pangu parties. Fifty-five of the 109 seats in Parliament changed hands.

Although there are no legal barriers to the participation of women in political life, they are underrepresented in senior positions in government and politics. Two women were elected to Parliament in the June elections.

### **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. The Government cooperates with human rights NGO's, but sometimes is slow in responding to their requests for information. The International and Community Rights Advocacy Forum (ICRAF), formed in 1993, concentrated on human rights and the environment. ICRAF and PNG Watch Council leaders participated in demonstrations in March against the planned use of foreign mercenaries in the Bougainville conflict. Four nongovernmental organization leaders were arrested in May and charged with unlawful assembly, based on their participation in these demonstrations. They were released on bail and the charges were quietly dropped in September (see Section 2.b.).

### **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 provisions, women often face discrimination.

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

group. Virtually all citizens share Melanesian ethnicity, and violence between groups is not ethnically based. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, and injuries and insults suffered by one clan at the hands of another. In the past, clan/tribal warfare was ritualized and fought with traditional weapons; the availability of high-powered firearms has made such conflicts deadlier.

## Women

Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. Traditional village mores, which served as deterrents are weakening and are largely absent when youths move from their village to a larger town or to the capital. The number of gang rapes is believed to have risen. Although rape is punishable by imprisonment, and sentences are imposed 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 citizens as a private family matter.

Violence committed against women by other women frequently stems from domestic disputes. In areas where polygyny is still customary, an increasing number of women have been 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.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and civil service. However, traditional patterns of discrimination against women persist. Many women, even in urban areas, are considered second-class citizens. Village courts tend to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. In 1996 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 and the custom of paying a bride-price tend to reinforce the view that women are property.

In addition to the purchase of women as brides, women are also given as compensation to settle disputes between clans. For the first time, in May 1996, an 18-year-old woman, Miriam Wilungal, refused to accept her clan's decision to include her, along with \$15,000 and 25 pigs, in the compensation paid to another clan to resolve a killing. In February a National Court judge ruled in her favor, saying that her rights to personal freedom and equal status had been violated.

According to a 1996 United Nations International Children's Fund (UNICEF) report, the country has a high maternal mortality rate. Only 40 percent of women are literate, trailing men by nearly 10 percent. According to another 1996 U.N. report, 33 percent of girls do not attend primary school, compared with 21 percent of boys. Efforts by both the Government and NGO's to improve the status and conditions of women have had limited results. The Government provides a grant to the private National Council of Women. There is an office of women's affairs in the Ministry of Home Affairs, Youth, and Women.

## Children

The Government did not dedicate significant resources to protect the rights and welfare of children. Most programs to protect and develop youth and children are operated by NGO's and religious organizations. Many government programs are underfunded. Under the traditional clan system prevalent in the country, 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, malnutrition and infant mortality rates are very high. More than 60 of every thousand children born do not survive their first year. Although Papua New Guinea ratified the U.N. Convention on the Rights of the Child (CRC) in 1993, the Government has not yet completed the report due in 1995 on CRC implementation, nor prepared the national plan of action.

### People With Disabilities

Through the National Board for the Disabled, the Government provides funding to a number of NGO's that provide services to the disabled. The Government itself does not provide programs or services directly. Services and health care for the disabled, except for those provided by the traditional clan and family system, do not exist in several of the country's provinces. There is no legislation mandating 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. The Government does not use registration as a form of control over unions. However, an unregistered union has no legal standing with the Department of Labor or before the courts, and thus cannot operate effectively. About half of the 250,000 wageearners in the formal economy are organized and are members of one of approximately 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.

Both public and private sector unions exercised their legal right to strike in 1997.

Unions may freely affiliate with international organizations.

### 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. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. This law was criticized by the International Labor Organization in 1994. Antiunion discrimination by employers against union leaders, members, and organizers is prohibited by law. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above 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, including that performed by children and there were no reports of such practices. There were no reports of forced or bonded labor by children.

### d. Status of Child Labor Practices and Minimum Age for Employment

The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment is rare, except in subsistence agriculture. Forced and bonded labor by children is prohibited and is not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with representatives from the labor and employer sectors. The Board made a determination in 1992, which is still valid, reducing the minimum wage for newly hired urban workers to the level of the minimum wage for rural workers. Also in 1992, the National Youth Wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. The adult minimum wage of \$28.00 (40 kina) per week does not provide a decent standard of living for a worker and family who live solely on the cash economy. Although the Department of Labor and Employment and the courts attempt to enforce the minimum wage law, enforcement is not effective due to lack of resources. Minimum wage levels, allowances, rest periods, holidays leave, and overtime are regulated by law. The workweek is limited by law to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week. Enforcement is lax.

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 work sites be inspected on a regular basis. However, due to a shortage of inspectors, inspections take place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varies by workplace. Unionized workers have some measure of protection in such situations.

[end of document]



[Return](#) to 1997 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.