



Papua New Guinea

Country Reports on Human Rights Practices - [2002](#)

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Papua New Guinea has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections. The most recent general elections were in June. The judiciary is independent.

The Government has constitutional authority over the Defense Force, the Royal Papua New Guinea Constabulary, and the National Intelligence Organization. Members of the constabulary committed serious human rights abuses.

The population is just over 5.1 million, and there are more than 800 distinct indigenous languages. The economy relies heavily on commodity exports, and low world commodity prices and lack of political will to implement sound economic policies resulted in persistent macroeconomic stagnation. Crime, especially in urban areas, was a critical problem. Approximately 85 percent of the population resided in isolated villages and engaged in subsistence and smallholder agriculture. For a majority of citizens, income and educational levels were low, and infant and maternal mortality rates were high.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed arbitrary or unlawful killings, used excessive force when arresting and interrogating suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several areas continued to be poor. Court understaffing reduced court hearings and increased pretrial detention periods. Police infringed on citizens' privacy rights. The Government continued to limit freedom of assembly in the form of marches or demonstrations. Extensive violence and discrimination against women were problems, and abuse of children appeared to be a growing problem. Discrimination against persons with disabilities persisted, and violence between tribes remained a serious problem. Papua New Guinea was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The police killed several persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. There were no deaths in custody during the year, but incidents of serious beatings were reported.

During the June elections (see Section 3), 35 persons were killed in election-related tribal fighting in the Southern Highlands.

In June 2001, police officers fired weapons during demonstrations organized by university students in Port Moresby (see Section 2.b.), killing 4 persons and injuring approximately 20 persons. The Government imposed a nighttime curfew in Port Moresby for the following 2 months. The Government also ordered an independent inquiry by a former judge into the shootings. At year's end, the results of the inquiry had not been released to the public.

In 2000 police beat a youth to death in front of bystanders in Port Moresby and, in another Port Moresby case, police apprehended an intoxicated man whose corpse subsequently was discovered in an isolated area. During the year, no action was taken against the police in these cases.

There were several cases of police shootings during the year, particularly during election-related violence in June and July. All 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 in such circumstances 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.

No human rights violations were reported in connection with military operations during the year. Although four soldiers suspected of complicity in the 1996 killing of Bougainville Transitional Government Premier Theodore Miringu were questioned in 1999, no arrests were made. In July the Government declared an amnesty for all combatants in the conflict; this ended any possibility of prosecution in this case.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution forbids torture and other cruel or degrading treatment or punishment; however, police often beat suspects during arrests, interrogations, and in pretrial detention. Although abuses such as citizens being permitted to beat suspects and the rape of female detainees by police reportedly did not occur during the year, no action was taken against offenders from previous years.

Prison conditions were poor. There were more than 3,300 detainees according to the Minister for Correctional Services, of whom 90 percent were male. There were 53 juvenile prisoners. During the year, 15 of the country's 17 jails were operational. The prison system suffered from serious underfunding. Prisons closed in 2000 because of life-threatening conditions remained closed, and there has been no new construction. Some prisons in urban areas were seriously overcrowded. In rural areas, infrequent court sessions and bail restrictions for certain crimes exacerbated overcrowding (see Section 1.d.). There were no reports of deaths in prisons. Male and female inmates were housed separately. Prisoners were often confined in crowded conditions in police stations. Prison guards' living conditions were as poor as those of the prisoners. Prison breakouts were common.

The Government permitted prison visits by human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The courts generally enforced constitutional protections against arbitrary arrest and detention. Under the law, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the 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.

Due to limited police and judicial resources and a high crime rate, suspects were often held in pretrial detention for long periods of time. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level; the slow pace of police investigations and occasional political interference frequently delayed cases for months. Additionally, circuit court sittings were infrequent because of a shortage of judges and funds, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for more than 2 years because of the shortage of judges. During the year, the Government increased the number of full-time judges and took steps to expand training of the judiciary.

Forced exile is prohibited by the Constitution and was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There also are 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 enforced these provisions. Defendants have the right to an attorney. Legal counsel is provided by the Public Solicitor's office for those accused of "serious offenses" who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges created delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

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

The Constitution prohibits such action; however, there were instances of abuse. In January 2000, heavily armed police searched the home of a man accused of a nonviolent offense. Subsequently, the court agreed that the search was politically inspired and police methods were excessive and contrary to constitutional protections of privacy; however, no action was taken against the police. Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids. Paramilitary police units operating in highlands regions used intimidation and destruction of property to suppress tribal fighting (see Section 5). The extent of such tribal fighting was unknown, and many incidents were not reported. During the June elections, 35 persons were killed in election-related tribal fighting in the Southern Highlands (see Section 1.a.).

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.

The media provided independent coverage and analysis of major issues, including accusations of corruption in government and excessive use of force by police officers.

The combined circulation of 2 daily English-language newspapers was less than 60,000. Two weekly newspapers, one in English and one in Melanesian Pidgin (the national lingua franca) were also published. All freely expressed a variety of editorial viewpoints and reported on controversial issues such as alleged abuses by police, cases of alleged corruption by government officials, and political opposition views.

The television broadcasting company, EMTV, is government controlled; however, two cable companies are independent. Television reception was limited mostly to the capital and provincial centers. The government-owned National Broadcasting Corporation operated two radio networks whose effectiveness was limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, was popular in Port Moresby and was expanding to other areas of the country. There were local radio stations in cities other than Port Moresby.

Internet access was privately operated and becoming common in cities.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. Public demonstrations required police approval and 14-days' notice. Police asserted that they feared violence from unruly spectators and rarely gave approval. In June 2001, police fired on students during a demonstration (see Section 1.a.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Associations wishing to open a bank account and conduct financial transactions must register. The process of registration was slowed by bureaucratic inefficiency, but there was no policy of denying registration. International affiliation of church and civic groups was permitted freely.

c. Freedom of Religion

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

It was the policy of the Department of Education to set aside 1 hour per week for religious instruction in the public schools. Religious representatives taught the lessons, and the students attended the class operated by the denomination of their parents' choice. Children whose parents did not wish them to attend the classes were excused.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice.

In August 2001, the Government signed a peace agreement with Bougainville militants. Persons displaced by the civil war have safely returned to their homes.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation. A reservation to the Convention regarding the issuance of travel documents restricted the

travel of some persons from the Indonesian province of West Papua (formerly Irian Jaya) living in a refugee camp in the western part of the country. There were 340 persons from West Papua living in a camp in Vanimo, near the Indonesian border. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and has not forced any persons to return to countries where they feared persecution. During the year, the Government provided first asylum for several hundred persons who fled West Papua. Several hundred more lived in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperated with the UNHCR in assisting the West Papuans living in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The Government has a policy of limited integration for West Papuans with certain skills or other qualifications, who were accorded limited residency status and permitted to leave the refugee settlement. Those who violated conditions of their residency could be repatriated, but there were no known forced returns of West Papuans to Indonesia. Several thousand persons lived in tribes along the borders and moved freely between the two countries, although border tensions had increased at year's end. The Government, with UNHCR assistance, interviewed claimants in Vanimo for refugee resettlement or possible repatriation. At year's end, approximately 100 persons remained in the camp pending final determination of their claims. Approximately 50 migrants interdicted at sea whose refugee claims were not approved remained at the Manus Island camp pending final appeals and possible repatriation. NGOs were granted access to this population.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen may 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. The most recent general election was held in June. Of the 109 seats in Parliament, 77 changed hands. A coalition government, led by Prime Minister Michael Somare, formed following the election. Fraud, voter intimidation, theft of ballot boxes, and violence including rape and murder marred the election in some parts of the country. As a result, the polls were declared failed in six electoral districts in the Southern Highlands and new elections were projected for an unspecified date in 2003.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but time consuming and expensive both to initiate and to defend. Following the June election, 83 such petitions were filed against winning candidates.

A weapons-surrender program mandated in the August Bougainville peace agreement continued under U.N. supervision at year's end.

One woman was elected to the 109-member Parliament in the June elections, compared with two in the previous Parliament. She was named the Minister for Welfare and Social Development, the only Cabinet position held by a woman. There were no women Supreme Court Justices or Provincial Governors.

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

There were no official barriers to the formation of human rights groups. The Government cooperated with human rights nongovernmental organizations (NGOs), both domestic and international, but at times was slow in responding to their requests for information. The International and Community Rights Advocacy Forum, an umbrella group formed in 1993, concentrated on human rights and the environment during the year.

Section 5 Discrimination Based on Race, Sex, 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 faced discrimination.

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. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, injuries, and insults suffered by one clan at the hands of another; they are not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts deadlier.

Women

Violence against women, including domestic violence and gang rape, was a serious and prevalent problem. Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter, and few victims pressed charges, prosecutions were rare. Traditional village mores, which served as deterrents, were weakening and were

largely absent when youths moved from their village to a larger town or to the capital. Although rape was punishable by imprisonment, and sentences were imposed on convicted assailants, 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.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was still customary, an increasing number of women were charged with the murder of another of their husband's wives. According to one report, 65 percent of women in prison were 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 the civil service. However, traditional patterns of discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Village courts tended 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. By law, orders for imprisonment must be endorsed by a district court before the sentence is imposed.

Polygyny and the custom of paying a bride price tended to reinforce the view that women were property. In addition to the purchase of women as brides, women were also sometimes given as compensation to settle disputes between clans. The courts have ruled that such settlements denied the women's constitutional rights.

According to statistics published in the U.N. Development Program's 1999 report on human development, women were gaining rapidly in literacy and education. Adult literacy rose to 73 percent; 65 percent of women were literate, compared with 86 percent of men. However, there were 15 percent fewer girls in primary schools than boys. Maternal mortality levels remained relatively high at 930 deaths per 100,000 live births.

Prostitution is not legal; however, the laws were not enforced and the practice was widespread. Although sex tourism existed, it was not common.

Sexual harassment is not illegal, and it was a widespread problem.

There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs. It was active during the year; however, it had little effect on the Government's policy toward women.

Children

Most independent observers agreed that the Government did not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children were operated by NGOs and religious organizations. In the past, children were well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicated that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood. According to a report prepared by the Government and UNICEF, sexual abuse of children was believed to be prevalent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates were very high. More than 60 of every 1,000 children born did not survive their first year.

Primary education was not free, compulsory, or universal. Substantial fees were charged. Approximately 80 percent of children attended primary school; many did not progress further. Boys and girls were represented equally; generally either all children in a family attended school or none attended.

The Government provided free medical care for its citizens, including children. However, facilities and resources were very limited, particularly in rural areas, and many children did not have effective medical care.

Persons with Disabilities

Through the National Board for the Disabled, the Government provided funds to a number of NGOs that provide services to persons with disabilities. The Government did not provide programs or services directly. Apart from those provided by the traditional clan and family system, services and health care for persons with disabilities did not exist in several of the country's provinces. There was no legislation mandating accessibility. Persons with disabilities faced discrimination in education, training, and employment. Most persons with disabilities did not find training or work outside the family structure.

The Government provided free consultation and treatment for persons with mental disabilities; however, such services were rarely available outside major cities.

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 occasionally resulted in violent tribal conflict in the highland areas. The number of deaths in the last few years has risen due to the availability of modern weapons.

Section 6 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 Industrial Relations. The Government did not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy were organized and were members of approximately 50 trade unions. Most of the unions representing private-sector workers were associated with the Trade Unions Congress. The Public Employees Association represented an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, it was selectively enforced. Unions were independent of the Government and of political parties.

Unions may affiliate freely with international organizations, and they have done so.

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 (ILO). 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 were no government efforts to hinder either public or private sector unions from exercising their right to strike. The law prohibits retaliation against strikers; however, it was not always enforced. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies. These strikes were brief and ineffective.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports that such practices occurred.

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 was rare, except in subsistence agriculture.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. It has no comprehensive policy on the problem; however, child labor outside family subsistence agriculture or enterprises was rare.

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. 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 \$5.74 (22.96 kina) per week did not provide a decent standard of living for a worker and family who live solely on the cash economy. During the year, the Minimum Wage Board recommended a large increase in the minimum wage, but the Government disagreed, and no increase was implemented. Minimum wage levels, allowances, rest periods, holiday leave, and overtime are regulated by law. Although the Department of Labor and Employment and the courts attempted to enforce the minimum wage law, enforcement was not effective. The law limits the workweek 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; however, enforcement was 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 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.

Legal foreign workers were protected by law. The very few illegal foreign workers lacked full legal protection.

f. Trafficking in Persons

While the Constitution does not prohibit trafficking in persons, there was no evidence that persons were trafficked to, from, or within the country. However, in 2000, 2001, and during the year, the Government investigated allegations of corruption among officials dealing with passport issuance and immigration. These allegations centered on the organized circumvention of immigration controls; however, there were no announced results from the investigations. Nevertheless there was concern that the country may be used as a route for trafficking in persons and the smuggling of illegal immigrants to Australia.