

PAPUA NEW GUINEA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multi-party, parliamentary democracy. Parliamentary elections took place in June 2012 and local government elections occurred in July 2013. In some parts of the country local electoral contests were subject to widespread violence, fraud, bribery, voter intimidation, and undue influence. Authorities at times failed to maintain effective control over the security forces. Security forces committed human rights abuses.

The principal human rights concerns were severe police abuse of detainees and police and military abuse of citizens; violence and discrimination against women; and vigilante killings and abuses, some related to alleged involvement in sorcery and witchcraft.

Other human rights problems included poor prison conditions; lengthy pretrial detention; infringement of citizens' privacy rights, particularly in highland areas; government corruption; abuse and sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities; intertribal violence; and ineffective enforcement of labor laws.

Despite minor reforms to the justice system, the government frequently failed to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was pervasive.

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit arbitrary or unlawful killings during the year; however, public concern about police and military violence against civilians persisted.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Despite minor improvements to existing cells and increased capacity, prison conditions remained poor, and the prison system continued to suffer from serious underfunding. Neither prisons nor police detention centers had proper medical care facilities. Overcrowding in prisons and police cells remained a problem in some facilities.

Physical Conditions: At year's end there were 3,863 inmates. According to the correctional services commissioner, three of the 19 prisons in the country experienced overcrowding during the year as opposed to previous years, when overcrowding was a problem in most prisons. The capacity of the country's prisons was 4,166 inmates. Of the total number of inmates, one-third were pretrial detainees. There were 233 female inmates. Within the inmate population, there were 2,634 convicted prisoners, 1,229 pretrial detainees, and 142 male juveniles, consisting of 63 convicted prisoners and 79 pretrial detainees. Australian assistance continued to be used to upgrade prison facilities. Two prisons, in Tari, Southern Highlands, and Daru, Western Province, remained closed during the year due to tribal conflicts and unresolved health problems, respectively, and a third prison in the Eastern Highlands Province was temporarily closed due to water-related health problems.

In some areas infrequent court sessions, slow police investigations, and bail restrictions for certain crimes continued to exacerbate overcrowding. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities, and in the past there were reports of assaults on female prisoners. Authorities held pretrial detainees in the same prisons as convicted prisoners but in separate cells.

During the year, 13 of the 19 prison facilities had separate accommodations for juvenile offenders; the remaining six did not. The Catholic Church operated three juvenile reception centers to hold minors awaiting arraignment prior to posting of bail. Human Rights Watch reported that authorities routinely held juveniles with

adults in police detention cells, where older detainees often assaulted the younger detainees. Police denied juvenile court officers access to police cells.

Death in prisons or pretrial centers was not prevalent during the year, and prisoners had reasonable access to potable water. A number of prisons experienced problems with lack of adequate ventilation and lighting.

Administration: Prison authorities granted prisoners reasonable access to visitors and permitted religious observance. Authorities allowed prisoners and detainees to submit credible complaints of inhumane conditions without censorship to the Ombudsman Commission for investigation or directly to the judicial authorities. The government mandated the Ombudsman Commission to visit prisons, but the commission could not effectively monitor and investigate prison conditions due to lack of adequate funds and staff. There were no known steps taken to improve recordkeeping or use alternatives to sentencing for nonviolent offenders. As a result of inadequate recordkeeping, authorities released some detainees earlier than, and others held beyond, the expiration date of their sentences.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and the International Committee of the Red Cross visited during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The national police force is responsible for maintaining internal security in all regions of the country. The national police force commissioner reports to the minister for police. The Autonomous Region of Bougainville maintains its own police force and minister of police with the autonomy to enforce local law, but the national police force retains the authority to ensure that the Bougainville police enforce national law. Divisions related to clan rivalries and a serious lack of resources diminished police effectiveness and hampered internal security activities throughout the country. Police impunity was also a serious problem.

The police department's Internal Affairs Office investigates and a coroner's court reviews police shootings. If the court finds that the shooting was unjustifiable or

due to negligence, authorities try the police officers involved. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Office of the Public Solicitor. A coroner's court also investigates and reviews cases of police shootings of bystanders during police operations. Despite these prescribed procedures, in many cases investigations remained unresolved. This was largely due to a lack of funding and resources to complete investigations, especially in rural areas where the shootings often occurred. Additionally, police officers' reluctance to give evidence against their own, and public fear of retribution from police, contributed to a lack of credible witnesses coming forward.

The Ombudsman Commission deals with public complaints and concerns about members of the police force. The commission received 34 complaints against police during the year. Two cases were resolved during the year in which two senior police officers in Madang were sentenced to two years' imprisonment each. In one case in April, the Madang National Court sentenced a former police officer to two years and 11 months in jail for unlawful grievous bodily harm of an 18-year-old man in 2011. The court sentenced the former officer to five years in prison. Since he was a first-time offender and had a distinguished career as a police officer, the judge allowed for the two years and two days spent in custody to be deducted from the sentence.

On May 26, a group of police officers beat and injured 74 men from the 6-Mile settlement on the outskirts of Port Moresby. The men were reportedly walking home after being involved in a fight when the officers stopped them and ordered them at gunpoint to lie on the ground, confiscating the machetes they were carrying. The police reportedly beat them and used the machetes to slash their ankles and arms. The men alleged they were then forced to walk to the police station and locked in cells without medical attention. In response National Court Judge David Cannings ordered a human rights inquiry and summoned senior police representatives to demand an explanation. They reported that two officers had been charged with unlawful wounding and more arrests were expected. The judge ordered the senior police officers to prepare affidavits to respond to the claims of police brutality and also directed the Public Solicitor's Office to provide legal advice and assist the victims. The police commissioner issued instructions for those involved to be immediately suspended and tried both administratively and criminally. At year's end the investigations continued.

On July 14, a group of soldiers attacked students at the University of Papua New Guinea's medical faculty located behind the Port Moresby General Hospital. The

attack was reportedly an act of revenge for the alleged assault of some soldiers at the hospital by members of the public. The acting police commissioner confirmed that the soldiers were armed with machetes, iron bars, and firearms and broke down the three main gates into the hospital premises before indiscriminately assaulting people, damaging property, and opening fire on some of the students. A student and a hospital security guard were reportedly beaten severely and admitted to the hospital for treatment. Upon the instruction of the minister for defense, the Defense Force and the police conducted an internal investigation that led to the arrest of two soldiers for taking part in the rampage. At year's end the investigations continued.

The Australian Federal Police and the UN provided assistance to the national police force designed to improve professional capacity. This included human rights training. The PNG-Australia Policing Partnership (PNG-APP) provided advisory support to the National Fraud & Anti-Corruption unit, in the Internal Affairs Directorate, and to national police training through the Bomana Police College. All training provided under the PNG-APP was based on the application of human rights principles.

The UN facilitated human rights training for some national police officers in Fiji in 2012. This resulted in the Gordons Training Cell prioritizing the development of family sexual violence and gender-based violence workshop packages, but a specific human rights package had not been prepared by year's end.

Societal violence, particularly between tribes, was commonplace, and in many cases police lacked sufficient personnel or resources to prevent these attacks or respond effectively to them. Warring tribal factions in rural areas often had better arms than local police, and authorities often tolerated intertribal violence in isolated rural areas until the tribes themselves agreed to a negotiated settlement.

Arrest Procedures and Treatment of Detainees

Under the law, to make an arrest police must have reason to believe that a crime was committed, is being committed, or will be committed. A warrant is not required, and police made most arrests without one. Police, prosecutors, and citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest. Only national or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges

against them, and to have their arrests subjected to judicial review; however, the government did not always respect these rights. Detainees had access to counsel, and family members had access to detainees.

Pretrial Detention: Approximately 31 percent of the prisoner or detainee population was in pretrial detention. No reliable statistics existed on the average length of time an inmate is held in pretrial detention. Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for lengthy periods. Although pretrial detention is subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations, particularly in locating witnesses, and occasional political interference or police corruption frequently delayed cases for months. In addition circuit court sittings were infrequent because of shortages of judges and travel funds. Police held some detainees for up to two years because of the shortage of judges.

e. Denial of Fair Public Trial

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

Trial Procedures

The legal system is based on English common law. The law provides for a presumption of innocence and due process, including a public trial, and the court system generally enforced these provisions. The country does not have a jury system, and judges conduct trials and render verdicts. Defendants have the right to an attorney, the right to be informed promptly and in detail of the charges against them, and the right not to be compelled to testify or confess guilt. The Public Solicitor's Office provides legal counsel for those accused of "serious offenses" (charges for which a sentence of two years or more is the norm) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, access government-held evidence, plead cases, and appeal convictions. The law extends these rights to all citizens. The shortage of judges created delays in both the process of trials and the rendering of decisions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters from which individuals and organizations may seek civil remedies for human rights violations. District courts may order “good behavior bonds,” commonly called “protection orders,” in addition to ordering that compensation be paid for violations of human rights. Courts had difficulty enforcing judgments. In addition village courts, which were largely unregulated, handled many human rights matters. Village and district courts often hesitated to interfere directly in domestic matters. Village courts regularly ordered that compensation be paid to an abused spouse’s family in cases of domestic abuse rather than issue a domestic court order.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. All newspapers included a variety of editorial viewpoints and reported on controversial topics, although newspaper editors complained of intimidation tactics aimed at influencing coverage.

Press Freedoms: The Media Workers Association alleged that substantial bribes often were offered to journalists and editors with the intent of buying favorable coverage. Some media workers and the public spoke openly on social networking sites about bribery and corruption in the media industry, which resulted in the sacking of six senior journalists and photographers from the *Post Courier* newspaper. The association asserted that journalists, photographers, and videographers experienced intimidation from some members of parliament and their associates during the year. In November three journalists with the government-run radio and television stations reportedly were removed from their positions, allegedly for writing stories critical of government efforts to nationalize

the Ok Tedi mine, as well as stories about a corruption case implicating the prime minister.

Violence or Harassment: Unlike in previous years, there were no reports of police officers targeting journalists who negatively covered police activities.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, but the government often limited these rights due to threats from persons that authorities believed were intending to take advantage of large gatherings to create public disturbances.

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government often limited this right. Public demonstrations require police approval and a 14-day notice. Asserting a fear of violence from unruly spectators, police rarely gave approval. If public demonstrations occurred without official approval, police normally requested crowds to disperse; if that failed, and if violence or public disturbances ensued, police used tear gas and fired shots in the air to disperse crowds.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws do not formally provide for the granting of asylum or refugee status. The government has, however, established an ad hoc system for registering as refugees individuals from the Indonesian Province of West Papua who were residing in the East Awin refugee settlement. In September 2012 the government signed a formal agreement with Australia to allow that country to send asylum seekers to Manus Island for processing only. On July 19, the government signed another agreement with Australia to allow for the resettlement of asylum seekers in Papua New Guinea. Under the controversial agreement the asylum seekers are to be sent to Papua New Guinea with the opportunity for resettlement there. The arrangement was to apply for 12 months and be subject to annual review. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country raised questions about the constitutionality of the agreement. On August 2, university students in Port Moresby attempted to stage a protest march to the Australian High Commission and the national parliament but were stopped from proceeding by armed police. The students echoed concerns raised by the opposition that the agreement was never debated publicly and undermined the country's sovereignty and local laws. The UNHCR regional office in Canberra confirmed that a total of 765 asylum seekers had arrived in Manus.

Melanesian refugees (from Indonesian Papua) are given permissive residency status, which allows them to reside, work, and have access to services, but they cannot run for political office. Non-Melanesian refugees have limited rights, including restriction on employment, public education, and housing.

Durable Solutions: Authorities granted registered refugees residing in the East Awin refugee settlement a certificate of identity that allows them to travel freely within the country and to the Indonesian region of Papua.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. With support from the UNHCR, the government continued to provide protection to approximately 2,300 persons residing at the East Awin refugee settlement who fled the Indonesian region of Papua (formerly Irian Jaya). Another 5,000 such persons, classified by the government as “border crossers,” lived in villages adjacent to the border with Indonesia, and approximately 2,400 lived in urban areas, including the capital, Port Moresby.

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

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

Elections and Political Participation

Recent Elections: The most recent general election took place in June 2012, and local government elections took place in June 2013. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the local elections. After the 2012 general election, the National Court registered 136 election petitions that alleged illegal practices. At year’s end two cabinet ministers lost their seats as a result of election petitions, other petitions were dismissed, and the remaining petitions were still before the courts.

Political Parties: Political parties could operate without restriction or outside influence. In some areas tribal leaders determined which candidate a tribe would support and used their influence to ensure that the entire tribe voted for that candidate.

Participation of Women and Minorities: No law limits political participation by women, but the deeply rooted patriarchal culture impeded women’s full participation in political life. The political participation of women was often limited, as many were expected to vote along tribal and family lines. There were three women in the 111-seat parliament. One served as minister of religion, youth,

and community development; one served as vice minister for treasury; and one served as a provincial governor. There were two female judges in the National and Supreme courts.

There were five minority (non-Melanesian) members of parliament. Of these, one was in the cabinet, and one was a provincial governor.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption at all levels of government was a serious problem due to weak public institutions and governance, lack of transparency, politicization of the bureaucracy, and misuse of public resources to meet traditional clan obligations.

Corruption: The Ombudsman Commission and Public Accounts Committee are key organizations responsible for combating government corruption. The Ombudsman Commission is mandated to investigate alleged misconduct by governmental bodies, alleged discriminatory practices by any person or government body, and alleged misconduct in office by public officials under the leadership code. The constitution provides for the Ombudsman Commission's independence.

The Public Accounts Committee is a permanent parliamentary committee established by the constitution with a mandate to examine and report to parliament on public accounts and national property.

The Ombudsman Commission met regularly with civil society and at times initiated action based on input received. Although civil society organizations began to engage with individual members of the Public Accounts Committee, the committee was less receptive to public input and generally did not seek to engage with civil society. The Public Accounts Committee generally operated independently of government influence, but lack of trained staff hindered its effectiveness. Neither body had sufficient resources to carry out its respective mission.

In 2011 the government established the Investigation Task Force Sweep (ITFS), a temporary interagency body with the mandate to arrest, charge, and prosecute government officials engaged in corruption. ITFS officers were seconded from

several government departments, including the Department of Justice and Attorney General, police, customs, and treasury. After its establishment, a number of high-profile politicians and business people were arrested and charged, but the courts had convicted only one person in these cases, due to the slow judicial process. At year's end the ITFS chairman reported that 27 people had been committed to stand trial in the National Court, 16 cases were going through the committal process, and 16 others had been rejected by the Committal Court. The rejected cases were referred to the Office of the Public Prosecutor. At year's end they were being reviewed for possible filing of indictments to a higher court.

In 2011 the government filed corruption charges against the former minister for national planning, Paul Tiensten, for misappropriation of funds, conspiracy to defraud the state, and abuse of office. Tiensten fled to Australia but returned and was arrested in November 2012 and had further corruption charges filed against him for diverting state funds to his own private company. Voters reelected Tiensten to parliament in 2012. On November 22, the National Court found him guilty of misappropriating Kina (K) 10 million (\$5 million) of public funds while serving as a state minister. The National Court extended his bail to January 21, 2014, to allow time for his lawyer and the state prosecutor to make submissions on his sentence.

Whistleblower Protection: There is no legal or institutional framework to protect whistleblowers.

Financial Disclosure: Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission monitored and verified disclosures. The commission's mandate includes administration of the leadership code, which requires leaders to declare, within three months of assuming office (and thereafter annually), their assets, liabilities, third-party sources of income, gifts, and all beneficial interests in companies, including shares, directorships, and business transactions. Declarations are not made available to the public. Sanctions for noncompliance range from fines to imprisonment.

Public Access to Information: No law provides for public access to government information. The government published frequent public notices in national newspapers and occasional reports on specific issues facing the government; however, it generally was not responsive to individual requests, including media requests, for access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman Commission is responsible for investigating alleged misconduct and defective administration by governmental bodies, alleged discriminatory practices by any person or body, and alleged misconduct in office by leaders under the leadership code. While it operated without government or political party interference, constraints in staffing resources often caused delays in investigations and thus in completion and release of reports.

In March 2012 the Ombudsman Commission referred one of its own commissioners, John Nero, to the Office of the Public Prosecutor on charges of misconduct in office relating to manipulation of commission minutes, violation of commission procedures, and improper benefits claims for dependent children. In December 2012 the Public Prosecutor's Office referred the matter to the Ombudsman Appointment Committee, which requested the chief justice establish a leadership tribunal to investigate the allegations. Establishment of a tribunal was pending at year's end.

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

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

Women

Rape and Domestic Violence: Violence against women, including gang rape and domestic violence, was a serious and widespread problem. Rape, including spousal rape, is a crime punishable by imprisonment ranging from 15 years to life, and prison sentences were imposed on convicted assailants, but few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. The legal system allows village chiefs to negotiate the payment of compensation in lieu of trials for rapists.

Domestic violence is criminalized yet existed throughout the country and was generally committed with impunity. Since most communities viewed domestic violence as a private matter, few victims pressed charges, and prosecutions were rare. In April the National Executive Council endorsed the Family Protection Bill, and parliament enacted it September 18. The act makes all forms of domestic violence criminal offences; gives legislative backing for interim protection orders; allows neighbors, relatives, and children to report domestic violence; and gives police the power to remove perpetrators from their homes to protect the victim. Widespread sexual violence committed by police officials and the unresponsiveness of these officials to complaints of sexual or domestic violence deterred reporting by both women and men. Traditional village mores, which often served as deterrents against violence, were weak and largely absent when youths moved from their villages to larger towns or the capital. According to Amnesty International, approximately two-thirds of women in the country had been struck by their partners, with the number approaching 100 percent in parts of the Highlands. The NGO reported that there were only three shelters for abused women in Port Moresby, all privately run; the situation was worse outside the capital. Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, authorities charged an increasing number of women with murdering one of their husband's other wives. Independent observers indicated that approximately 90 percent of women in prison had been convicted for attacking or killing their husbands or another woman.

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

Reproductive Rights: Under the country's family planning policy, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children free from violence and coercion. The decision of the husband or male partner on such matters usually prevailed over the wishes of the woman. Although women did not face barriers stemming from the law or government policy to accessing contraception and adequate prenatal, obstetric, and postnatal care, access was hindered by logistical problems faced by the Health Department in distributing supplies. Medical facilities also were limited in their capacity to provide adequate services to the growing population. According to indicators published by the Population Research Bureau, 26 percent of married women between the ages of 15 and 49 used some form of contraception. The country's estimated maternal mortality ratio exceeded 250 deaths per 100,000 live

births. This was due in part to traditional practices that encourage at-home births without skilled birth attendants, poor prenatal care, and the lack of professional health care in isolated rural communities.

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

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

A UN study of 10,000 men in Asia and the Pacific released September 10 found that more than 60 percent of male Papua New Guineans interviewed admitted to having raped a woman. The Ministry of Religion, Youth, and Community Development is responsible for women’s issues and has considerable influence over the government’s policy toward women. Following the 2012 visit by the UN special rapporteur on violence against women, civil society groups urged the government to take more serious action against perpetrators of violence against women.

Children

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

Education: Primary education was free but not compulsory or universal. Many children did not progress further than primary school. In 2011 the government

abolished school fees for students up to grade 10 and introduced subsidies for grades 11 and 12, and for university and other tertiary colleges. Primary and secondary education completion rates tended to be slightly higher for boys than for girls. This is due to cultural and social barriers, including the burden placed on girls of family care, domestic responsibilities, and customary marriage. Recent reports confirmed that girls were at high risk of domestic and sexual violence, sexual harassment in schools, commercial exploitation, and HIV infection, which posed serious threats to their education. Despite the laws mandating free education, many schools charged student fees, which served as a barrier to education.

Child Abuse: Sexual abuse of children was believed to be common. Independent sources confirmed that in two major cities, 1,000 or more cases of child sexual abuse were reported in 2009. Incest is a crime and reportedly increased in frequency.

Forced and Early Marriage: The legal age for marriage is 18 for boys and 16 for girls. There is a lower legal marriage age (16 for boys and 14 for girls) with parental and court consent. Customary and traditional practices allow marriage of children as young as age 12, and child marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse. Lack of resources and access to remote regions hampered the government's ability to take steps to prevent child marriages and enforce the law.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. The maximum penalty for violators is 25 years' imprisonment or, if the victim is under age 12, life imprisonment. Child pornography is illegal; penalties range from five to 15 years' imprisonment, but enforcement remained a problem. There were cases of commercial sexual exploitation of children in urban areas, including minors working in bars and nightclubs. There were reports that children were also exploited through the production of pornography and were trafficked both internally and from neighboring countries. Human Rights Watch documented numerous instances of police abuse of children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and provision of other state services. No legislation mandates accessibility to buildings, and most buildings were not accessible for individuals with disabilities. There were no policies or programs to assist such persons in obtaining access to communications and information. Generally families took care of persons with disabilities at home, and there were no reports of abuse in educational or mental health facilities. Children with disabilities suffered from the under-resourced educational system and attended school in disproportionately low numbers.

Through the National Board for the Disabled, the government granted funds to a number of NGOs that provided services to persons with disabilities. The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure.

National/Racial/Ethnic Minorities

Long standing animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. During the year tribal fighting continued in the highlands provinces. Deaths resulting from such conflicts continued to rise due to the increased availability of modern weapons.

Tribal conflict that began in June 2012 between the tribes of two rival candidates in the general election in Kandep, Enga Province, continued until April 2013, when both sides accepted an order to cease fighting. The media reported more than 100 deaths, including women and children. Police, churches, and provincial administration intervention saw to the restoration of services in the area. Fear persisted among women and children from both warring tribes, who continued to seek refuge among neighbors. No one from either tribe was arrested and charged for the killings.

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

Consensual same-sex sexual relations and acts of “gross indecency” between male persons are illegal. The maximum penalty for same-sex sexual relations is 14 years’ imprisonment; for acts of gross indecency between male persons (a misdemeanor), three years. There were no reports of prosecutions directed at lesbian, gay, bisexual, and transgender persons under these provisions during the year. There were no specific reports of societal violence or discrimination against such persons, but they were vulnerable to societal stigmatization, which may have led to underreporting.

Other Societal Violence or Discrimination

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS-related services. The nongovernmental Business Coalition against HIV/AIDS and other NGOs worked to combat discrimination against persons with HIV/AIDS.

There were numerous press reports during the year of vigilante killings and abuses, some of which were related to alleged involvement in sorcery and witchcraft.

In February in Mt. Hagen, Western Highlands Province, a 20-year-old mother, Kepar Leniata, was stripped, tied up, doused in gasoline, and burned alive by the relatives of a young boy who accused her of using witchcraft to kill the boy. Two people were charged as a result of this incident. In April in the Autonomous Region of Bougainville, a women’s rights advocate and former school teacher was beheaded in front of her community after being accused of sorcery. Her female relatives were kidnapped and tortured on sorcery accusations but were later released. Following local and international outcry on May 28, the government

repealed the controversial Sorcery Act, which provided a defense for violent crime if the accused was acting to stop witchcraft. The government also passed laws to reactivate the death penalty and apply it to more crimes, including sorcery-related murder, rape, and robbery. The laws provide for new methods of execution, including by lethal injection, hanging, electrocution, firing squad, and deprivation of oxygen.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, related regulations, and statutory instruments protect the right of workers in the public and private sectors to form and join independent unions, conduct legal strikes, and bargain collectively; however, the government may intervene in strikes and collective bargaining processes and has considerable influence over issues related to trade union formation, registration, and activity. These laws do not cover workers in the informal sector.

The law requires that unions register with the Department of Labor and Industrial Relations (DLIR). Although the law provides the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike. Under the law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when they are contrary to government policy.

The law prohibits both retaliation against strikers and antiunion discrimination by employers against union leaders, members, and organizers. The prohibition does not extend to workers in the informal sector. The law does not provide for reinstatement of workers dismissed for union activity. In the case of retaliation or unlawful dismissal for union activity, an employer may be fined, and the court may order the reinstatement of the employee and reimbursement of any lost wages. If an employer fails to comply with such directives, the court may order imprisonment or fines until compliance is achieved.

The DLIR was responsible for enforcing labor laws but did so selectively. The DLIR did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination. Observers attributed the ineffectiveness to lack of sufficient manpower and resources in the Labor Department.

Workers exercised the right to form and join unions. The government did not use registration to control unions; however, an unregistered union has no legal standing and thus cannot operate effectively. Unions were independent of both the government and political parties.

Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases the strikes were brief and ineffective due to temporary agreements reached between the government and workers. On August 30, workers at a fish processing company with an alleged history of antiunion behavior succeeded in forming an independent union and affiliating with the International Transport Workers' Federation.

Workers in both the public and private sectors engaged in collective bargaining. The DLIR and the courts were involved in dispute settlement. There were no reports of violations of collective bargaining rights.

Antiunion practices continued to be widespread in the logging industry.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law, and penalties were not sufficient to deter the use of forced labor. There were no significant government efforts to prevent and eliminate forced labor during the year, and there were reports that forced labor occurred.

The Foreign Seafarer's Act provides that if noncitizen crew of a foreign-registered ship fail to join a ship during its time in the country, officials may, on order of a judge or magistrate, apprehend the crew member and place the individual at the disposal of the diplomatic representative of the country in which the ship is registered (or if no such representation exists in the country, the ship's owner or representative) for the purpose of returning him to the ship. Observers noted that this practice may prevent foreign workers from reporting or escaping situations of forced labor.

There were instances of women and children forced into involuntary domestic servitude (see section 7.c.), often by members of their immediate family or tribe, and of men forced to work in logging and mining camps. There also were reports of a growing number of foreign workers, particularly from China and other Pacific

nations, entering the country illegally and being subjected to conditions of forced labor in mines and logging camps.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes the minimum working age as 16. Children between the ages of 11 and 18 may be employed in a family business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance, and children under 16 should not be employed in a place or under working conditions that would be dangerous to their health. The Minimum Age (Sea) Act is in force, but its provisions on age are superseded by provisions of other laws. The DLIR is responsible for enforcing child labor laws; however, enforcement was not effective due to lack of resources and weak penalties.

There were children selling cigarettes, food, CDs, and DVDs on the street and in grocery stores near mining and logging camps. There were reports of boys as young as 12 being exploited by "market taxis" in urban areas, carrying extremely heavy loads for low pay. Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the "host" family, in situations that occasionally constituted involuntary domestic servitude. In some cases the host family was a relative who had informally "adopted" the child. There were reports of commercial sexual exploitation of children (see section 6, Children).

Also see the U.S. Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage was K100.80 (\$47) per week for workers in all sectors, including new entrants into the labor force between the ages of 16 and 21. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas, and it provides for premium pay for overtime work. There is no prohibition on excessive compulsory overtime. The law provides for at

least one rest period of 24 consecutive hours every week. Labor laws do not apply to workers in the informal sector. The National Public Service General Orders allow for 12 weeks of paid maternity leave for female officers. The government, through the Department of Labor and Industrial Relations, sets occupational safety and health standards and was working with the International Labor Organization to review and update its safety and health legislation.

The DLIR is responsible for enforcing the laws on minimum wage and hours of work, the Industrial Health and Safety Law, and related regulations. The law requires inspection of work sites on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions. In 2012 there were 18 occupational health and safety and 15 industrial relations inspectors. Although the DLIR and the courts attempted to enforce the laws on minimum wage and hours of work, they were not effective, in part due to insufficient penalties to deter violations. The penalty is a fine not exceeding K100 (\$46.50). In the case of a second or subsequent, continuing offence, the person is liable for a fine not exceeding K10 (\$4.65) for each day or part of a day for which the offense continues. Where a person fails to obey an order, direction, or requirement lawfully made or given under the Industrial Relations Act, the court imposing the penalty may, at its discretion and in addition to any penalty imposed, order the individual to be imprisoned until the directive is obeyed.

Violations of wage, overtime, and occupational safety and health laws and regulations were common in the logging, mining, agricultural, and construction sectors due to the government's lack of manpower to monitor working conditions continuously in these sectors. The logging industry in particular was known for extremely low wages and poor working conditions, including debt bondage and cramped and unhygienic accommodation of workers. Workers in the mining sector were also subject to hazardous and exploitative conditions, including exposure to toxic metals such as mercury.

In June the New Guinea Gold Limited mining company terminated more than 50 workers, but as of September, few if any had received the full amount of their entitlements and annuities paid while employed. According to the provincial labor office, which workers approached for assistance, the company argued that it had no obligations to the workers because they had not signed employment contracts.