



大会

Distr.: General  
18 March 2013  
Chinese  
Original: English

## 人权理事会

### 第二十三届会议

#### 议程项目 3

增进和保护所有人权——公民权利、政治权利、  
经济、社会和文化权利，包括发展权

## 暴力侵害妇女、其原因及后果问题特别报告员拉希达·曼朱的 报告

增编

对巴布亚新几内亚的访问\*

### 概要

本报告载有暴力侵害妇女、其原因及后果问题特别报告员在访问巴布亚新几内亚之后得出的结论。特别报告员详述了该国暴力侵害妇女问题的状况，包括家庭和社区内部实施的暴力、机构场所中发生的暴力和与该国发展采掘业相关的暴力。她讨论了该国在法律和制度方面对此类暴力做出的反应，并提出了建议。

\* 本报告的概要以所有正式语文分发。报告本身载于概要附件，仅以提交语文分发。附件按收到的文本仅以提交语文分发。

## Annex

[English only]

### **Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Papua New Guinea (18–26 March 2012)**

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–5	3
II. The economic and political context and its implications for women .....	6–14	3
III. Main manifestations of violence against women .....	15–50	5
A. Domestic and sexual violence in the family .....	15–26	5
B. Sexual violence against women in the community .....	27–30	7
C. Sorcery-related violence, tribal violence and displacement .....	31–40	8
D. Women in custody and violence perpetrated by the police .....	41–47	10
E. Sexual violence related to the extractive industries .....	48–50	12
IV. Legislative framework .....	51–66	12
A. Constitution .....	51–52	12
B. Equality and Participation Bill .....	53	13
C. Domestic and sexual violence .....	54–63	13
D. Sorcery and sorcery-related killings .....	64–66	15
V. Institutional developments .....	67–84	15
A. Promotion and protection of human rights .....	67–68	15
B. Policy for women and gender equality .....	69–74	16
C. Civil society initiatives .....	75	17
D. Access to services and remedies for women victims of violence .....	76–84	18
VI. Conclusions and recommendations .....	85–91	19
A. Law and policy reforms .....	89	19
B. Statistics and data collection .....	90	21
C. Societal change and awareness-raising .....	91	22
Appendix		
Selected testimonies .....		23

## I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official mission to Papua New Guinea from 18 to 26 March 2012. She visited Port Moresby, Goroka, Kundiawa, Minj and Buka, in the Autonomous Region of Bougainville. The objective of the visit was to examine the situation of violence against women in the country in a comprehensive manner, including violence that is perpetrated within the family; community violence; violence that occurs in institutional settings; and violence related to the development of the country's extractive industries.

2. The Special Rapporteur met with representatives of the Ministry of Justice; the Office of the Public Prosecutor; the Ministry for Community Development, including the Office of Development of Women; the Royal Papua New Guinea Constabulary, including staff from Family and Sexual Violence Units; and the Department of Health. She also met with magistrates from a village court, the Parliamentary leader of the opposition, the Constitutional Law Reform Commission, and judges from the Supreme Court.

3. During her visit to the provinces the Special Rapporteur met with local authorities, including the Provincial Administrator of the Eastern Highlands Province and the Governor of Simbu Province, as well as police authorities and health-care providers in Goroka, Kundiawa and Minj. She also met with the Vice-President and other senior authorities of the Autonomous Government of Bougainville, in Buka.

4. The Special Rapporteur met with representatives of civil society, including women's organizations, and representatives of United Nations agencies, funds and programmes. She had the opportunity to visit the Family Support Centre at Port Moresby General Hospital, as well as the Bomana women's prison, and a women's shelter, run by a non-governmental organization (NGO), in Port Moresby, where she heard testimonies from a number of women.

5. The Special Rapporteur wishes to express her appreciation to the Government for its cooperation. She is also grateful to the United Nations Country Team, particularly its Human Rights Advisor, for the support extended prior to and during the visit. The Special Rapporteur looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

## II. The economic and political context and its implications for women

6. Papua New Guinea is the largest and most populated country of the Pacific Islands and is extremely diverse, not only in terms of its topography and ecosystems, but also as regards the ethnic, linguistic, and cultural groups that live in the country. Most settlements are small, isolated and scattered throughout a vast landscape, and more than 800 distinct languages are spoken in the country.<sup>1</sup>

7. The population is currently estimated at 7.014 million inhabitants.<sup>2</sup> It is estimated that 87 per cent live in rural areas and only 13 per cent live in the country's 20 main urban

<sup>1</sup> Combined initial, second and third periodic report submitted to the Committee on the Elimination of Discrimination against Women (CEDAW/C/PNG/3), p. 11.

<sup>2</sup> See [http://data.worldbank.org/country/papua-new-guinea\\_](http://data.worldbank.org/country/papua-new-guinea_)

centres, including the National Capital District, where Port Moresby is located.<sup>3</sup> While the total fertility rate has decreased steadily since the 1980s, it remains high, at more than 4 per cent.<sup>4</sup> With a population growth rate of more than 2.3 per cent per year, the country's population doubles every 30 years.<sup>5</sup>

8. Papua New Guinea is classified as a low human development country, ranking 153rd out of 187 countries in the 2011 Human Development Index of the United Nations Development Programme (UNDP), with a life expectancy at birth of 62.8 years, the expected years of schooling being 5.8 years, and a gross national income per capita of US\$ 2,271.<sup>6</sup> Social indicators from the census of 2000 indicated that women had a lower life expectancy at birth than men (54.1 versus 63.7 years), and that infant mortality rates, child mortality rates and mortality rates for children under 5 were higher for females than males (CEDAW/C/PNG/3, p. 15).

9. The country experiences high levels of inequality, and the economic growth experienced through the development of extractive industries has not reached all segments of the population. This is reflected, for example, in the Southern Highlands Province, a resource-rich region with one of the highest provincial revenues in the country, yet with lower per capita provincial revenue than the national average.<sup>7</sup> Another obstacle to the country's equitable development is its high levels of corruption. In 2012, Transparency International ranked the country 150th out of 176 countries, with 176 being the most corrupt.<sup>8</sup>

10. It is argued that there are specific traditional elements of the country's social environment that help alleviate poverty levels. The traditional land tenure system allows for land ownership by clans and/or individuals, the *wantok* system provides a safety and support network for family and clan members, and churches and community-based groups play a role as providers of employment and services, including health and education services.<sup>9</sup> Women, however do not always benefit substantively from such systems.

11. With reference to the UNDP Gender Inequality Index, Papua New Guinea ranks 140th out of 146 countries.<sup>10</sup> It has one of the highest global rates of maternal mortality, with a figure of 930 per 100,000 births (CEDAW/C/PNG/3, p. 16).

12. Due to the low number of schools and their remoteness, access to education remains very limited for the majority in rural areas. While the introduction of educational reforms in the 1990s increased enrolment rates, in 2007 women's literacy rates remained at 53.4 per cent compared to 62.1 per cent for men.<sup>11</sup> Approximately half of the girls who attend primary schools continue to the secondary school level, but girls often leave school after puberty due to a number of factors, including sexual harassment/abuse, or preparations for

<sup>3</sup> See United Nations Human Settlements Programme (UN-Habitat) data at: [www.unhabitat.org/content.asp?cid=11008&catid=592&typeid=79](http://www.unhabitat.org/content.asp?cid=11008&catid=592&typeid=79).

<sup>4</sup> Papua New Guinea, Department of National Planning and Monitoring, *Millennium Development Goals Second National Progress Comprehensive Report for Papua New Guinea* (2010), p. 87.

<sup>5</sup> Ibid., p. 21.

<sup>6</sup> UNDP, *Human Development Report 2011* (New York, 2011), p. 129.

<sup>7</sup> Michelle Kopi, Rachael Hinton and Sarah Robinson, *Violence and Insecurity in the Southern Highlands of Papua New Guinea* (Oxfam, 2010), p. 1.

<sup>8</sup> See [www.transparency.org/country#PNG\\_](http://www.transparency.org/country#PNG_)

<sup>9</sup> Papua New Guinea, *Millennium Development Goals*, p. 19.

<sup>10</sup> UNDP, *Human Development*, p. 141.

<sup>11</sup> Japan International Cooperation Agency (JICA), "Country Gender Profile: Papua New Guinea" (2010), p. ii.

marriage.<sup>12</sup> As regards university education, in 2007 the percentage of female students to male students in universities was 35 per cent to 65 per cent, with women mostly enrolled in courses such as nursing, secretarial work or teaching.<sup>13</sup>

13. Within the country's subsistence economy, women are mainly responsible for food-crop production, small livestock rearing or fishing. However, with the development of the cash economy, women have been increasingly compelled to market any surplus from their household production. This has added to women's already excessive workload, which includes housekeeping chores and child rearing. Formal employment opportunities are very limited, with only 5 per cent of females engaging in formal employment.<sup>14</sup>

14. As regards political participation, at the time of the visit there was only one woman in Government holding a Cabinet position, serving as the Minister for Community Development. There were no female provincial governors. There was one female National Court judge.

### III. Main manifestations of violence against women

#### A. Domestic and sexual violence in the family

15. There is no recent official data available on domestic violence. The last research commissioned by the Government was undertaken between 1982 and 1986 and published by the Law Reform Commission in 1992. This report reflected that 66 per cent of interviewed husbands said they beat their wives and 67 per cent of interviewed wives said they had been hit.<sup>15</sup> An academic study conducted in 2009 shared similar findings, noting that 65.3 per cent of the interviewed women were survivors of domestic violence.<sup>16</sup> More recent reports confirm that violence against women in the family is widespread, pervasive and often tolerated.<sup>17</sup>

16. A report analysing 908 cases of hospitalized male and female victims of violence in the Southern Highlands Province found that women made up two thirds of all cases.<sup>18</sup> Half of all cases of violence against girls and single women were experienced within the family and perpetrated by a relative, such as a brother/stepbrother (37 per cent), father/stepfather (20 per cent), uncle (19 per cent), or a cousin (20 per cent).<sup>19</sup> The study also found that women knew their assailant in 94 per cent of cases and that 75 per cent of all cases of violence, whether against men or women, involved a male perpetrator.<sup>20</sup>

17. Physical intimate partner violence against women, commonly referred to as "wife bashing", is perhaps the most prevalent form of violence against women in the country.<sup>21</sup>

<sup>12</sup> Ibid., p. iii.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., pp. iii-iv.

<sup>15</sup> Law Reform Commission, *Final Report on Domestic Violence (Report No. 14)* (Boroko, 1992), p. 16.

<sup>16</sup> Margit Ganster-Breidler, "Gender-based violence and the impact on women's health and well-being in Papua New Guinea", *Contemporary PNG Studies*, vol. 13 (November, 2010).

<sup>17</sup> See Médecins Sans Frontières, *Hidden and Neglected: The Medical and Emotional Needs of Survivors of Family and Sexual Violence in PNG* (2011), p. 9. See also Amnesty International, *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!* (2006), p. 17.

<sup>18</sup> Kopi et al., *Violence*, p. 2.

<sup>19</sup> Ibid., p. 51.

<sup>20</sup> Ibid., p. 37.

<sup>21</sup> Amnesty International, *Papua New Guinea*, p. 12.

The Special Rapporteur received numerous first-hand accounts and personally saw the injuries sustained by women who had been kicked, punched, burned or even mutilated by their husbands. She also received a large number of testimonies, both oral and written, from service providers, activists and local authorities.

18. While each individual story is unique, some common elements were identified (see appendix), including: substance abuse by perpetrators of domestic violence; violence not limited to physical violence but also involving threats, the destruction of property and/or the destruction of identification documents; women having to assume the role of primary breadwinners and husbands not working and/or spending the family income on alcohol or in gambling activities; reports to the police not being taken seriously; and, in some cases, police officers even fearing the alleged perpetrator.

19. Among the root causes of such violence are the common perceptions that wife beating is a normal part of married life and that a husband has the right to hit his wife as a way to discipline her if she does something to upset him, and because he is supposedly the main breadwinner or head of the family. The 1992 Law Reform Commission study showed that 67 per cent of rural husbands surveyed, and 57 per cent of rural wives, thought it was acceptable in some circumstances for a man to hit his wife.<sup>22</sup> This reasoning also applies to daughters, sisters and other female household members. Being perceived as disobedient, disrespectful, flirty, lazy, stubborn or uncooperative may result in unmarried women being subjected to discipline by their fathers, brothers or other male relatives.<sup>23</sup>

20. Women victims therefore face a general lack of support from the family and the community, and are reluctant to report violence or seek help. The continuing, although officially banned, practice by hospitals of charging a “fighting fee” to patients involved in cases of violence, or charging a fee for a medical certificate, is a further barrier to reporting violence, as a case cannot be opened at the police station without such a certificate.

21. Many interlocutors referred to the practice of bride-price payment as an aggravating factor that fuels situations of domestic violence and limits the avenues for women to escape abusive relationships. Men commonly feel entitled to control and even abuse their wives as a result of having paid the bride price, thus regarding women as their property. Likewise, families who received such payment are reluctant to provide support or receive abused women back in the family home, as this will entail paying compensation or returning the bride price received for the marriage.

22. Polygamy was also identified as a common cause of violence in the family. Many victims explained how husbands had become abusive or increased their abusive behaviour after deciding to start a relationship with another woman. The abuse usually starts with neglect and lack of resource provision for the first wife and her children, but can escalate to physical and sexual violence, and in some cases murder. The practice of polygamy also creates tension between women within the same family and has led to cases of violence, sometimes resulting in murder of the husband or the additional wife/girlfriend. A large number of women interviewed in the Bomana prison were serving lengthy sentences after being convicted for the murder of their husband or the additional wife/girlfriend.

23. Interviewees explained that polygamy is linked to male notions of identity and wealth. As men become more wealthy or powerful, having more women and children is a marker of status for them. It was stated that many men who have reached top political positions in the country have reportedly followed this practice, and therefore have little political will to promote the legislative changes that would outlaw the practice of polygamy.

<sup>22</sup> Law Reform Commission, *Final Report*, p. 19.

<sup>23</sup> Kopi et al., *Violence*, p. 52.

24. With regard to sexual violence within the family, a 1993 report found that 55 per cent of the interviewed women had been forced into sex against their will, in most cases by men they knew, and half of the interviewed married women stated their husbands used beatings or threats to force them into sex.<sup>24</sup> Although marital rape is penalized by the Criminal Code, only two cases have reportedly been prosecuted since the relevant legislation was enacted in 2003. Due to the above-mentioned practice of bride price, many men feel they have the right to have sexual relations with their wives whenever they want, regardless of the woman's wishes. This also has consequence on women's capacity to protect themselves against HIV/AIDS and other sexually transmitted diseases, particularly considering that many men engage in sexual relations with multiple partners.

25. Service providers confirmed that the number of cases of incest and teenage pregnancies is on the rise. Young girls, particularly those living with relatives or step-parents, are reportedly at high risk of sexual violence, which is perpetrated by male relatives, such as uncles, cousins or brothers, or male family friends. Girls who do not live with their natural parents are at a greater risk of experiencing sexual violence due to their dependence on male relatives for food, shelter, school fees and other basic necessities.<sup>25</sup>

26. The Special Rapporteur received information indicating a strong link between violence against women and prostitution. She heard testimonies of women who were sold into prostitution by their husbands or who were abandoned or kicked out of their homes and then resorted to survival sex for food and other basic needs. Some of these women end up working in night clubs where the cycle of violence and exploitation continues. Through interviews with sex workers and women's groups in Port Moresby, the Special Rapporteur heard accounts of young girls and women being exploited in nightclubs owned by "Asian" men who do not allow women to leave the premises, nor allow women's groups to make contact with them to offer services such as HIV education.

## B. Sexual violence against women in the community

27. In a 2005 report on children and HIV/AIDS, the United Nations Children's Fund (UNICEF) described rape in Papua New Guinea as "a major threat to social stability and economic development [which] seriously impedes the full and active participation of women and girls".<sup>26</sup> The report found that rape and sexual assault had reached epidemic levels, but that most cases remained unreported. Another 2006 report described gang rape as a common practice, with approximately 60 per cent of interviewed men indicating they had participated in gang rape.<sup>27</sup>

28. In Port Moresby, in particular, interviews revealed that women fear rape, gang rape and other forms of violent crime in the streets, and this has limited their ability to move freely and safely without a companion. The abuse of alcohol and other substances is reportedly also present in many of the cases of sexual violence in the community. It is reported that criminal gangs play a formative role in the lives of many young men, often

<sup>24</sup> Papua New Guinea Institute of Medical Research (1993), cited in C. Bradley and J. Kesno, *Family and Sexual Violence in PNG: An Integrated Long-term Strategy – Report to the Family Violence Action Committee of the Consultative Implementation and Monitoring Council* (Institute of National Affairs, Port Moresby, 2001).

<sup>25</sup> Amnesty International, *Papua New Guinea*, p. 17.

<sup>26</sup> UNICEF, *Children and HIV/AIDS in Papua New Guinea* (2005), p. 4.

<sup>27</sup> Papua New Guinea Institute of Medical Research, cited in Amnesty International, *Papua New Guinea*, p. 6.



promoting sexual violence against women as a way of asserting their masculinity and encouraging male bonding.<sup>28</sup>

29. The risk of sexual assault and rape was also a particular source of concern among interviewed women who are living in regions facing tribal conflict. In some cases, rape is not only carried out to harm the direct victim, but also as a means to harm a rival group or community by raping “their” women, and thus to express dominance over a group and/or celebrate victory against them.<sup>29</sup> The Special Rapporteur also heard testimonies of violence and rape related to land disputes and electoral processes, which is worsened by the increasing availability of firearms, particularly in the Highlands region. Women and girls experience displacement and rape, and often contract HIV during times of armed conflict. However this problem remains invisible because victims are reluctant to discuss the sexual violence they suffered, particularly when displaced in villages where no local support exists. Women’s groups also reported a lack of responsiveness by local police, who often allow rival villagers to “solve” their problems among themselves. This is usually not in the interest of women victims and it serves to make them more reluctant to seek support from the authorities.

30. The prevalence of sexual violence is particularly worrying given the country’s current high rates of HIV/AIDS. In 2009, 35,800 adults aged 15-49 were living with HIV (0.9 per cent of the population), and 11,520 people were estimated to have died of HIV-related illnesses.<sup>30</sup>

### C. Sorcery-related violence, tribal violence and displacement

31. The belief in sorcery and witchcraft is widespread across the country, with 90 per cent of the population believing in its existence. This belief is reportedly shared by persons of all educational and socioeconomic levels, who fear harm or misfortune that they see as caused deliberately through supernatural powers. People do not easily accept natural causes of illness, sickness or death, and commonly dismiss medical reasons that explain them.<sup>31</sup> Therefore, the interrogation, torture, exile and even killing of people accused of sorcery as a means of punishment is allowed by some communities throughout the country.<sup>32</sup>

32. During her visit to the Highlands region, the Special Rapporteur witnessed the brutality of the assaults perpetrated against suspected sorcerers, which in many cases include torture, rape, mutilation and murder. She met women survivors who shared oral and written testimonies (see appendix).

33. According to the Constitutional and Law Reform Commission (CLRC), Papua New Guinea has the highest number of reported cases relating to sorcery-related killings, and these cases have been on the rise since the 1980s.<sup>33</sup> The exact extent of sorcery-related violence is difficult to estimate, however, as many cases are unreported. In a period of seven years (2000-2006), two major national newspapers reported 166 cases of sorcery-related violence, of which 55 took place in the Highlands, 30 in Momase, 23 in the

<sup>28</sup> Amnesty International, *Papua New Guinea*, pp. 21-22.

<sup>29</sup> John Luluaki, “Sexual crimes against and exploitation of children and the law in Papua New Guinea”, *International Journal of Law, Policy and the Family*, vol. 17, No. 3 (2003), p. 280.

<sup>30</sup> National AIDS Council and National Department of Health, Consensus Workshop on HIV Estimation in PNG, 8-10 June, 2010.

<sup>31</sup> Constitutional and Law Reform Commission (CLRC), “Review of the Law on Sorcery and Sorcery Related Killings”, draft report 7 (2011), p. 9.

<sup>32</sup> See, for example, Kopi et al., *Violence*, p. 48.

<sup>33</sup> CLRC, “Review”, p. 9.



Southern region, 8 in the New Guinea Islands region and 50 in an unspecified location.<sup>34</sup> In Simbu Province alone, it is estimated that 150 cases of violence and killings occur each year as a result of witchcraft accusations, with impunity as the norm.<sup>35</sup>

34. While both men and women have been accused of sorcery and have fallen victim to violence, the number of women being tortured and murdered is higher than the number of men. A 2010 report suggests that women are six times more likely to be accused of sorcery than men.<sup>36</sup> Women who marry into different tribes, widows and elderly women with no children or grandchildren to protect them, as well as women born out of wedlock, are at a higher risk of being targeted, given that perpetrators have no fear of reprisal killings or other consequences.<sup>37</sup> Women are the first to be blamed and targeted when there is an unexplained death or misfortune in a family or in a village, and thus they “live with a constant fear of being accused of sorcery”.<sup>38</sup>

35. There is growing concern that sorcery accusations that lead to killings, injuries or exile are often economically or personally motivated and used to deprive women of their land and/or property. Furthermore, accusations of sorcery are often a convenient cover for premeditated killings triggered by personal dislikes, jealousy, envy, greed, rivalry or revenge and the targeting of women from other tribes or communities.<sup>39</sup>

36. This information was confirmed through the testimonies heard in Kundiawa, Goroka and Minj. Many interlocutors explained how sorcery-related violence is commonly perpetrated against widows or women with no male kin living nearby to defend them. Women have lost land, homes, produce and livestock, and in many cases have been exiled from their communities. Attacks were commonly perpetrated by young men or boys acting under the orders of other members of the community, and under the influence of drugs or alcohol, which are provided by such persons. Interviewees often stated that the men who raped and/or tortured them were usually intoxicated.

37. Factors at the community level which allow for impunity for perpetrators include: the unwillingness to intervene prior to, or during, such attacks; fear of reporting and/or providing information to the police; and the use of the wantok solidarity tradition by which perpetrators are protected. Interviewed police officers in the Highlands region stated that the reluctance of survivors and witnesses to provide information greatly impedes their ability to investigate these cases and arrest perpetrators. This is coupled with the police’s own lack of skills and other resources.

38. In some cases, women accused of sorcery are not killed but banished from the communities. Victims and their families often lose or see destroyed their homes, gardens, livestock or other property. Others flee their communities for fear of being attacked and killed. The situation of displacement has adverse consequences for women as they often lose their main sources of income. The Special Rapporteur met with displaced women in Minj who were basically living as nomads, with no access to land to grow food for subsistence or for marketing. Some women manage to find refuge with relatives or tribe

<sup>34</sup> Ibid., p. 18.

<sup>35</sup> Philip Gibbs, “Sorcery and AIDS in Simbu, East Sepik, and Enga Provinces”, The National Research Institute, Occasional Paper No. 2 (2009), p. 2.

<sup>36</sup> Amnesty International, “Women killed for witchcraft in PNG”, 29 January 2009, available from [www.amnesty.org.au/svaw/comments/20139/](http://www.amnesty.org.au/svaw/comments/20139/).

<sup>37</sup> CLRC, “Review”, pp. 29-30.

<sup>38</sup> Oxfam International – Papua New Guinea, “Sorcery beliefs and practices in Gumine: a source of conflict and insecurity” (2010), p. 10.

<sup>39</sup> Ibid., pp. 4 and 10.

members, but this can eventually lead to tensions with the host families or communities, as they also fear reprisals for hosting displaced families.

39. There is also an important link between sorcery-related violence and armed tribal conflict, with sorcery being one of the factors inciting tribal fights in the Highlands. A 2010 report found that, in the Hanganofi district, 25 of the 31 incidents reported of tribal fights between 2005 and 2007 were caused by sorcery. Similarly, 7 out of the 11 tribal fights reported during the same period in the Kainantu district were related to sorcery. In the Unggai Bena district, all 7 tribal fight cases from 2002 to 2006 were reportedly caused by sorcery accusations.<sup>40</sup>

40. The Special Rapporteur met with a network of women human rights defenders in the Highlands, who have been increasingly documenting and reporting cases of violence against women in the region, with a special focus on sorcery-related violence. In 2011 the network submitted several cases which the Special Rapporteur and other mandate holders brought to the attention of the Government through communications in September 2011.<sup>41</sup> To date, these communications have remained unanswered. These cases involve not only violence against women, but also serious threats and intimidation faced by the women human rights defenders providing support and assistance to the victims.

#### **D. Women in custody and violence perpetrated by the police**

41. The Special Rapporteur examined the situation of women in detention, both remand and convicted prisoners. She was informed that 90 per cent of women in prisons in the country have been serving life sentences for murder. In the Bomana prison for women, she interviewed women charged with murder and other crimes. From the information received, it was clear that all the women convicted for murder in Bomona were victims of family violence, including being subjected to polygamy and neglect, and many of them had acted in self-defence. In most cases, women had endured years of physical and sexual abuse from their attackers, usually their husbands, and had received no support when reaching out to the community or the police (see appendix).

42. Most incarcerated women did not have adequate legal representation and they accepted the option of a plea for a lesser charge rather than go to trial – after being advised to do so by their lawyers. Nevertheless, all the interviewed women had ended up receiving lengthy sentences, despite their expectation that a plea to a lesser charge would result in a lower sentence. Many women were of the view that judges were unresponsive to evidence that reflected acts committed in self-defence, history of abuse and acts committed in a rage when catching their husbands being unfaithful to them. This was reflected in comments made by some judges, who stated in some cases that women who had taken a life needed to pay the price.

43. As regards the conditions in prisons, women do not receive adequate and suitable food; they do not have regular access to health services, and need to wait long periods to see a medical professional; they are reliant on family and friends for appropriate medication; and they are forced to work without receiving any remuneration for their products or their labour. Women do gardening and grow some vegetables in prison for consumption, as well

<sup>40</sup> Office of the United Nations High Commissioner for Human Rights – Regional Office for the Pacific, *Armed Tribal Conflict and Sorcery in the Highlands of Papua New Guinea* (New York, October 2010), p. 4.

<sup>41</sup> See A/HRC/19/44. See also [https://spdb.ohchr.org/hrdb/19th/UA\\_PNG\\_27.09.2011\\_\(3.2011\).pdf](https://spdb.ohchr.org/hrdb/19th/UA_PNG_27.09.2011_(3.2011).pdf), and [https://spdb.ohchr.org/hrdb/19th/AL\\_PNG\\_15.09.2011\\_\(2.2011\).pdf](https://spdb.ohchr.org/hrdb/19th/AL_PNG_15.09.2011_(2.2011).pdf).

as make handicrafts, such as traditional *bilum* bags. Police officers then sell these products outside the prison with the proceeds going to a Corrective Institutions Service trust account. Thus inmates do not receive payment for their work. As stated by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, women in prisons were “forced to perform domestic work for officers in both police stations and correctional institutions, including doing their laundry and making string bags (*bilums*) for the officers to sell” (A/HRC/16/52/Add.5, para. 70). As regards hygiene products, such as soap or toothpaste, women rely on visitors to provide them with such items, which they then share with other women who have no one to provide these for them. For women in prison with their children, there is only a one-bed cell which sometimes has to cater for seven women and nine children. Furthermore, the prison does not provide food or other necessities for babies and children; these remain the responsibility of the mother.

44. The Special Rapporteur also visited the detention cells in the police station of Kundiawa, where she interviewed seven female detainees, including three minors. One 16-year-old girl had been detained for three months, a 15-year-old girl had been there for a month and another 15-year-old girl had arrived the night before. The three minors were sharing a small cell with four adult women, two of them suspected of murder. One of the 15-year-old girls had been detained for fighting in the street with an adult woman who was placed in the same cell as her, and who violently attacked her during the Special Rapporteur’s visit. Police officers reacted to the attack after the Special Rapporteur insisted that attention be paid to the screams that were emanating from the cell.

45. The detainees receive one meal a day consisting of rice and tinned fish. Many had not left the cell, except a couple of times to go to court. The cases of two of the detained minors had not been heard in court, despite them having already spent one and three months in jail, respectively. A number of the detained women reported having been beaten by the police when arrested. They also reported being beaten with a key chain in the detention cell when found climbing up the wall to talk to relatives or other visitors through the cell’s window. Some of the interviewed women had not had access to a lawyer. The Special Rapporteur attempted, without success, to track down the relevant child rights advocate and the court personnel, in order to have the children moved to a suitable facility or granted bail so that they could go home.

46. Reports of police brutality and misconduct were widely reported in all parts of the country. Complaints indicated that violence and sexual abuse of women, including sex workers, while in police detention was a systemic issue. The Special Rapporteur met with several sex workers in Port Moresby who shared how police officers constantly harass, arbitrarily detain and sexually abuse them (see appendix). Interviewees stated that police officers often arrest them simply to take their money. One interviewee who had been beaten by a police officer attempted to file a complaint through the Internal Investigation Unit of the police. On her way to the station, she met another police officer who advised her not to waste her time, as these complaints “were never followed up”.

47. These findings echo those made by the Special Rapporteur on the question of torture in 2010, when he referred to women’s risk of sexual abuse upon arrest and in police custody, as well as sexual abuse in exchange for release (A/HRC/16/52/Add.5, para. 70). The report referred to allegations of officers arresting women for minor offences with the intention of sexually abusing them; allowing male detainees to enter cells where women were held and sexually attacking them; and threatening to place or actually placing women in cells with male detainees for a night, where they were subjected to collective rape (*ibid.*).

## E. Sexual violence related to the extractive industries

48. The Special Rapporteur also received allegations of violence against women committed in the context of the country's extractive industries. The increasing influx into poor and isolated communities of men who are employed by these companies and who have access to much needed cash income has created a "market" for sexual services, and has also resulted in cases of sexual exploitation and abuse. The Special Rapporteur heard cases of employees "luring" or "marrying" local women, then abandoning them and their children. These men also engage in polygamy, thereby increasing the risk of women contracting sexually transmitted diseases and HIV. Other allegations shared by women involved rape by miners and other company employees.

49. Interviewees also referred to the shift in the policing priorities from the villages to the mine sites. This is due to the expansion of the extractive industries, and this has had particularly negative effects on women. Younger police officers who are better skilled and resourced have been deployed to these sites, or have been engaged as private security officers, thus leaving villages with ill-equipped police who do not respond adequately to the calls for help by women victims of violence.

50. The particular case of the Porgera gold mine was brought to the Special Rapporteur's attention. Allegations include beatings and gang rape committed by the private security personnel employed by the mine. While the company initially failed to detect the abuse or take the allegations seriously, it has reportedly now conducted investigations in collaboration with the police; identified additional cases;<sup>42</sup> and designed a set of gender-sensitive reparations to the victims.<sup>43</sup> These reparations would include individualized services and support for victims, as well as community-wide services, infrastructure and/or facilities to develop the capacity of the local community to address issue of violence against women. In addition, a number of important preventative and supervisory initiatives would be implemented by the company.<sup>44</sup> It is hoped that the results of this process will set an important precedent as regards the responsibility of private companies and of State authorities in upholding the human rights of women and girls in the country, as articulated in international law.<sup>45</sup>

## IV. Legislative framework

### A. Constitution

51. From its preamble, the Constitution establishes as one of the country's national goals "for every person to be dynamically involved in the process of freeing himself or herself from every form of domination or oppression so that each man or woman will have the opportunity to develop as a whole person in relationship with others". It also calls for "equal participation by women citizens in all political, economic, social and religious activities".

<sup>42</sup> Human Right Watch, *Gold's Costly Dividend: Human Rights Impacts of Papua New Guinea's Porgera Gold Mine* (2010), p. 47.

<sup>43</sup> Barrick Gold Corporation, draft framework of remediation initiatives in response to violence against women in the Porgera Valley. See <http://www.barrick.com/files/porgera/Porgera-Backgrounder-Framework-of-remediation-initiatives.pdf>.

<sup>44</sup> Ibid.

<sup>45</sup> See the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex).

52. Article 55 of the Constitution asserts that “all citizens have the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex”, and allows for specific laws to benefit women, children and “members of underprivileged or less advanced groups”. However, the Constitution does not explicitly define or prohibit discrimination, including on the grounds of sex, in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, acceded to by Papua New Guinea on 12 January 1995.

## **B. Equality and Participation Bill**

53. As regards equal participation of women in public and political life, the Special Rapporteur was informed of the progress made with regard to the Equality and Participation Bill, which provides for the creation of 22 additional seats for women in Parliament. In November 2011, Parliament agreed to constitutional amendments creating the additional seats, but the enabling organic act on the reserved seats is yet to be approved by Parliament. The Special Rapporteur was informed that 21 members of Parliament walked out during a reading of the organic act in November 2011, in protest against the initiative, and it was therefore very unlikely that this issue would be tabled and approved before the elections of 2012.

## **C. Domestic and sexual violence**

54. There is currently no specific legislation dealing with violence against women and/or domestic violence. The Criminal Code penalizes the offences of “common assault” with a maximum of 6 months imprisonment and “aggravated assault” with a fine or up to 12 months in prison (CEDAW/C/PNG/3, p. 23). While the Criminal Code deals with all serious or “indictable offences”, which are tried in the National Court, other minor criminal offences are covered under the Summary Offences Act and are heard in the District Courts (*ibid.*). In 2009, the Magisterial Service introduced Interim Protection Orders (IPOs) with the aim of increasing protection of any persons at risk of assault. However, IPOs are only valid for two weeks, and women who use this remedy need to return to court to obtain another IPO to extend the period.

55. In 2011, a number of NGOs, led by Coalition for Change Papua New Guinea and in collaboration with the Family and Sexual Violence Action Committee and the CLRC, drafted a Family Protection Bill. The Bill has been submitted to the National Executive Council for its endorsement before review by Parliament.

56. The Bill was drafted with the objective of establishing the offence of domestic violence and setting up a regime for family protection orders. It is based on a number of underlying principles, including an acknowledgment that “violence in marriage” is not a private matter, but “a social problem of public concern”. The Bill defines domestic violence as acts perpetrated against a family member by which the perpetrator assaults, psychologically abuses, harasses or intimidates, sexually abuses, stalks, behaves in an indecent or offensive manner, damages or causes damage to property; or threatens to do any of these acts. The Bill also includes a definition of spouse which includes persons of opposite sex who are living or have lived together in a marriage-like relationship, as well as people who have a child together, whether or not they are or have been married or living together.

57. The draft establishes domestic violence as an offence with penalties including imprisonment of up to five years and/or a fine. The draft clearly states that the payment of

any amount of money or other valuable in accordance with custom (compensation) is not a defence to any of the offences described in the Bill.

58. As regards family protection orders, in accordance with the draft, these could be requested by complainants themselves or someone on their behalf if complainants have given their oral or written consent. The court could also issue a protection order if it believes on reasonable grounds that a person has committed an act of domestic violence or is likely to commit one. A person who breached a family protection order would also be guilty of an offence and would face a term of imprisonment of up to seven years and/or a fine.

59. The Special Rapporteur notes with concern that the current draft envisages placing restrictions, such as approaching certain locations, not only upon perpetrators but also upon victims. The Bill also envisages mandating victims to provide evidence, which may put them in untenable positions and could possibly lead women to simply deny any acts of domestic violence against them. Finally, the current draft allows for the court to order the payment of compensation in accordance with custom if, as a result of domestic violence, a person suffered personal injury, damage to property, and/or financial loss.

60. The Special Rapporteur identified other sources of concern in the current draft. It does not make any reference to economic violence, such as withholding food, retaining income from marketing and other activities, or preventing access to a person's financial and other assets. Other forms of domestic violence, such as emotional, verbal or psychological abuse; sexual harassment; or intimidation, are not recognized. The Bill does not provide for an expedited procedure that would allow victims to obtain a protection order without having to apply through the regular procedure before a judge. It also would allow for the court to direct both the defendant and the complainant to participate in counselling and/or mediation. This mandatory counselling and/or mediation may not be in the best interest of women.

61. As regards sexual violence, in 2003 the Criminal Code was amended to cover sexual offences and crimes against children.<sup>46</sup> New offences were introduced into the Code and classified according to the seriousness of the harm, as well as harsher sentences introduced for perpetrators. Likewise, the Evidence Act was amended to assist victims of gender-based violence. Through these amendments, sexual offences against children were clearly defined and now include sexual touching and sexual exploitation, with increased penalties for those in a position of trust, such as parents, teachers or the police. The definition of incest was also expanded to cover more categories of relationships, such as the extended family.<sup>47</sup> The Criminal Code established that incestuous sexual relations with a person under the age of 16 cannot be consensual and therefore amount to incestuous rape as well as unlawful sexual penetration of a child, carrying a penalty of up to 25 years' imprisonment, or life imprisonment if the child is under 12 years old or is in a relationship of trust, authority and dependency with the offender (CEDAW/C/PNG/3, p. 28).

62. As regards rape, the definition was expanded to cover penetration of the mouth or anus and the use of objects, the requirement for medical corroboration was removed, and the victim's previous sexual conduct was established as inadmissible as evidence. Furthermore, rape in marriage became illegal (*ibid.*). The maximum penalty for rape is now 15 years in prison, or imprisonment for life if committed with aggravating circumstances (*ibid.*).

<sup>46</sup> AusAid, *Violence against Women in Melanesia and East Timor* (2008), p. 11.

<sup>47</sup> *Ibid.*

63. Court procedures were also improved in an attempt to protect survivors' safety and dignity. This includes court hearings in sexual offences cases being closed to the public, victims being allowed to have a support person while giving evidence, and the alleged perpetrator not being allowed to cross-examine the victim. Furthermore, medical evidence of rape is no longer obligatory, as it was recognized that most victims live in remote areas in which access to health services is restricted, and therefore necessary medical examinations may be delayed or not possible (*ibid.*).

## **D. Sorcery and sorcery-related killings**

64. The Sorcery Act – the law on sorcery and sorcery-related killings – was enacted in 1971 with the aim “to prevent and punish evil practices of sorcery and other similar evil practices”. The Act acknowledges the existence of sorcery and criminalizes both those who practice it and those who attack people accused of sorcery. It has been argued, however, that the Sorcery Act focuses principally on the sorcerer as perpetrator and does not adequately address violence committed against alleged sorcerers. Sorcery-related killings are treated as homicides and dealt with through the Criminal Code. The Sorcery Act is reportedly rarely used, but some argue that its mere existence helps perpetuate the belief in sorcery as a means of harming or killing another person.

65. In February 2009, the CLRC was commissioned to carry out a nationwide consultation and review of the Sorcery Act, including an assessment of the offences and penalties it currently covers, and to publish recommendations on the subject.<sup>48</sup> The current Act was found to have contradictions and inconsistencies, and is difficult to enforce. For example, it refers to the difference between “innocent” and “forbidden” sorcery, but does not clearly specify what they constitute. The CLRC highlighted the extreme difficulty of interpretation, given the diversity of cultures and understandings of sorcery in the country. It also reflected on the technical difficulties of identifying, in a court procedure, the consequences of sorcery and, most importantly, on linking an alleged conduct of sorcery to a given consequence, as it is practically impossible to provide evidence that would prove the use of sorcery.

66. The CLRC therefore proposed that the Sorcery Act be repealed entirely and that accusations of use of sorcery be dealt with by religious and spiritual leaders, but not by the law. Furthermore, any case of assault or murder should be treated as such by courts, regardless of any sorcery accusations made against the victims. The CLRC also concluded that village courts needed to be strengthened to adequately deal with sorcery-related violence.

## **V. Institutional developments**

### **A. Promotion and protection of human rights**

67. The Special Rapporteur was informed of a number of policy and institutional initiatives related to the promotion and protection of human rights. In 2011, a national human rights forum was established under the leadership of the Secretary of Justice and comprises a number of government departments and national institutions, together with civil society organizations, United Nations agencies and donors. The Forum has been a

<sup>48</sup> See CLRC, “Review”.



crucial player in pushing for the establishment of a national human rights commission in the country. The bill for the Organic Law on the Human Rights Commission is currently with the Cabinet, and is expected to be approved by Parliament.

68. Another initiative was the establishment of a “human rights track” within the Supreme Court and the National Court to help identify and give special consideration to the human rights cases that were already being received and heard by courts. The Special Rapporteur was informed that the Courts’ registry reviewed and identified cases that should be channelled through the human rights track, and that training was provided to courts at the provincial level, to encourage them to identify relevant cases and send them to the National Court. The mechanism has been in place since July 2011 but awareness still needs to be raised among the public to encourage its use. To date, most of these cases refer to violations of basic constitutional rights, and 95 per cent of them involved police brutality and thefts during raids and evictions. There have also been some cases referring to conditions of detention. However, none of the cases involves the human rights of women.

## **B. Policy for women and gender equality**

69. As regards women-specific policy initiatives, the 2011-2015 National Policy for Women and Gender Equality was launched following a review process of the first National Women’s Policy of 1991. The first policy introduced a gender mainstreaming approach. However the review revealed that most line departments responsible for including women’s projects within their particular policy mandates did not take the policy seriously. The policy was successful in establishing the Office for Development of Women (ODW) within the Department for Community Development. Unfortunately, implementation of the first policy was hampered by a reduction in State resources and the constant reorganization and restructuring of the country’s bureaucratic structure, as well as staff confusion and demotivation.<sup>49</sup>

70. As a result of the review process, the 2011-2015 Policy was launched based on a “gender and development” approach, which is aimed at ensuring equal opportunities, treatment and entitlements for men and women, and considers how inequalities related to the household, custom, religion and culture result in unequal distribution of power, control over resources and decision-making power. The implementation of this policy is led by the ODW.

71. The policy’s objectives as regards gender-based violence are to: (a) decrease gender-based violence, (b) build the capacity of the police to deal with drug and alcohol abuses and increase penalties, and (c) reduce and eliminate the gender impact of community crime rates. To achieve these goals, the policy establishes a number of strategies that include: raising awareness, providing victims with just and effective legal remedies and shelters, supporting women’s organizations and NGOs, building the capacity of village court magistrates, enacting and enforcing laws on gender-based violence, and increasing penalties for perpetrators.

72. The policy proposes strong partnerships between the ODW, the police and other relevant agencies to establish an integrated database on violence against women and children, as well as a database on counselling support options. The policy also recognizes that deeper issues regarding masculinity, identity and socialization among young people

<sup>49</sup> Anne Dickson-Waiko, “Women, policy making and development”, in R.J. May, ed., *Policy Making and Implementation: Studies from Papua New Guinea* (2009), pp. 288-290.

underpin gender-based violence. It therefore proposes innovative and wide-ranging community education initiatives to raise awareness about the root causes of violence against women, and addresses it not only as a crime, but also as a human rights issue. The policy will be reviewed in 2015 to inform the development of a new policy. Monitoring activities include quarterly meetings of the Inter-Agency Advisory Committee, as well as the biannual national conventions of the National Council of Women<sup>50</sup>.

73. The ODW is also in charge of the national strategy for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, created to promote the implementation of the recommendations made by the Committee on the Elimination of Discrimination against Women. The ODW aims to pave the way for other governmental agencies, such as the health, education, labour and other departments, to work towards the implementation of the recommendations. The first two programmes to be encouraged are the establishment of the 22 reserved seats for women in Parliament, and the conducting of research on sorcery, torture and sorcery-related killings. However, the Special Rapporteur was informed that this last endeavour had been stalled due to lack of resources.

74. Among the programmes run by the ODW is a project on gender-based violence in the provinces of Simbu and East New Britain, which provides paralegal and life skills training programmes for women and service providers in the provinces. The Special Rapporteur was informed that the project had been replicated in West New Britain Province and was intended to reach six other provinces. Provincial authorities in the Highlands region referred positively to the training and awareness-raising activities provided by the Department of Community Development to challenge traditional beliefs in sorcery and other violent practices against women. Together with NGOs in the region, the Department has also provided training to police officers at provincial police stations.

### C. Civil society initiatives

75. In the Highlands region, the Women's Human Rights Defender Network was recently established with the aim of bringing together NGOs and church organizations working on women's human rights broadly, and more specifically violence against women. The network includes organizations from seven provinces in the region, which are coordinated by seven respective human rights committees. The network is led by two courageous women human rights defenders who have made great personal sacrifices to undertake the network's activities on a voluntary basis. It operates with few resources and little institutional support, and members are often at risk of violence and harassment due to their work. The network provides advice and counselling for women victims of violence, refers survivors to the police and to other service providers, and accompanies women during judicial processes. It has also undertaken awareness-raising and advocacy work, liaising with relevant stakeholders, such as Government officials, donors and international agencies in Port Moresby and outside the country. Most of the cases that have been addressed by the network involve domestic violence, sorcery-related violence, violence related to tribal fighting, and displacement.

<sup>50</sup> An umbrella organization for women's NGOs.

## **D. Access to services and remedies for women victims of violence**

76. There are currently no government-run shelters for women victims of violence. The Special Rapporteur visited a women's shelter in Port Moresby which is run by a church organization, as well as another NGO-run shelter that was temporarily inoperative due to lack of funding. It was clear throughout the mission that the limited support and other relevant services that exist for women victims of violence were being provided largely by the civil society sector, with the assistance of development partners. There are no such services outside the capital.

77. The Department of Health has established Family Support Centres (FSCs) in some hospitals which provide both counselling and short-term shelter services. The Special Rapporteur visited the FSC at Port Moresby General Hospital and also met with service providers of the FSCs in Goroka and Kundiawa.

78. Hospital emergency and gynaecological services are usually the first point of entry for women survivors of violence. FSCs also receive women who walk in, as well as referrals from the police. The FSC in Port Moresby does not have any medical staff, but collaborates with the hospital. There is reportedly a high turnover of staff in the hospital, which requires ongoing training on gender-based violence, to ensure cases are not simply dismissed after medical treatment. The FSC helps women request an IPO and report to the police, using the medical reports provided by the hospital. It then refers victims to the shelter. However, the FSC has had to accommodate women for longer periods if the shelter is full or if it does not manage to get an IPO for the victim.

79. Staff reported that they often suffer harassment and intimidation by alleged perpetrators. Staff reported high levels of corruption, with police officers receiving bribes from perpetrators, or protecting known perpetrators. Therefore, women remain at risk after leaving the FSC, even if they have relatives or friends who provide them with accommodation. Women are often also pressured to drop charges, or judges and/or prosecutors are bribed to drop cases. When women return to the FSC after suffering a subsequent attack, the severity of their injuries is usually greater.

80. The Special Rapporteur addressed the issue of policing with staff of the Royal Papua New Guinea Constabulary, including the Family and Sexual Violence Units. The Units were initially set up in three police stations in the National Capital District in 2008, and were extended to other provinces in 2010 and 2012. Currently the Units have 16 staff in offices throughout the country. However, as awareness and the number of complaints regarding family and sexual violence increase, the Units are less able to attend to these cases. The Units are yet to be formalized and permanently integrated into the structure and budget of the Constabulary, including with adequate human and financial resources. The main challenges experienced by Family and Sexual Violence Units include the lack of basic training for police officers; the lack of basic material resources, including vehicles and petrol; understaffing; lack of institutional support; and violence and threats against police officers by perpetrators of violence against women.

81. Most interviewed victims felt that the policing sector had not provided them with adequate responses to their cases. The Special Rapporteur also heard numerous accounts of police officers ignoring complaints, dismissing women from the police stations, encouraging women to drop charges, not enforcing IPOs, or receiving bribes from perpetrators to ignore a case.

82. As regards the prosecutions of cases of violence against women, the Office of the Public Prosecutor also faces staffing and resource constraints. In 2012 the Office established a Family and Sexual Offence Unit in Port Moresby where a specialized group

of prosecution and support staff will jointly respond to complaints. The Unit is reportedly planning to expand its services throughout the provinces in 2013.

83. While still in the early stages of establishment, the Family and Sexual Offence Unit currently carries around 40 to 50 per cent of the prosecution files. It also conducts awareness-raising and training activities. For example, the Unit has developed a medical pro forma to be used by medical practitioners in cases of violence against women, provided training to the Highlands Women's Human Rights Defenders Network, and participated in law reform activities related to violence against women.

84. The lack of access to justice for women and girls is reflected in the lack of substantive and consistent service by all components of the criminal justice system. Unfortunately, despite the abovementioned efforts at specialization, which exist mainly in the capital city, cases of violence against women rarely reach the district courts or the National Court. Such cases are mainly being resolved through mediation processes and compensation payments at the village court level. This is also the case for offences such as grievous bodily harm, rape or incest – crimes that are not within the jurisdiction of the village court, but are still heard by such courts, given the inaccessibility of the National Court.

## **VI. Conclusions and recommendations**

85. **The Government has undertaken a number of legal and institutional initiatives to meet its human rights obligations and address the situation of women and girls in the country. However, these have not translated into concrete improvements in the lives of the majority of women who remain marginalized, discriminated against and at high risk of being subjected to violence.**

86. **Most of the programmes and initiatives that have been launched by the Government in Port Moresby, with the technical and financial support of development partners and donor agencies, have not reached the majority of the population who live outside the capital. In these regions, women's access to justice and protection is still impeded by generalized impunity, limited access to services and shelters, lack of or insufficient legal representation and limited awareness of their rights. Other factors include economic dependency and societal reluctance to recognize numerous forms of violence against women as crimes and human rights violations that require serious attention.**

87. **The clear disconnect between the capital and the regions is worrying, as new social forces and economic interests, driven by the development of the country's extractive industries, reach new and more isolated communities, in which rural women and girls face greater risks of experiencing exploitation, violence and abuse.**

88. **In the light of the above, the Special Rapporteur would like to make the following recommendations.**

### **A. Law and policy reforms**

89. **The Special Rapporteur recommends that the Government:**

**(a) Make the necessary constitutional amendments to explicitly define and prohibit discrimination, including on the grounds of sex, in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women;**

(b) Enact the Organic Law on the Human Rights Commission, to expedite the launch of the national human rights institution. This mechanism must be mandated to include a specific focus on women's human rights, in order to address the structural and systemic inequalities and discrimination that women face;

(c) Resolve, as a matter of priority, any ambiguity between the Equality and Participation Bill and its enabling organic act, to ensure the equal participation of women candidates in the next parliamentary elections;

(d) Adopt other affirmative action measures to increase the participation of women in public life, including by appointing women to the judiciary and as senior level officials in the executive and judicial branches at the national and local levels;

(e) Provide for temporary special measures, including quotas and preferential treatment, to advance women's integration into education and the economy, and provide incentives to increase the employment of women within the private sector;

(f) Strengthen the capacity of the Office for Development of Women within the Department for Community Development, by allocating more human and financial resources and providing the necessary support for the implementation of the 2011-2015 National Policy for Women and Gender Equality.

(g) Make the necessary amendments to the current Family Protection Bill to ensure that:

(i) Acts of economic violence are included, such as withholding food, retaining income from marketing and other activities, or preventing women's access to their financial and other assets;

(ii) Emergency or expedited protection orders are easily obtainable by victims;

(iii) Protection orders do not impose any restrictions on victims;

(iv) Women victims are not compelled to provide testimony or evidence, or to participate in counselling and/or mediation without their consent;

(h) Enact the Family Protection Bill as a matter of priority;

(i) Include within national legislation the explicit prohibition and penalization of sexual harassment;

(j) Entirely repeal the Sorcery Act of 1971, as recommended by the Constitutional and Law Reform Commission, and ensure that all cases of assault or murder based on sorcery accusations are treated swiftly and effectively by the National Court;

(k) Adopt international standards and norms for the protection of women prisoners and detainees and incorporate these into the national legislation. The Government should ensure that women in prison receive adequate food and services, including physical and mental health care. Vocational training and income-generating activities should be offered to incarcerated women. Furthermore, the Government should guarantee the adequate care of children of incarcerated mothers. Alternatives to incarceration should be considered, particularly for women detainees who are primary caregivers of their children.

(l) Formalize and permanently integrate the Family and Sexual Violence Units into the structure and budget of the Royal Papua New Guinea Constabulary, including with adequate human and financial resources; and ensure their presence in police stations in all provinces;

(m) Strengthen the Family and Sexual Offence Unit within the Office of the Public Prosecutor by allocating adequate staff and resources and supporting the establishment of such units in provincial branches of the Office. Launch pilot programmes in courts, together with the Family and Sexual Offence Units, to adequately prosecute and punish perpetrators of violence against women;

(n) Demonstrate commitment and political will to regulate the operation of companies in remote provinces, including the fishing, logging and mining industries, by establishing adequate monitoring and inspection mechanisms, and investigating any allegations of violence against women committed by company employees. Regular inspections of nightclubs and bars should also be undertaken, to ensure women are not being sexually exploited in these businesses. These efforts should reflect the international human rights standards as per the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex);

(o) Review and make the necessary amendments to the human rights track within the Supreme and National Courts, to ensure that cases of violence against women are given priority and are resolved swiftly by the courts;

(p) Take measures to strengthen the provision of legal aid to women who have been subjected to violence, including women who have been charged with the murder of their abusers;

(q) In cooperation with women's organizations and development partners, and as a matter of urgency, develop a project for the establishment of a government-run shelter for women victims of violence in the Highlands region;

(r) Establish a coordinated and integrated referral system to include all sectors, such as the health, police, legal, social welfare and education sectors, with a view to address the protection needs of women and girls who have been subjected to violence. Develop, to this end, the necessary regulations, protocols and instructions to provide clear guidance to service providers;

(s) Put in place emergency procedures to rescue and resettle women who are at risk of suffering sorcery-related violence in their communities;

(t) Establish and enforce sanctions against entities that charge women victims of violence for health services or medical reports;

(u) Cooperate closely with and provide support for non-governmental organizations, particularly those operating in remote regions, to ensure their full participation in all efforts aimed at eliminating violence against women.

## **B. Statistics and data collection**

90. The Special Rapporteur recommends that the Government:

(a) Establish a standardized system for the collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women in the country;

(b) In cooperation with development partners and donor agencies, develop monitoring and evaluation tools to evaluate progress made in responding to violence against women in a clear and systematic way, and integrate such tools in the country's periodic demographic and health surveys.

### **C. Societal change and awareness-raising**

91. The Special Rapporteur recommends that the Government:

(a) Design and launch targeted awareness-raising campaigns to educate and change societal attitudes, particularly those that place women in a lower social status than men;

(b) Train and sensitize the media on issues related to women's rights generally and violence against women in particular, in order to contribute to changing the predominant social and cultural beliefs and attitudes that perpetuate harmful stereotypes and myths about women;

(c) In collaboration with development partners and donor agencies, develop, systematize and tailor capacity-building and training activities for all those involved in providing services to women who have been subjected to violence, including policymakers, judicial officers, health-care professionals and other service providers.



## Appendix

### Selected testimonies

#### A. Domestic violence

1. X married a man who already had a wife and children at age 19. She took care of these children and also had one son and one daughter with him. Her husband's job would take him out of the village for most of the year. During that time she would be left alone to take care of the children and support them, as he did not provide financially for them. Every time he came back home for vacation he would bring another woman with him. He would get drunk, humiliate and beat X. Even when the children were sick he would spend all their money and drink instead of providing for his family. At first she did not say anything out of fear and continued taking care of the children. Her husband was abusive. He would hit her for refusing to have sex with him. She did report the abuse to the police once, but had no response. Whenever she sought support from her family, they sent her back as they had received the bride price, and could not afford to pay it back.

2. Y was married for 6 years. She has two girls, 1 and 5 years old. After meeting in Lae, Y and her husband married in 2005 and moved to her husband's village in Kerowagi District. Y's husband used drugs and home-brew, he also grew and used marihuana. He was very controlling with Y, who was not allowed to go out or do any marketing. He would always set boundaries for her and her children. He did not provide economically so they had no decent clothes and barely enough food. He was also violent with her and the children. Most nights he would come back home drunk and rape her. He beat her many times with a bush knife, an iron rod, and an axe. He also used to beat up her two daughters. She reported the matter to the police twice but was unsuccessful. The Police said they would investigate but that there wasn't anything else they could do. She finally decided to escape with her two girls and moved back to her family with the support of an NGO.

3. Z, a victim of domestic violence and mother of 5 children, had her ear bitten off by the second wife of her husband. She did not take the case to the formal courts, as she did not have her husband's support and she feared being beaten or thrown out of her home if she pursued the case. The dispute was solved at the village level and Z received K500 (approximately 200USD) and a pig in compensation for the loss of her ear.

4. W is in her late 20s. She lost her right hand when her former partner attacked her with a bush knife after accusing her of adultery. The incident was reported to the police but no action was taken, even though she visited the police station in several occasions. Her relatives claimed a compensation of K800 (approximately 280 USD) and 6 small pigs, for the loss of her hand. The perpetrator was never charged for the damage he caused. W still sees him in the community and this disturbs her greatly.

5. When V's husband died, her eldest son announced he would now take over as head of the family. He kept the biggest and better portion of the coffee block for himself and left the rest of the land to V and her younger children. When V tried to confront her son about this decision, he became violent and beat V and her two younger daughters. V's younger son also became angry with V and blamed her for allowing this to happen. V's younger son once confronted his older brother about the situation and V intervened when they began to fight. As a result, V's older son beat her severely, kicking her to the ground and punching her, while accusing her of putting his younger siblings against him. As a result of her dire

economic situation, V's younger daughter has abandoned her studies and accepted to marry a man who already has 2 other wives.

## **B. Sorcery and tribal related violence**

6. On the 14th of March 2012, A, a 50 year old woman from a village in the Simbu province was in her garden when a group of men from the same village arrived and attacked her, accusing her of having killed her recently deceased husband through sorcery. The men were armed with bush knives and axes with which they injured her head and legs. They then dragged and kicked her all the way from her house to a 'hausman' (men's house) in the village where they tied a rope around her neck and body, stripped her naked, and raped her using a red-hot iron blade. Her fingers were also chopped off and 4 of her teeth broken. While in the hospital recuperating from her injuries, A's two daughters were also accused of sorcery and chased out of their village. The family was fearful of retaliation, and in need of a safe place to stay. "A" felt that returning to her original village was not a feasible option. Her only remaining family there are her aging parents, but no male kin to protect them from the perpetrators who live close by. She is therefore considering moving to Port Moresby and seeking refuge with her brother and his wife.

7. C is married and has three children aged 10, 7 and 1. In April 2009, a son from her husband's first marriage had a fatal bicycle accident. Following this death, C was accused of killing him through sorcery and received beatings, verbal harassment and threats from her husband. On one occasion he used an iron rod to hit her. C's husband also accused C of being responsible for the death of his brother-in-law, who reportedly died during surgery, and his younger brother, who reportedly died later of malaria. On both occasions C's husband accused her of practicing sorcery leading to their deaths. C's husband also publicly assaulted her, accusing her of sorcery, hitting her repeatedly and leaving her with injuries all over her body. C's husband will not allow C back into her house and she is now displaced with her three children.

8. B is 26 years old, married, and has a 4 year-old daughter. In 2009 a big tribal fight erupted after men from her clan killed a young man from a neighbouring clan during a New Year's celebration. Gun shots were exchanged and everyone in her village fled in different directions. She left all her possessions behind and the rival clan took what they could and burnt down the rest. B has sought refuge with different relatives but they cannot help her indefinitely, as they have their own families to take care of. She cannot afford to buy food, and has had no money or means to earn a livelihood since she became displaced by the tribal fighting.

## **C. Women in prison**

9. D is in prison charged with the murder of Lucas, a young man who was her husband's nephew. Lucas lived with D and her family, but constantly took drugs and home-brew and sexually harassed D when intoxicated, including by attacking her on one occasion with a knife. Although D's husband intervened and kicked Lucas out of the house, he continued to harass D, whose husband was often away. On one occasion Lucas broke into her house and tried to burn down her room. Her neighbours came to her assistance and called the police, but Lucas fled before the police arrived. After the incident, D's husband suggested that she should go with the children to her family's home. However, on her way there Lucas reappeared, clearly intoxicated, and attacked her with a knife in front of the children. While her older son ran to fetch D's husband, she struggled with Lucas and stabbed him in self-defence. When help arrived he was rushed to the hospital but he did not survive. D was sentenced to 16 years in prison.

10. F was charged with the murder of her ex-husband. F was a single mother when they met. He also had children from a previous relationship, and decided to bring both families together. However, F soon discovered that he was a drug addict, who drank homebrew and abused the entire family. He was physically and verbally abusive; he burnt her belongings, destroying her documents and her clothes. F had to stop working and started “marketing” and taking care of the children, as her husband didn’t work or provide anything for the family. At one point she decided to dissolve the marriage, but he kept coming back to harass her. She reported his behaviour to the police, but he did not respect or fear the police. On several occasions the police responded, but her ex-husband would escape before they arrived to her home. He once publicly attacked F while she was in a store. During another attack, F tried to defend herself and stabbed him in the leg with a knife to prevent him from running away once again. However, he was drugged and lost a lot of blood, so did not survive. Even though she pleaded guilty, F was sentenced to 14 years in prison. In addition, her family paid 13,000 K in compensation to her ex-husband’s family.

#### **D. Police brutality**

11. E is a sex worker who lives in Port Moresby. One day she went to an “eatery” to buy some food and was attacked without any reason by a man who she thought was the security guard of the store. The man was very aggressive; he beat her up badly and kicked her out of the place. She immediately went to the police station to report the incident but realized then that her attacker was actually a police man. The police officers at the station refused to assist her, so she took her claim to the Internal Investigation Unit in the Six Mile police station. However, her case was never followed up.

12. G is a sex worker who was detained near Port Moresby while she was talking to a male friend in the street. They were dragged into a house, where he was severely beaten and they were forced to have sex while police officers watched, “cheered”, and took pictures with their cell phones.

13. H is a sex worker who was detained by the police, forced to strip naked and then climb a tree, while police officers took pictures of her.

#### **E. Violence related to extractive industries**

14. M was gang raped by security guards after she was caught searching for rocks at a mining waste dump. She was taken with other women to the bushes where she was stripped naked, raped by six different men, and then forced to swallow a condom that had been used to rape the other women. M and the other victims were threatened not to file a complaint at the police station, as they would be accused of stealing from the mine site and would be put in jail.