



JANUARY 2009

COUNTRY SUMMARY

## Papua New Guinea

Papua New Guinea's government acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in July 2008. Police rape and torture and gender-based violence and discrimination nevertheless remain widespread. Many people, especially girls and women, lack access to basic education and healthcare.

### Police Violence, Juvenile Justice, and Detention of Children

Despite statements by the police commissioner in 2008 promising respect for human rights, police routinely use excessive force, torture, and sexual violence against individuals in custody. Because girls and women are rarely formally charged, their contact with the police, including rape in police stations, is often not reflected in official data. In the face of widespread violent crime, such tactics have deeply eroded the public trust and cooperation crucial to effective policing. Impunity and corruption fuel abuse as police are rarely held accountable for violence or other crimes, either through internal disciplinary mechanisms or by the criminal justice system.

Progress in developing a juvenile justice system continues, but so does police violence against children. More police were trained on new standards for dealing with children. Thirteen of 20 provinces now have some form of juvenile court, but children rarely receive legal representation.

Police frequently detain children with adults in police lockups where they are denied medical care and are at risk of rape and other violence. In prisons and other juvenile institutions, children awaiting trial are mixed with those already convicted. Conditions in many facilities are poor; even the prison in the capital Port Moresby lacks formal education for children. Children may spend months or even years awaiting trial. Notably, the number of children in correctional facilities has decreased

since 2000, corresponding to the establishment of juvenile courts and an increased use of community-based sentences and pre-sentence diversion.

As of October 2008 at least one child—a 16-year-old boy—was imprisoned under a death sentence for murder. No one has been executed in Papua New Guinea since the death penalty was reintroduced in 1991.

### **Violence and Discrimination against Women and Girls**

Violence against women and girls—including domestic violence, gang rape, and torture and murder for alleged sorcery—is pervasive and rarely punished. Police often ignore complaints, or demand money or sex from victims. Girls' and women's low status is also reflected in disparities in education, healthcare, and employment; heavy household workloads; early marriage; and polygamy. Although the prime minister and other officials condemned violence against women in late 2007 following several well-publicized cases, these statements have yet to result in improved protection for women, services for victims, or an expectation of accountability for perpetrators.

There is only one female member of parliament.

### **Human Rights Monitoring Mechanisms**

Several NGOs document human rights abuses connected with logging and mining operations; some have faced threats and physical violence. In August 2008 three men attacked Jethro Tulin, director of an NGO documenting abuses at Barrick Porgera Joint Venture gold mine, breaking his arm and telling him he would not be allowed to return to Canada. Tulin had delivered a statement in Canada in May at Barrick's annual shareholders meeting. Human Rights Watch has no evidence as to whether his attackers were linked in any way to Barrick.

The Ombudsman Commission, which has taken useful steps to monitor government corruption, has a human rights unit, but its capacity to pursue cases is weak and it has not taken up police violence against children. A 2007 agreement gave the commission limited oversight over selected complaints against police. In October

2008 the commission reported that it had jointly investigated two cases with police, one involving allegations that a provincial police commander had raped a woman who came to the station for assistance. The officer was suspended but was free on bail at this writing, awaiting trial.

In 2008 juvenile magistrates conducted monitoring visits to some prisons and police stations. Magistrates documented children being whipped, kicked, slashed, and beaten by police; children being held without a court order; and appalling detention conditions.

In September the National Court found that five men had a cause of action for breach of their human rights. The men alleged that police had detained them for three weeks without charge and tortured them, including forcing two of them to have sexual intercourse with each other.

The government held public consultations during 2008 on the creation of a National Human Rights Commission.

## **Right to Health**

The closure of rural aid posts and health centers, declining transportation infrastructure, failure of allocated funds to reach local governments, and a shortage of drugs, medical equipment, and trained health professionals limit access to quality healthcare. Rates of maternal and child mortality are among the highest in the Pacific. Around 40 percent of women receive no antenatal care, according to government reports.

Papua New Guinea has the highest prevalence of HIV/AIDS in the Pacific: around 60,000 people are living with the disease (1.61 percent of adults in 2007). Antiretroviral therapy is inaccessible to most. Gender-based violence and discrimination, and poor access to healthcare also fuel the virus's spread. People living with HIV/AIDS often face violence and discrimination. Despite police training on HIV/AIDS, police undermine prevention efforts by targeting female sex workers and men and boys suspected of homosexual conduct for beatings and rape. Police are able to do so in part because they can threaten arrest using laws criminalizing

homosexual conduct and certain forms of sex work, and because social stigma against homosexuality and sex work shields police from public outrage. Sections 210 and 212 of Papua New Guinea's penal code, an inheritance of British colonialism, punish consensual homosexual conduct between men with up to 14 years' imprisonment.

## **Education**

Primary education is neither free nor compulsory. According to the education department, net primary enrollment rates are low, ranging from around 22 percent in one province to 65 percent in the capital in 2007. Only 56 percent of primary school entrants reach the final grade of primary education; secondary school enrollment rates are around 25 percent.

Barriers include long distances to schools, a shortage of upper secondary placements, and school closures due to insecurity. Girls in particular suffer from sexual abuse by other students and teachers, lack of water and sanitation facilities, and dangerous journeys to and from school. School fees—ranging from 90 kina (US\$35) for lower primary school to 1,300 kina (US\$508) for grade 12 boarding students—are prohibitively high for many families. Average annual income was around US\$770 in 2006. Despite partial government subsidies in some provinces and the secretary of education's urging that schools should turn away students only as a last resort, high fees have been linked to non-attendance, dropout, and entry into child labor.

## **Key International Actors**

The UN special rapporteurs on torture and education, and the UN Working Group on Arbitrary Detention have all requested permission to visit the country, but, at this writing, the government had not responded. Nor had the government responded to a January 2008 letter from the special rapporteur on extrajudicial, summary or arbitrary executions seeking information on the killing of at least eight people by private security forces at the Barrick Porgera Joint Venture gold mine and the government's failure to investigate and prosecute those responsible.

The United Nations Children's Fund assists juvenile justice reform efforts, and the Office of the High Commissioner for Human Rights stationed a human rights advisor in the country at the beginning of 2008.

Australia remains the most important external actor and largest foreign donor, playing a significant role in, among other areas, the law and justice sector and HIV/AIDS response. Relations between the two countries improved following the election of Australian Prime Minister Kevin Rudd, and Australia sent a few additional federal police to serve as advisors in 2008. It remains to be seen whether Australia will adopt more specific commitments to human rights in its development policy.