



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
**Pre-session working group**  
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**Responses to the list of issues and questions with regard  
to the consideration of the combined initial, second and  
third periodic reports**

**Papua New Guinea\***

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\* The present report is being issued without formal editing.



**Independent State of Papua New Guinea**

**PAPUA NEW GUINEA COUNTRY REPORT ON THE CONVENTION ON  
THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST  
WOMEN (CEDAW)**

**PAPUA NEW GUINEA'S RESPONSES TO THE QUESTIONNAIRE FROM  
THE UNITED NATIONS CEDAW COMMITTEE FOR PRESENTATION  
TO THE FORTY-SIXTH SESSION OF THE CEDAW COMMITTEE IN  
NEW YORK, USA**

**10 MARCH 2010**

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## **Foreword**

I acknowledge that as a consequence of submitting the country's combined initial, first, second, third and fourth country report on the status of the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in early January/May 2009, Papua New Guinea is obliged under the Convention to provide an updated situational report periodically on the status of women and girls in the country.

Based on a set of questionnaires set by the CEDAW Secretariat for Papua New Guinea to respond to, I am pleased to note that this work though challenging, has been successfully accomplished.

In an era of rapid globalization, which presents new development challenges for all Papua New Guinea and particularly for women and girls, the need to further enshrine in law the promotion and protection of human dignity and freedoms, including equality, is now more critical than ever before and deserves to be accorded the highest priority and supported by all stakeholders.

The Government of Papua New Guinea is cognizant that this will not be the final report on the status of women and girls in the country but it rather attests to the clear and serious commitment by Papua New Guinea to further safeguard and strengthen gender equality and empowerment in the country for national development, as enunciated in our Constitution and other succeeding development plans and strategies, including the Medium Term Development Strategy and the recently launched National Strategic Plan (Vision 2050).

Though the challenge of gender equality and empowerment in the country remains daunting, it is however, pleasing to note the gradual positive developments in this area. Papua New Guinea remains fully committed to the global efforts under the auspices of the United Nations and particularly at the national level to effectively address gender-related issues.

Let me also reassure the international community that Papua New Guinea is desirous of further forging close partnership with our development partners on this critical national development issue.

On behalf of the Government of Papua New Guinea, I have the distinct honour and pleasure to commend this Report to the distinguished members of the CEDAW Committee during the Forty-Sixth Session of the CEDAW Committee in July 2010.

DAME CAROL KIDU, DBE, MP

Minister for Community Development

10 March 2010

## **Introduction**

This updated report on the status of the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Papua New Guinea and her Autonomous Region of Bougainville follows the CEDAW Committee's examination and assessment of the country's combined Initial, First, Second, Third and Fourth CEDAW report.

The Questionnaire prepared by the CEDAW Committee formed the basis of Papua New Guinea's updated CEDAW Report.

The process of updating Papua New Guinea's Report began immediately after the submission of the country's combined initial, first, second, third and fourth reports to the CEDAW Committee in January/May 2009.

The Government undertook a rigorous and extensive consultation amongst key agencies and other stakeholders to update this report. The updated report addresses the general and specific issues under the CEDAW Articles 1-16.

## PART ONE: GENERAL

### **1. General**

- a) Provide detailed information regarding:

**• The status, impact and application of customary law in the domestic sphere.**

**Response:**

The Constitution of Papua New Guinea recognizes the ‘Underlying Law’ as part of the hierarchy of laws in the country. In general, ‘Customary Law’ and ‘Common Law’ are adopted to constitute the ‘Underlying Law’.

### **PAPUA NEW GUINEA LAW**

The laws of Papua New Guinea consist of the:

- b) Constitution;
- c) Organic Laws;
- d) Acts of the Parliament;
- e) Emergency Regulations;
- f) (d a) Provincial laws;
- g) Laws made under or adopted by or under the Constitution or any of those laws, including subordinate legislative enactments made under the Constitution or any of those laws; and
- h) Underlying law,

And none other.

The Constitution further provides that ‘the underlying law and the manner of its development shall be as prescribed by Schedule 2 of the Constitution’ until an Act of the Parliament otherwise declares and provides for its development.

It is this regard the ‘Underlying Law Act, 2000’ (the Act) was enacted to basically implement section. 20 of the Constitution to –

- a) State the source of the underlying law;
- b) Provide for the formulation of rules of the underlying law; and
- c) Provide for the development of the underlying law and for related purposes.

Section 1 of the Act defines ‘Customary Law’ as meaning – “ the customs and usages of the indigenous inhabitants of the country existing in relation to the matter in question at the time when and the place in relation to which the matter arises, regardless of whether or not the custom or usage has existed from time immemorial”.

The Act goes on to provide the customary law (and common law) is a source of the underlying law. As s 9 of the Constitution provides that the ‘Underlying Law’ is part of the hierarchy of laws in PNG, it is in this regard that customary law assumes its position in the domestic sphere of laws in PNG as part of the underlying law.

From the outset, the principles and rules of customary law are applicable with the qualifications and are subject to the conditions as set out in the Act.

Section 4 of the Act provides for the parameter within which customary law, apart from common law, is to be applied as part of the underlying law in PNG.

#### **4. APPLICATION OF SOURCES OF UNDERLYING LAW.**

- (1) Subject to Subsection (2) or (3)
  - (a) the customary law; and
  - (b) the common law,

shall be adopted and applied as part of the underlying law.

- (2) The customary law shall apply unless:
  - (a) it is inconsistent with a written law; or
  - (b) its application and enforcement would be contrary to the National Goals and Directives Principles

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Section 3 (a) of Underlying Law Act 2000

Section 3 (2) of Underlying Law Act 2000

And the Basic Social Obligation established by the Constitution; or

- (c) its application and enforcement would be contrary to the basic rights guaranteed by Division

#### **III.3 (Basic Rights) of the Constitution.**

Therefore, customary law shall be adopted and applied as part of the underlying law subject to the qualification set out in s.4 (2) of the Act. Customary law is therefore applicable unless;

- (a) It is inconsistent with a written law; or
- (b) Its application and enforcement would be contrary to the National Goals and Directive Principles and the basic Social Obligations established by the Constitution; or
- (c) Its application and enforcement would be contrary to the basic rights guaranteed by the constitution (Division III.3)

Any principle or rule of customary law that is applied under section 4. (2) shall become part of the underlying law. Part III of the Act makes provision for the ‘Formulation of Underlying law’. In particular, section 6 and section 7 highlighted where customary law assumes its status in the formulation of the Underlying Law. Where a matter of concern is the subject of a proceeding, the Court must apply the laws as follows:

- (a) written law;
- (b) underlying law;
- (c) customary law; and
- (d) common law

In a situation where the underlying law (which consist of those customary laws and common laws that are adopted and applied by virtue of section 4 of the Act) does not apply then customary law in itself must apply, but not if:

- (a) the court is satisfied that it was the intention of the parties that customary law must not be applied to the subject matter of the proceeding (subject to subsection 6); or
- (b) the subject matter in question before the courts is unknown to the customary law and cannot be solved by analogy to a rule of customary law without causing injustice to one or more parties.

Section.7 goes on to further elaborate on the application of laws in situations where the underlying law and customary law do not apply.

**section.4 (5) of Underlying Law Act 2000**

**section.6 of Underlying Law act 2000**

**section.7 (2) of Underlying Law Act 2000**

The consideration of customary law in the court system of Papua New Guinea is also given particular attention under the Act. Customary law, amongst others, is to be considered by the courts (Supreme and National Court) in the formulation of new rules as part of the underlying law. Remedies under customary law may be granted when the remedy is based on the underlying law. Furthermore, in bringing evidence or information to assist the Courts in any subject matter of proceeding regarding the underlying law, parties must do so to fully assist the courts in determining whether to apply a principle of customary law or not and the courts may consider the sources/references/statements/evidence/information relating to any customary law or rules or principles.

The Act therefore provides the basic parameters for which customary law may be recognized and applied as part of the underlying law within PNG.

- **indicate which law prevails if there is a conflict between customary law, national law and international human rights norms,**

**Response:**

The ‘Underlying Law Act 2000’ provides clear parameter for which customary law is to be applied. Customary law will apply unless;

- (a) it is inconsistent with a written law – that is, customary law must not be inconsistent with any of the laws stipulated in s.9 of the Constitution relating to the hierarchy of laws in PNG; or
- (b) its application and enforcement would be contrary to the five (5) National Goals and Directive Principles (NGDP’s); ‘Integral Human Development; Equality and Participation; National Sovereignty and Self-Reliance; Natural Resources and Environment; Papua New Guinea Ways’ and the nine (9) Basic social Obligations as stipulated under the constitution; or
- (c) Its application and enforcement would be contrary to the guaranteed basic rights under Division III.3 (Basic Rights) of the Constitution.

**section 9 of the Underlying law Act 2000**

**section 10 of Underlying Law Act 2000**

**section 11 & section.15 of underlying Law Act 2000**

**section 16 of underlying Law Act 2000**

**section 1 of Underlying Law Act 2000**

Therefore, where customary law is inconsistent with a national law, the national law will prevail and customary law will not be applied.

Where international human rights norms are concerned, the Constitution provides the basis for the observance of human rights and in particular the Basic Rights as enshrined under Division III.3. Thus, where customary law in its application would be deemed to be contrary to any of the Basic Rights stipulated under the Constitution, or the general principles of human rights that are basically enshrined on our NGDP's and our Basic Social Obligations and the Constitution itself, than it shall not be applied.

**• Examples of any relevant court decisions.**

**Response:**

The Department of Justice & Attorney General is undergoing data updating therefore is presently unable to provide specific court decisions. Data not available at the time of reporting.

- (a) The report indicates the progress in the establishment of a national independent human rights commission in the country, in line with the Paris Principles with a mandate to receive and investigate complaints of violations of human rights, including the human rights of women and children, as well as gender-based discrimination. Please provide information on any obstacles faced in this process.

**Response:**

The laws regulating the establishment of the proposed National Human Rights Commission are still a work in progress. Presently the draft Bills adequately cater for the handling of complaints of any violation of human rights, as part of its mandate. However, further review of these draft Bills is yet to be conducted before their final endorsement by the Government.

Accordingly, concrete information of any obstacles faced in this process cannot be provided at this stage. At this juncture, it should however, be noted that the Parliamentary Committee on the Ombudsman Commission has also been working on a separate Bill relating to the establishment of a National Human Rights Commission.

In essence, the Parliamentary Committee is looking at extending the powers of the Commission beyond what is catered for under the Paris Principles such as rights relating to land issues. Much of the work done on the Parliamentary Committee's Bill is similar to the work that has been done by the National Executive Council mandated departmental agencies, namely, the Department of Justice and Attorney-General in collaboration with the Department for Community Development and other stakeholders.

The obstacles faced with regard to the two (2) separate Bills is finding a way to marry the work done on them. However, the Parliamentary Committee Chairman assured that there will be no difficulty in marrying the Bills as there were no substantive differences in both draft Bills.

To date, the Department of Justice & Attorney-General has not sighted a copy of the draft private members Bill and only after this has been received and examined, can a definite opinion be given as to whether there will be difficulties in incorporating the work carried out by both the Parliamentary Committee and the National Executive Council mandated departmental agencies.

Subsequent to the formal establishment of the National Human Rights Commission and the enactment of the Laws governing it, implementing agencies will then be in a better position to provide adequate information regarding any obstacles faced in the process of ‘receiving and investigating’ complaints of any violation of human rights.

## PART TWO: ARTICLES

### ARTICLES 1 & 2 - LEGAL STATUS OF THE CONVENTION, LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

- a. It appears that the CEDAW Convention has not yet been incorporated into domestic law and therefore is not applicable in national courts. Please indicate whether the State party intends to introduce legislative measures with a view to incorporating the Convention in national law.

#### **Response:**

The Government is currently considering the approach to take in relation to giving effect to the Convention in domestic law. In view of this, the Department of Justice & Attorney General has undertaken ‘legislative review’ of domestic laws in compliance with CEDAW.

- a. **Please provide updated information on any plans to amend the Constitution in order to include a prohibition of discrimination on the ground of sex as well as a definition of discrimination in line with art. 1 of the Convention, which would cover both direct and indirect discrimination.**

#### **Response:**

The Constitution of Papua New Guinea provides general principles therefore it may not be appropriate to amend it to include a prohibition on discrimination on the ground of sex or a definition of discrimination in line with Article 1. However, in accordance with Papua New Guinea’s system of laws, the Government is considering amending the Constitution to enable an Organic Law to be created to address these issues.

- a. **Please also provide updated information on any steps taken by the State party to repeal discriminatory provisions in the legislation and to introduce legislation in order to embody the principle of equality of women and men in the Constitution or in other appropriate legislation in line with Art. 2(a) of the Convention.**

#### **Responses:**

Refer to responses to the paragraphs noted in sections a. and b.

### ARTICLE 3 - DEVELOPMENT AND ADVANCEMENT OF WOMEN

- a. **Difficulties producing and compiling sex-disaggregated data.**

#### **Response:**

The State with the assistance from the UNDP, under the ‘Women in Leadership Project (2008-2012) is establishing a sex disaggregated database which will be housed within the newly created ‘Office for the Development of Women’. Preparation will commence in April 2010. The Government also acknowledges the difficulties in providing a specific sex disaggregated data on the wide range of areas. The National Statistical Office, which is officially mandated for the national population census records rural population, including women and girls.

- The nationwide Census is conducted every ten years and regrettably the raw data doesn’t get analyzed quickly. Data collated therefore becomes outdated by the time the secondary data is published.

- There is a serious lack of gender specific data or statistical information in the country. Government agencies keep their own administrative data for their usage.
- The need to use sex disaggregated data came to the fore when the CEDAW Reporting guideline was received and considered.
  - a. **Provide information on any Government initiatives in place to ensure progress in producing and compiling sex-disaggregated data in the country in general, and to what extent such data collection includes rural population.**

**Response:**

- The Civil Registration Office within the Department for Community Development through its Compulsory Birth Registration and Marriage Registration generates and maintains an excellent source of data that can provide sex disaggregated data on request depending on the nature of the request.
  - a. Indicate whether the State party is **considering seeking technical assistance to that effect.**

**Response:**

- The State and UN Country Office in Papua New Guinea signed a Memorandum of Agreement (MOA) in mid-2009 with five (5) key Government agencies, namely, the Departments' of Environment and Conservation, Health, Education, Community Development and Provincial and Local Level Government Affairs that have jurisdiction and or mandatory responsibility to report on the respective MDGs that address issues that are cross cutting in nature.
- These cross cutting issues are: Environmental Sustainability, Climate Change, Health, Education, Community Development, Women and Provincial and Local Level Government administrative issues.
- This initiative is lead by the Ministry of Planning and Monitoring. UNDP supplied each of the participating Departments with appropriate tools such as computers with special features for processing and storing data/statistical information for planning and development purposes. The secondary data generated will be fed to the "Government Development Information System". This provides a window of opportunity to aggregate data generated by sex, however this may experience certain limitations.
- The Central Sex-Disaggregated Data Base (refer c) Project focuses on both rural and urban sectors. In the pilot phase this year (2010), for example, five provinces and five National Government Agencies have been identified to work collectively in the collation and processing of Sex Disaggregated data.

**National Machinery for the Advancement of Women**

- a. **Provide updated information on the national machinery in place, in particular the recently-established Office of Development of Women in the State party mandated to implement the Convention.**

**Responses:**

The Office for the Development of Women (ODW) is now fully established and operational. Its mandated functions, which were previously held by Gender and Development Branch in the Department for Community Development, has been transferred to this newly established

office (ODW). The roles ODW plays include policy development and coordination, research and monitoring and CEDAW compliance.

**a. Indicate what human and financial resources are allocated to that body.**

**Response:**

The Office for the Development of Women recently recruited 14 new staff and it is headed by an Executive Director. These officers have undergone induction training, including gender sensitization. The Office currently operates on a recurrent budget of PGK480, 000.00 annually, which is equivalent to US\$200,000.00.

- a. National Women's Policy calls "for equal participation by women in all political, economic, social, religious and cultural activities". Indicate whether steps were taken in order to accelerate the achievements of the main objectives of this policy.

**Response:**

The measures taken, thus far, to accelerate attainment of the National Women's Policy objectives include the following:

- Establishment of the 'Office for the Development of Women';
- Establishment of inter Sectoral Committee on gender and development;
- Establishment of CEDAW Core Committee and reference group;
- Development of sectoral gender equity policies, including Equal Employment Opportunity Policies in a number key Government ministries such as Education, Police, Defence and Correctional Services; and
- Increased participation of women in decision making bodies such as heads of organizations, members of advisory Boards and Committees.

#### **ARTICLE 4 - ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN (AFFIRMATIVE ACTION)**

**Temporary Special Measures**

- a. Provide concrete examples of the outcome of the Government's policy of using temporary special measures in accordance with art. 4, paragraph 1 of the Convention and General Recommendation No. 25, such as the establishment of quotas for the nomination of women or incentives for women's political participation to accelerate achieving equality.

**Response:**

In late 2009, the Government made a landmark decision using the provision of the Organic Law (National Constitution) Section 105 to create three nominated seats for women in the National Parliament. This initiative remains an important national agenda for the Parliament to further debate it in 2010.

The second option using Temporary Special Measures (TSM), which is fully supported by Government and the Opposition, is the creation of 22 reserved seats for women in the National Parliament. The Government with the financial and technical support from the PNG UN country office, under the 'Women In Leadership' Project has drafted a Legislative Bill which the 'National Executive Council' has endorsed and is likely to be tabled during the second session of Parliament this year.

Once the ‘Bill’ is passed by Parliament, Papua New Guinea will for the first time in her political history, have 22 women representing 22 provinces in the National Parliament. This will be an

unprecedented historical milestone. This Temporary Special Measure will be implemented when Papua New Guinea has its next General Election in 2012. The Government also plans to introduce TSM at the lower levels of government (Provincial & Local Level Governments).

- a. **Please also describe what initiatives are in place in the areas of employment, education, participation in political and public life, and the judiciary.**

**Response:**

The Government of Papua New Guinea is currently focusing on TSM in political life. In the areas of employment, education, judiciary and other areas of public life, Papua New Guinea has yet to implement TSM. However, at the sectoral level, respective Government Ministries have introduced policies and programmes to increase women’s participation. These include Education, Employment, and Judiciary. Specific TSM are very difficult to ascertain due to lack of available data.

## **ARTICLE 5 - SEX ROLES AND STEREOTYPES**

### **Stereotypes and Discriminatory Practices**

- a. Throughout the report reference is made to deep-rooted traditional and customary social patterns, norms, attitudes and stereotyped roles that contribute to continued gender discrimination in all areas of society and severely disadvantage women, such as polygamy, women’s lack of legal capacity and the traditional view of the “Big Man” leadership.

**Response:**

The social patterns, norms and attitudes in Papua New Guinea cultures differ from one region to another due to the complexities of how a community is organized. In some communities the role women play differs from that played by women in another community.

Polygamy, in the past, for example, in the Highlands region of Papua New Guinea was a common practice whereas in the country’s Coastal regions, it is not common.

Women’s lack of legal capacity is predominantly due to women having limited access to justice services and educational opportunities. The culture of the ‘Big Man’ system is not common today compared to the past. However, in a community where women earn the respect of their husbands/family members and the communities is through higher educational attainments.

- a. Indicate what **concrete measures are in place, or are planned, to change the social and cultural patterns of conduct of women and men** in line with article 5 (a) of the Convention, as well as any progress achieved in their implementation.

**Response:**

The Government through the Department for Community Development is implementing a Project known as “Being the Best We Can Be and Say No to Sexual Violence against Women”. The Project is piloted in two provinces in the country for the last two years. The Project aims to

raise awareness on ‘violence against women and girls’. In 2009, a number of targeted trainings were conducted for service providers and frontline workers in the areas of Training

of Trainers, Care & Counseling, Male Advocacy, Leadership and Paralegal. They in turn returned and trained leaders of their respective communities as well as raised awareness on combating gender violence.

Plans are underway to design a training course in partnership with a learning institution on ‘ending violence against women and girls’ as part of the formal curricula aimed at changing the social and cultural patterns of conduct of women/girls and men/boy in the society.

### **Violence against women**

- a. Provide information and statistics on:
- the incidence of **various forms of violence against women**, in particular **domestic violence**;

### **Response:**

The Office of the Public Prosecutor (OPP) is responsible for prosecuting indictable offences, including grievous bodily harm and homicide, in which women are often victims; and sexual assault cases, in which overwhelmingly the majority of victims are also women and children. Less serious assaults and offences are normally prosecuted by Police in the District Court. (Consult Court house and FSVAC, Hospitals, Police SOS)

There is no conclusive data on the exact number of victims of domestic violence and various forms of violence against women. However, there is increasing concern over this issue and certain specific measures have been adopted and mooted to effectively address this blight.

- the **number of cases in the judicial system regarding domestic violence** as well as the **outcome of those cases**, in particular **sentences rendered and remedies awarded to victims**;

### **Response:**

1. The OPP is in the process of upgrading and updating its electronic case management system.
2. **Sentences.** Some general principles regarding sentences in cases involving violence against women are enunciated by the following cases:

#### Manslaughter

*Antap Yala v The State*, unreported, SCR 69/96, 1996:

“The maximum punishment for the offence of manslaughter is life imprisonment. We are unable to prescribe any particular range of sentences for this offence as it is all too difficult to fix any range of sentences with some degree of precision. However, we would suggest that in an unintentional killing case which is uncontested, whatever the extenuating and mitigating circumstances may be, the application of vicious force, with or without the use of a weapon, causing serious bodily injury resulting in death may attract sentences between 10 years and above and in some cases, even life imprisonment.. The National Court (has) been far too lenient in the past in relation to men who are belting their wives. And in some instances wives belting their husbands.”

#### Murder and Willful Murder

Where there is an intention to cause grievous bodily harm (murder) or to kill (willful murder). The sentence will very much depend on the circumstances of the particular case.

Refer *Manu Kovi v The State*, SCRA No 51 of 2003, unreported 31 May 2005 for sentencing guidelines in homicide cases generally.

Sexual Penetration of a Child under the age of 12 years

Sabiu v The State [2007] PGSC 24, 27 June 2007, unreported

"In our view Parliament has clearly stated that the sexual penetration of children should be severely punished and that the sexual penetration of children under the age of 12 years is the more serious, hence the larger maximum penalty. In The State v. Biason Benson Samson (supra) Cannings J. determined that the starting point in a case involving a 13-year-old victim was 15 years imprisonment. We are of the view that the starting point in a case involving a victim under the age of 12 years should be 15 years imprisonment. The circumstances of the case and any aggravating and mitigating factors should be taken into account in determining whether the actual sentence to be imposed in a particular case should be more or less than 15 years imprisonment."

Sentences handed down at the National Court in such matters indicate a range of 15 to 20 plus years.

Sexual penetration of a child under the age of 16 years

National Court cases indicate a range of 15 to 20 plus years.

Rape

Yekat v The State [2000] PGSC 37; [2000] PNGLR 225, 22 November 2000:

" The Supreme Court said the offence is a serious one and such it requires an immediate punitive custodial sentence starting at 5 years. A much higher sentence should be imposed where there are aggravating factors such as the use of bush knives (machete) or other dangerous weapons. Subsequent cases have imposed sentence terms much higher than the guidelines set in the John Aubuku case.

The current maximum for rape with aggravating factor and of the worst type is 15 years as in the Lawrence Hindemba v The State (1998) unreported SC 593 and 14 years in James Mora Meaoa v The State [1996] PNGLR 280." Lawrence Hindemba v The State (1998) unreported SC 593

"The crime of rape is a violent and prevalent offence requiring a deterrent sentence... Aggravating features such as young age of victim; injury to victim; abduction or threatened force attract sentences in the range of 14 - 18 years." The OPP is in the process of updating its schedules of sentences for all offences to this time when the report is updated.

- a. Indicate what progress has been made to adopt legislation that expressly prohibits violence against women.

**Response:**

1. Criminal offences in PNG are generally governed by the **Criminal Code 1974 (Chapter 262)**. That Code, which sets out a number of offences dealing with violence, applies equally to violence against women as it does to violence against men.
2. However, in 2002, the Government saw the need to introduce more specific legislation dealing with sexual offences. In that year, amendments were made to the Criminal Code by the **Criminal Code (Sexual Offences and Crimes Against Children) Act 2002**.
3. In summary the purpose of the amendments is threefold: strengthen the prohibition against sexual violence against women and children; to render the legislation gender neutral; and to provide a greater voice to victims in the sentencing process through the use of victim impact statements.

The amendments in essence:

- Recognize that offences are often committed by those in positions of relationship, trust or authority;

- Replace the element of “carnal knowledge” with “sexual penetration” which includes the insertion, to any extent, of the penis into the anus, vagina or mouth, or the insertion of any object or body part into the anus or vagina;
  - Remove spousal immunity in rape cases;
  - Provide that “consent” means free and voluntary consent, and provide guidance in this regard; and
  - Provide that judges should no longer warn themselves against convicting on the uncorroborated evidence of one witness in sexual assault cases.
1. Amendments were also made to the Evidence Act to enable special measures to be used in the case of witnesses who are under the age of 18 at the time of giving evidence, or complainants in proceedings relating to sexual or violent crimes, and where the court is of the opinion that the quality of the witness' evidence is likely to be diminished by reason of fear or distress. Such measures include the use of screens, support persons and the hearing of evidence in camera.
  2. The legislation also provides rules as to the admissibility of reputation and prior sexual conduct evidence.
    - a. Indicate what measures the State party has taken to **encourage women victims of gender-based violence, including domestic violence and sexual violence, to seek justice through the formal legal system rather than the traditional conflict resolution.**

**Response:**

Office of the Public Prosecutor (OPP)

1. The principle role of the Office of the Public Prosecutor in this regard is to prosecute indictable offences of family and sexual violence where it is satisfied that there is sufficient evidence to do so.
2. The Public Prosecutor is the supreme prosecuting authority in Papua New Guinea under the Constitution. This Office is responsible for prosecuting violent crimes in accordance with its prosecution policy, that is where there is a reasonable prospect of obtaining a conviction, and prosecution is in the public interest. Such cases include serious cases of sexual and other violence against women and children.
3. Where the Office is of the view that there is sufficient evidence, and prosecution is in the public interest, the matter will proceed regardless of whether or not compensation has been paid to the victim's family.
4. The Office has been involved in the following projects:

***Within the Office:***

- Since 2005 the Office has:
  - Conducted in-house training of its prosecutors on the amendments to the Criminal Code and the Evidence Act in respect of sexual offences.
  - Issued internal Prosecution Guidelines to be applied by prosecutors in the conduct of sexual offence matters.
  - Developed and maintained precedents to be used by officers when preparing sexual offences cases for prosecution.

*In addition, the Office has provided training and information to others in the Law and Justice Sector and the general public:*

- Since 2005 the Office has conducted, with the support of Law and Justice Sector Secretariat, workshops in specific locations in the country, including the National Capital District (NCD), Kokopo, Goroka and Lae to educate the police and members of civil society about the amendments to the Criminal Code and Evidence Act concerning sexual crimes.
- Prosecutors have also conducted police training in the provinces in smaller, less formal workshops, for example in Lae, Madang, Wabag, Goroka and Bulolo, and as part of their general duties in conducting prosecutions throughout the country.
- In September 2008 the OPP held for the first time the Public Prosecutor's Public Information Day. The purpose of the day was to inform the public about the role of this Office in the criminal justice system.
- It also launched the OPP's "Going to Court" Book. The book was developed with the support of the Law and Justice Sector Secretariat and with contributions from the judiciary, and several law and justice sector agencies. It is designed to help people understand the court processes from a victim or a witness' point of view.
- Since 2008 over 6000 books have been distributed in NCD and to other provinces regional OPP offices, Provincial Police Commanders, District Court Magistrates, the Department for Community Development, as well as civil society groups, and individuals.
- The OPP also produces a number of brochures to assist witnesses and victims with:
  - "Information for State Witnesses - Facts You Must Know"
  - "Information for Victims of Family or Sexual Violence Going to Court"
  - "Consent"
  - "Victim Impact Statements"
- In 2009 the Office assisted the Royal Papua New Guinea Constabulary (RPNGC) with the drafting of its Sexual Offence Handbook.
- The Office is also in the process of appointing a Victims of Crime Unit Coordinator for its Waigani Branch in the nation's capital, whose role will include:
  - Providing support and assistance to victims of crime, witnesses and their families in matters dealt with by the Office;
  - Supporting women and children who have been victims of family and sexual violence; and
  - Provide social work, refer them to others who may assist them, such as Haus Ruth (shelter for victims of gender-based violence), the Salvation Army and also help them to understand the court process, which can be very intimidating.

#### ***Within the Sector***

- The Public Prosecutor's Office works closely with the Royal Papua New Guinea Constabulary (RPNGC) in the prosecution of cases.
- The Office is a member of the Family and Sexual Violence Working Group which comprises members from the OPP, police and the Health Department. The purpose of the group is to co-ordinate the response of agencies to victims of sexual violence.
- In this regard, the Office has been involved in the development of a medico legal protocol for the examination of victims of sexual violence. This is still to be finalized.

### **Village Courts:**

The Government, through the Village Courts & Land Mediation Secretariat recognizes the barriers and discrimination faced by women, children and men; encourage all men and women to care for and protect children; and support men and women to find non-violent ways of resolving differences.

The Secretariat has been very careful to ensure that Village Courts act within their jurisdiction on these matters. The Public Prosecutors Office training and other initiatives emphasise the importance of treating women fairly and treating family and sexual violence as serious crimes. OPP know that many women want their Village Court to deal with these important issues for them.

The OPP regularly hears that Village Courts should not be dealing with some of these issues such as violence against women. Many women report that they want to use Village Courts for lots of reasons including access, culture, and unhappiness with Police or fear of Police, and fear of retribution in their communities if they go to higher courts. These issues happen in villages and villages must be able to deal with them. Village Courts may be the only option for many women.

The OPP's data base shows that women represent around 43% of complainants to Village Courts across a wide range of disputes and offences. Marriage problems, assault (striking a person), family conflict, insulting or threatening words, debt and property damage are the most common complaints made by women.

There are valid concerns that Village Courts sometimes act outside their jurisdiction. But there is also a lot of wrong information about the role of Village Courts across the law and justice sector and in communities. This needs to be addressed if we are to all make a contribution to improving outcomes for women and addressing high rates of family and sexual violence.

Neither communities nor some other law and justice agencies fully understand what Village Courts can do to improve women's lives and address violence against women and children. This is one of our biggest challenges.

The following is the current appropriate role for Village Courts within the existing legislation and prescribed offences:

- Village Courts must not and cannot hear cases of serious abuse, family violence or sexual abuse or violence. They should refer these matters to the police or, where appropriate, to the Department for Community Development;
- Village Courts can however, issue preventive orders to stop any form of abuse or violence within their existing powers and within the prescribed offences. There are several relevant prescribed offences including striking another person, or conduct which disturbs the peace and good order of the village, or conduct which is likely to cause harm to an individual, family or community. Failure to comply with any order of a village court carries a potential gaol sentence through recommending an imprisonment order to the District Court, under the Village Courts Act 1989 provisions on failure to comply;
- Village Courts can also deal with matters which impact on a community as a result of serious abuse, violence sexual offences including potential revenge violence or other acts of revenge by families on either side of the offence, victimization of victims or family members of either the victim or the offender, or community reactions which may lead to or support further violence;
- Village Courts can exercise their preventive, criminal, civil, and mediatory jurisdiction in any of these scenarios; and
- Village Courts can also play a strong leadership role in educating communities about gender equality and violence and sexual offences. Village court officials are all respected community leaders. Their role is to

contribute to the peace and good order of their community. Training of officials emphasizes this role and encourages all officials to be proactive in educating their communities and working with NGOs, Police and Department of Community Development to prevent and address all forms of violence.

- a. Describe the **types of social services** which are **offered by the State party to victims of gender-based violence, including domestic violence and sexual violence, as well as their accessibility for all groups of women.**

**Response:**

Also refer to the response provided under section c. as noted above.

- b. Provide information on the **measures taken by the State party to address the phenomenon of violence, including alleged killings against women and girls perceived witches.**

**Response:**

1. As discussed above, the Public Prosecutors Office is responsible for prosecuting indictable offences. Such cases include serious cases of sexual and other violence against women and children.
2. The OPP is a member of the Constitutional Law Reform Commission's Working Committee for the review of the law on sorcery and sorcery related killings.
3. The OPP also conducted three (3) workshops in 2009, in Goroka, Madang and Waigani in respect of this issue. Resolutions reached at the workshops will be used by the Office to reform the current legislation.

## **ARTICLE 6 - EXPLOITATION OF WOMEN**

### **Trafficking and Exploitation of Prostitution**

- a. Provide statistics, if available, on the number of women and girls engaged in prostitution and on the extent of trafficking in the State party, and elaborate on laws and measures adopted to prevent and punish the exploitation of prostitution and trafficking, in line with art. 6 of the Convention, as well as measures taken to provide rehabilitation and support for social integration of women who wish to leave prostitution.

**Response:**

4. As noted above, in 2002 Division 2B was inserted into the **Criminal Code 1974 (Chapter 262)** specifically to prohibit the commercial sexual exploitation of children.
5. In addition, sections 218 to 222 of the Criminal Code provide as follows:

### **s.218 - PROCURING GIRL OR WOMAN.**

(1) A person who procures, entices or leads away any girl or woman, whether with her consent or not, with intent that some other person may have carnal knowledge of her, whether inside or outside Papua New Guinea is guilty of an offence, notwithstanding that some one or more of the acts constituting the offence may have been committed outside Papua New Guinea.

Penalty: Imprisonment for a term not exceeding three years.

(2) A person cannot be convicted for any offence under this section on the uncorroborated testimony of one witness.

**s.219 - PROCURING GIRL OR WOMAN BY DRUGS, LIQUOR, FRAUD, VIOLENCE AND ABUSE OF AUTHORITY**

(1) A person who–

- by means of any fraud, violence, threat or abuse of authority; or
- by the use of any drug or intoxicating liquor, procures, entices or leads away any girl or woman, with intent that some other person may have carnal knowledge of her whether inside or outside Papua New Guinea is guilty of an offence notwithstanding that some one or more of the acts constituting the offence may have been committed outside Papua New Guinea.

Penalty: Imprisonment for a term not exceeding seven years.

(2) A person cannot be convicted of any offence under this section on the uncorroborated testimony of one witness.

**s.220. ABDUCTION OF GIRL UNDER 18 WITH INTENT TO HAVE CARNAL KNOWLEDGE.**

(1) A person who, with intent that an unmarried girl under the age of 18 years may be unlawfully carnally known by any man (whether a particular man or not), takes her or causes her to be taken out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of that father or mother or person, is guilty of a misdemeanour.

Penalty: Imprisonment for a term not exceeding two years.

(2) It is a defence to a charge of an offence against Subsection (1) to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of 18 years.

(3) The husband or wife of the accused person is a competent but not a compellable witness.

**s.221. UNLAWFUL DETENTION WITH INTENT TO DEFILE OR IN A BROTHEL.**

• A person who–

(a) detains a woman or girl against her will in or on any premises for the purpose of her being unlawfully carnally known by a man (whether a particular man or not); or

(b) detains a woman or girl against her will in a brothel, is guilty of a misdemeanor.

Penalty: Imprisonment for a term not exceeding two years.

(2) The husband or wife of the accused person is a competent but not a compellable witness.

(3) For the purposes of this section, when a woman or girl is in or on any premises for the purpose of her being unlawfully carnally known by a man (whether a particular man or not), or is in a brothel, a person shall be deemed to detain her in or on the premises for the purpose of her being so unlawfully carnally known, or to detain her in the brothel, if–

(a) with intent to compel or induce her to remain in or on the premises or in the brothel, he withholds from her any wearing apparel or other property belonging to her; or

(b) after wearing apparel has been lent or otherwise supplied to her by or by the direction of that person or any other person, he threatens her with legal proceedings if she takes the wearing apparel away with her.

(4) It is lawful for a woman or girl to take any such wearing apparel as is necessary to enable her to leave a brothel or any premises in or on which she is for the purpose of her being unlawfully carnally known by a man.

### **s.222. CONSPIRACY TO DEFILE.**

A person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit a man to have unlawful carnal knowledge of her is guilty of a misdemeanor.

Penalty: Imprisonment for a term not exceeding three years.

1. The Government is currently in the process of ratifying the **United Nations** Convention Against Transnational Organized Crime (Palermo Convention) and drafting relevant legislation to implement the **Convention** and in particular, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Palermo Convention.
2. A reference group established by the Minister for Community Development is working on a National Cabinet Submission to work towards decriminalization prostitution in Papua New Guinea, including 'Men having Sex with Men'.

## **ARTICLES 7 & 8 WOMEN IN POLITICAL AND PUBLIC LIFE AND INTERNATIONAL**

### **REPRESENTATION AND PARTICIPATION**

#### **Participation in decision making and representation at the international level**

- a. The very low representation of women in the political arena, noting that there is only one woman serving as Member of Parliament, **one woman National Court Judge** and **no women provincial governors**.

#### **Response:**

##### **Representation at Political Level**

Presently, women's representation at the political level and public life as well as in the international arena remains insignificant and of major concern but corrective measures such as the Temporary Special Measures (TSM) noted in the preceding documentation (Article 4) is being undertaken by the Government to improve gender equality in public life.

The country will have increased participation of women at the national political level when the 'Bill' is passed by the Parliament for 22 reserved seats for women. At the provincial and local level, there have been increased numbers of women in politics and public life. This includes representation of 19 women in the provincial assemblies throughout the country and 89 at the local level government assemblies.

During the period of reporting there was only one women Judge however, the Government has recently appointed two more women Judges therefore increasing the number of women judges to 3 out of the total of 22 National and Supreme Court Judges.

##### **Village Court Magistrates**

There are currently 1,400 Village Courts in PNG with approximately 14,000 officials; 7000 of these officials are magistrates. Most Village Courts have at least 5 Magistrates, 4 Peace Officers and 1 Clerk. Magistrates are appointed by the Attorney-General and Minister for Justice. Each Court includes a Chairman and Deputy Chairman, who are Magistrates, who are also appointed by the Minister.

Over 300 women as magistrates have been appointed as magistrates, up from around 10 in 2004. Every province in the country is currently reviewing their officials' status to ensure they

are properly appointed and that there is at least one woman magistrate in every court. By the end of 2010, it is hoped that Papua New Guinea will have over 600 women magistrates.

- a. Provide detailed **information on programmes in place and any other measures taken or envisaged to promote women's participation** in political and public decision making positions such as the civil service, public administration and the **judiciary**, including those aimed at empowering women in that regard.

**Response:**

The Village Courts Secretariat has trained over 5,000 officials in 17 provinces for the past 2 years, focusing on women's and children's rights, family violence, combating HIV/AIDS. Real case studies from Village Courts were used to help officials understand their responsibilities to protect people from violence and discrimination and how to deal with cases involving women.

In 2008, the Village Court Secretariat held the first week long, national forum on cross cutting issues in Kavieng, New Ireland Province. A total of over 80 people were trained, including all 20 Provincial Village Courts Officers, in issues impacting on women and children and people living with HIV/AIDS and on how to deal with family violence.

The Village Court Secretariat is continuing this training to address problems for women in Village Courts. A concerted training effort is also being made to help Village Courts understand what they can and cannot do in the context of family violence.

In partnership with UNICEF, the Secretariat manages a human rights project to address violence against women/girls and children; increase the involvement of women as community leaders; and encourage them to nominate as Village Court officials. This project involves 6 women being located in 6 Districts and working closely with the community and village court officials to improve their services to women and children.

The Village Court Secretariat is currently reviewing the Village Courts legislation to appropriately address some of the ongoing issues about women and girls. The revised legislation will have at least one woman magistrate in every village court. It will include principles and objectives which highlight that Village Courts must protect and promote human rights for all and the rights of women/girls and children.

In 2009, the Secretariat has piloted a project in Manus Province to engage communities in a project to examine how customs need to be or could be changed to protect women and to promote their role as leaders in communities. The Manus Provincial Government and Local Level Government (LLG) Presidents have strongly supported this project which will lead to Provincial Declaration of Custom aimed at promoting the protection of women/girls and the promotion of rights.

A national data base has been established for officials' listings and court operations and over 450 court clerks trained in providing operations data – this is providing important data on the operations of village courts.

Over 800 quarterly data returns have been provided since mid-2008 on village courts' operations. Analysis of the data collected has identified some gender patterns emerging which include:

- More women than men complain to Village Courts for marriage problems and assault matters;
- Men are mostly defendants in matters involving assault, using threatening words or weapons and drunkenness; and

- Women are more often defendants for spreading false rumors.

### **Women Magistrates and Other Officials in Village Courts**

There is no legislative requirement for all Village Courts to have a women magistrate. A series of proposed amendments in 2000 to the Village Courts Act 1989 to have a women magistrate in Village Courts were not successful.

However. A national policy directive was issued in 2004, through the Secretariat, that all Village Courts must recruit at least one woman magistrate per court. This policy is being progressively implemented across all provinces with the support of Provincial Administrations.

Eastern Highlands Province is leading the way with 86 women appointed to date. National Capital District and Enga Province also have significant numbers of women magistrates. In total, 15 provinces now have women appointed as Magistrates. 19 provinces have women as officials in village courts. The total number of all women officials is 410 and this is expected to rise considerably as data is updated on Village Courts Secretariat official' listings. Many provinces have also recruited women as clerks. There are only a very small number of women Peace Officers.

- A) **Provide detailed information on programmes in place and any other measures taken or envisaged to promote women's participation in political and public decision making position such as the civil service , public administration and the judiciary ,including those aimed at empowering women in that regard.**

#### **Response:**

Equality and participation of citizens is one of the National Goals and Directive Principles enshrined in the National Constitution of the Independent State of Papua New Guinea. It declares that 'all citizens have equal opportunity to participate in, and benefit from the development process of the country'.

Government initiatives to promote women's participation in political and public decision-making include the following measures:

#### **National Strategic Plan 2010 – 2050 (Papua New Guinea Vision 2050)**

There are seven pillars identified under the National Strategic Plan that envisions Papua New Guinea to become a more prosperous, secure, healthy and peaceful country by 2050. Human capital development and gender, youth and people empowerment is a major pillar that promotes gender equality and participation by ensuring that Papua New Guinea men and women are well trained and utilized, well paid, fairly treated and are contributing productively to national development. This will ensure more women's participation in employment, politics and public life and as equal national development partners.

#### **Medium Term Development Strategy (MTDS)**

Under the Medium Term Development Strategy (MTDS), gender equality is a priority objective for growth and development of the nation.

The government recognizes that in order to achieve the objectives of MTDS, gender equality and empowerment of women must be fully addressed. This include reducing the existing disparity between male and female enrolment in formal education, improving health status of women and their participation in decision making at all levels of governments.

### **Public Sector Workforce Development Program ( 2008 – 2012)**

This is a workforce development program for the Public Service. This Program aims to establish a unifying framework; bringing coherence to the range of activities undertaken at all levels of the public sector workforce intended to reinstitute an effective public administration. The objective is to develop potential future leaders in the Public Service by recruiting graduates from the universities and putting them through an intensive Induction Program and supervise, mentor and groomed by Senior Public Servants.

There has been fair recruitment of young women who have recently graduated from the tertiary institutions under this program. (A criteria for short list of application for a position is 2:1 ratio of female to male or male to female so that it will allow 3 for the recruitment of females for this program – NB: CLARIFY AS IT'S UNCLEAR). The Department of Personal Management is coordinating the program for the Public Service.

### **Senior Executive Development Program**

This Program is an initiative of the Department of Personnel Management. This particular program's main objective is to train male and female public servants who are occupying the executive positions to be more effective in discharging their official duties.

### **Gender Equality Policy in the Public Service**

Papua New Guinea does not have a standardized Policy Guideline on Gender Equality in the Workplace that can guide organizations when they are developing policies relevant to their working environment.

The Department of Personal Management, as the Central Agency responsible for Human Resource Management, is in the process of finalizing a Policy on 'Gender Equality in the Workplace' to address the issue of discrimination and stereotyping in the Public Service .This Policy will be congruent to the Department of Personnel Management Corporate Plan 2006-2010.The Policy supports the National Goals and Directive Principles of the Constitution and the Employment Act 1978.

- b. Indicate whether the Government intends to issue directives, establish quotas, or take any other specific measures to increase the representation of women at senior levels of government, the judiciary as well as their representation at the international level.**

### **Response:**

#### **Organic Law on Provincial & Local Level Government**

The Organic Law on Provincial and Local Level Government allows for the promotion of equal opportunity and popular participation at all levels of government.

Part ii, Division 1, Subsection A of the Organic Law specially requires the representation of one woman nominated in accordance with an Act of Parliament and appointed by the Provincial Executive Council to be member of the Provincial Assembly. Also Subsection B , in regards to the composition of Local Level Government, prescribes that one of the members shall be a representative of women's organization nominated in accordance with an Act of the Parliament.

With the establishment and operationalisation of the Office for the Development of Women it will now be responsible for budget and policy analysis of all government agencies at all levels of government to ensure that all Government processes are gender inclusive.

## **ARTICLE 9 - NATIONALITY**

No questions raised in regard to Article 9.

## **ARTICLE 10 - EDUCATION**

- a. Early pregnancy puts an end to girls' education, as expulsion of pregnant girls from schools is not prohibited by law.

### **Responses:**

The expulsion of pregnant girls from schools is not prohibited by law. Girls' who are pregnant leave schools also because of the existence of discrimination by the school authorities, other students, parents and their communities.

In Papua New Guinea, culturally it is unacceptable for a pregnant girl to attend school. Due to the existence of such norm, girls who are pregnant feel ashamed and are discouraged to attend school and or leave school when they are pregnant.

- a. Indicate what **educational programmes are available for girls and women who have left school before school leaving age** and graduation.

### **Response:**

The Department of Education (DOE) in partnership with UNICEF has in place a program called 'Accelerating Girl Child Education', which has been trialed in various parts of rural Papua New Guinea and have proven to be quite successful. Girls who have left education due to pregnancy and other family problems have now been given a second chance to go back to school and complete their education.

The Government through the Department of Education has other programs to address students who leave school, including girls who are pregnant. These include:

- Flexible Open and Distance Education Centre which are located at provincial centers throughout the country. Women and girls who leave school before the school leaving age and graduation can pursue their study through distance mode of education up to the level of Grade 12 which enables them to apply for tertiary studies at colleges and universities.
- Adult Literacy Training Programme for women and girls who leave school before school leaving age and graduation and who are illiterate. These trainings provide them with the basic skills of reading and writing and enables and encourages them to continue with the distant mode of education.
- Technical & Vocational Education Training (TVET), which provides life skills training opportunity for women and girls who leave school early due to pregnancy and other social pressures. Trainings range from cooking to sewing, baking, crafts, carpentry, joinery, plumbing, mechanic and electrical trades.
- State owned Universities have established distance mode learning centers throughout the country. These centers offer certificate, diploma and degree programs.
  - a. Indicate any other **measures taken or envisaged by the State party to allow pregnant girls and women to pursue their education.**

**Response:****Community College Program**

The Department of Education recently, initiated ‘Community College’ concept and is piloting it in the East Sepik Province. This initiative is aimed at conducting life skills training for out of school students including women and girls who have left school before school leaving age. The ‘Community College’ is established at the community level to give opportunity to those out of school students and adults who residing in their villages and communities. Trainings that will be covered are sewing, baking, cooking, farming, horticulture, agriculture and food processing.

**Department for Community Development Community Learning and Development Centers.**

The Department for Community Development is establishing District Focal Point Office in all 22 provinces of the country. So far, it has established eleven (11) and is scheduled to launched two (2) this year (2010). The District Focal Point is the coordinating point for the Community Learning and Development Centers.

The District Focal Point and the Community Learning and Development Centres are the entry points through which the Department will promote learning and development activities at the community level. Specific activities that are conducted are life skills trainings and awareness programs such as cooking, sewing, baking, farming, literacy, family planning, nutrition, health and hygiene.

- a. The Gender **Education Policy** aims “to improve the quality of life through general education for all”. Please provide information on whether **adequate human and financial resources have been allocated to achieve the objectives of this policy, or whether measures have been put in place to increase the budget allocation for the education of girls.**

**Responses:**

There is no specific budget allocated to accelerate the education of girls. However, the Government has increased the overall budget for the Department of Education and introduced in 2010 free education for preparatory and elementary classes and subsidized fees for primary to secondary education levels (up to Grade 12). In the Vocational Education and Technical Training School there has been lack of adequate support from the Government despite reforms that envisage adequate human and financial resource allocation.

- a. Elaborate on **measures taken by the Department of Education in respect of the elimination of stereotyped attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training, and the outcome of those measures.**

**Response:**

The Department of Education recently undertook reform in the ‘Teaching Curriculum and Text Book’. These include removal of words or phrase that are ‘sex stereotypes’ and replaced it with gender friendly words or phrases.

This reform process is ongoing however, teacher training textbooks and other training materials have not been reviewed.

- a. The report mentions that “some girls are subject to sexual abuse by their teachers” and that “many girls in rural areas are subjected to gender based violence including sexual verbal harassment from youths’.

**Responses:**

The Government acknowledges that ‘some girls are subject to sexual abuse by their teachers and those in rural areas experiences gender based violence, including sexual and verbal harassment from youths. Many of these incidences happen due to male teachers enticing underprivileged girls with money and other material resources. It is also perpetrated by men or boys who are under the influence of alcohol and illicit drugs.

- a. What measures are being taken to protect girls from sexual abuse and harassment in schools and on their way to schools and to prosecute the perpetrators of those crimes.

**Responses:**

The Teaching Service Commission (TSC) is the responsible agency that administers and oversees teachers’ affairs, including disciplinary matters. The Commission has adopted a zero tolerance approach to sexual assault and rape in schools by teachers.

Appropriate disciplinary actions are taken against teachers who commit sexual assault, including referral of the matter to Police for prosecution.

There is ongoing awareness carried out in schools on the issue of rape and violence against women and girls.

The Department of Education recently launched the “Behavior Management Policy in Education” which sets the framework for behavior management in schools.

A new partnership initiative between the Departments’ for Community Development and Education is aimed at establishing ‘volunteer child protection officers’ who will identify and assist school children in need of protection.

## **ARTICLE 11 - EMPLOYMENT**

- a. The report indicates that there is a lack in national labour law of provisions ensuring maternity protection and prohibition of sexual harassment in the workplace. Indicate what measures have been taken by the State party to include such provisions in domestic legislation.

**Responses:**

Since the ratification of the ‘International Labor Organization Convention’ on Discrimination in Employment and Occupation (ILO C.111 of 1958) by the Parliament in 2000, the Ministry of Labour and Industrial Relations has embarked on a Labour Laws Review program commencing with the proposed Industrial Relations Bill. This will see the establishment of an Industrial Relations Commission and its mechanisms to provide for appeals for breaches in the fundamental principles and rights at work, among other labour standards.

Section 8 of the proposed Bill prohibits “discrimination, distinction, exclusion or preference made on the basis of race, color, sex, religion, pregnancy, political opinion, ethnic origin, national extraction or social origin, actual or perceived HIV or AIDS status, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”. The draft ‘Industrial Relations Bill’ is being processed and will be presented to Parliament for approval.

- a. Indicate whether there are any State funded child care services available for working mothers.

**Responses:**

There been a reluctance to reach agreement at the National Tripartite Consultative Council on the full implementation of the ratified ILO Maternity Protection Convention No. 103. From the dialogue with the private sector, the issue of cost, particularly for the private sector, has been an impediment to an agreement. The ILO Convention 156 on Workers with Family Responsibilities is also not ratified. The State however, does not provide any child care services for working mothers.

- a. Provide **information and statistics on women's labour force participation in the informal sector.**

**Responses:**

Collection of data and statistics is one of the biggest challenges facing Papua New Guinea as a nation, which renders accurate and certified statistics difficult to obtain.

The Ministry of Labour and Industrial Relations is attempting a Labour Market Information project to address this issue.

- a. Describe the types of legal, social, or other services and protection available to women in the informal sector, and any measures to increase their accessibility.

**Responses:**

In as far as work is concerned, the Ministry of Labour and Industrial Relations has adopted the ILO Decent Work Agenda to address the challenges and impact of globalization as a way forward in enhancing productivity and reduce poverty.

Having adopted the Decent Work Agenda in 2000, the 'National Tripartite Social Partners', under the Ministry of Labour & Industrial Relations signed a Decent Work Country Programme. This is a framework of prioritized activities for the employers', workers' organizations and the Government under the four pillars of Rights, Employment, Social Protection and Social Dialogue.

Complementing the Agenda and the Country Programme, the Ministry has submitted a Decent Work National Development Policy Paper to the National Executive Council for endorsement. This is intended to effectively create conducive work environment in the formal and informal sectors as well as offer social protection to workers.

The Informal Sector Control and Development Act of 2004 provides an enabling environment for women to participate in the informal sector. In order to implement this Act, a policy on the 'Informal Economy' has been developed and is now before the National Executive Council for endorsement.

In 2009, the Government also endorsed the setting up of a taskforce for Social Protection Policy Development. The Taskforce is headed and coordinated by the Department for Community Development with representation from inter-agency members. The Taskforce is now carrying out nationwide consultations to identify the issues that will form the basis of the Policy.

## ARTICLE 12 - HEALTH

- a. Provide updated information :
  - whether any existing programmes to prevent and combat HIV/AIDS **integrate a gender perspective;**

### Responses:

The National AIDS Council has established a Gender section to address Gender and HIV/AIDS issues. The section is headed by a Gender Advisor since 2007.

The Section coordinates the implementation of the National Gender and HIV/AIDS Policy (2006-2010) and its accompanying Implementation Plan and the Implementers Guide.

The overall goal of the National Gender and HIV/AIDS Policy is to reduce the prevalence rate in the general population to below 1 per cent by the end of 2010.

It also aims to reduce vulnerability of males and females (adults, youth and children) to HIV/AIDS using a gendered and rights based approach.

The implementation of this Policy has already commenced in the following provinces in the country: Morobe, Madang, East Sepik, Western Highlands, Southern Highlands, Enga, Manus, East New Britain, West New Britain, New Ireland, Milne Bay Province, and the Autonomous Region of Bougainville.

- What actions are being taken by the Government **to promote access to family planning services and raise awareness about sexually transmitted infections, including HIV/AIDS, with particular focus to the needs of young people.**

### Responses:

The National Government developed the 'National Strategic Plan on HIV/AIDS that has resulted in improvement in family health services. These include the establishment of Well Mothers and Baby Clinics, New Mothers Clinics, Breastfeeding and Nutrition Clinics, Young Parents Counseling Service, Antenatal Clinics and Cervical Cancer and Sexually Transmitted Infections (STI) Screening Unit.

The identified priority areas in Maternal Mortality are: obstetric hemorrhage, antenatal checkup, proper training of health workers and more public awareness needs to be done on maternal health services in the rural areas.

Twenty Provincial AIDS Council out of the country's 22 provinces and 89 District Councils have been established as focal points to coordinate and disseminate information on HIV/AIDS and related issues in the country. Programs, including Sexually Transmitted Infection ,Treatment, Counseling, Care and Support, Education and Prevention, Epidemiology and surveillance, Social and behavioral change research, Family and community and monitoring and evaluation.

- a. Abortion is a criminal offence in the State party and is under no circumstances permitted, not even if the life of the mother is in danger. Please elaborate on any plans **to amend legislation** with a view **to remove punitive provisions imposed on women who undergo abortion.**

### Responses:

Abortion is only considered under the circumstances where a mother's life is in danger. The law however still upholds that abortion is illegal.

- a. Provide information and data on the access to general and mental health services for women and girls, including those from rural areas.

**Responses:**

The Department of Health in conjunction with the Family and Sexual Violence Action Committee (FSVAC) is establishing Family Support Centres (FSC) in major hospitals and health centres throughout the country.

These centers provide family support services and facilitate referral for victims/survivors of gender-based violence, which include rape, incest, domestic violence and attempted suicides.

Specific services that are provided at the ‘Family Support Centres’ are: day care, psychosocial and trauma counseling, medical reports and paralegal advice.

**The Table below indicates the number of Family Support Services available in the country at the major Hospitals.**

No.	Name of the Hospital/Centre Family Support Centre is Established	District	Province/Region
1	Port Moresby General Hospital	National Capital District	National Capital District
2	Angau Memorial Hospital (Women’s Counseling Service Centre)	Lae	Morobe Province
3	Kundiawa General Hospital	Kundiawa	Simbu Province
4	Kainantu Health Centre	Kainantu	Eastern Highlands Province
5	Goroka General Hospital	Goroka	Eastern Highlands Province
6	Mt. Hagen General Hospital	Mt. Hagen	Western Highlands Province
7	Maprik Hospital	Maprik	East Sepik Province

The Family Support Centres will eventually be established in all the provinces and major health centres throughout the country.

The Secretary for the Health Department in his circular instruction dated 12<sup>th</sup> November 2009 directed, ‘all hospitals and health centres throughout the country to remove fees charged for domestic violence, sexual violence and child abuse cases and incorporate in their work the following recommendations:

1. No fees are to be charged for domestic violence cases
  2. No fees are to be charged for sexual violence cases
  3. No fees are to be charged for child abuse cases
  4. No fees are to be charged for medical reports for domestic violence, sexual violence and child abuse
1. No fees are to be charged for women and children injured by tribal fights.

This is to ensure that the recommendations are complied with and implemented so as to effectively address the prevailing low status of women and girls; men’s attitudes to women’s and children’s health needs and the burden of family commitment, which all have a negative impact on women and children’s health and their access to health services. Charging of fees would only be a hindrance to achieving Papua New Guinea’s goal in reducing high maternal mortality rate and for survivors to seek justice.

- a. Describe services provided by the State party to elderly women.

**Responses:**

There is no specific health care service provided for elderly women but they access general health services provided by the Government for its citizens. Elderly people, including women are care for by their families as part of their family obligation in the communities.

- a. Describe any measures taken or envisaged by the Government in order to reduce high maternal and infant mortality rates, including programmes in place to ensure safe motherhood as well as pre-natal and post-natal assistance.

**Responses:**

**Policy and Programmes**

To address high maternal and infant mortality rates in the country, the Government has developed the following Policy frameworks: National Family Planning Policy, Nutrition Policy, Maternal Health Policy, Immunization Policy and Early Childhood Care & Development Policy. Currently the National Department of Health is developing a Policy on Neonatal Health and Gender also the government has reviewed the National Women Policy of 1991 and is developing a ‘National Policy on Women and Gender Equality’. A final consultative workshop with National Government Agencies, Civil Society Organizations and Development Partners was held on the 16-18<sup>th</sup> March 2010.

A ‘Safe Motherhood Program’ has also been developed to promote the health of a pregnant mother; provide information on the best time to have children; and teach family planning methods.

The Government is carrying out nationwide immunization program. Immunization programs include vaccines for measles, polio, TB and Tetanus B, publication and awareness campaigns and training.

The ‘Healthy Island Concept’ initiated by the National Department of Health and other sectoral agencies promotes communities in Papua New Guinea taking the initiative to develop their own communities. Activities under the programmes are cleaning, planting flowers and looking after their communities, sanitation and basic hygiene, planting nutritious food in the garden and law and order.

Other areas being addressed by the Government to reduce maternal and infant mortality include training and capacity building in the health sector; development of partnership with all stakeholders, including donor communities and civil society; improved communication between Government agencies on health issues; and advocacy programme on neonatal and childhood illness management.

**Ministerial Task Force Report on Maternal Health**

Noting the poor delivery of services related to maternal health, including Sexual and Reproductive Health issues, Hon. Sasa Zibe, Minister for Health and HIV/AIDS, convened a Ministerial Task Force in 2009 to establish the root causes for the deterioration in maternal and infant health and find a way forward to address the issues comprehensively so as to protect the future health of Papua New Guinea girls and women.

This report charts the way forward for strategic directions and a whole of a government approach to address the current state of the maternal health in Papua New Guinea.

The key findings and recommendation of the Report include:

- The majority of citizens lack confidence in the existing health system, which is deemed to be in a poor state. Women in particular do not trust the health system to look after them respectfully and safely. Their concerns included facilities that remain closed, lack of personnel, drugs and supplies, charges for health services and behavioral issues of health workers towards patients such impolite and disrespectful practices. Maternity care is often intimidating and these concerns need to be addressed effectively through the various health related policies cited above.
- Prevention services being provided in the country are not being utilized or accessed – antenatal coverage rates are low, supervised delivery rates are low, and little postpartum care is offered or utilized. Contraceptive use is low. The rate of outreach is low and static in most provinces of the country. Coverage of these prevention and promotion services is unequal throughout PNG. Local issues that affect coverage must be addressed in any strategy.
- There is an urgent need for population planning. It is clear that people in Papua New Guinea are having more children than they either want or have the capability to look after. Fewer than half of the Papua New Guinean women prefer to have no more than two children. Despite this desire to have smaller families, fewer than 35.7% of women of reproductive age use modern methods of family planning.

**The Report recommended the following actions:**

1. Increase investments in health care facilities and services through public-private partnership and international cooperation to achieve the ambitious but necessary targets so as to effectively address the current status of maternal health in the country.
2. Recognizing that universal free primary education for girls is a successful intervention to address maternal mortality, the Taskforce strongly endorsed the recent Government decision to introduce Universal the resources required to implement this are made available for the 2010 launch. It also recognizes the important role education has for Papua New Guineans of all ages and gender (male and female) in addressing and reducing maternal health problems;
3. Recognizing that maternal mortality ratio is the most sensitive indicator of the quality and level of a functioning health service and that a dysfunctional health system in Papua New Guinea has been a major factor for the deteriorating high level of maternal morbidity and mortality, the Taskforce recommended urgent and sustained efforts to address the systemic problems in the health sector;
4. Quality voluntary family planning service provision be immediately strengthened and made widely accessible for all Papua New Guineans as a primary intervention measure to reduce the burden of maternal mortality and morbidity in the country. The target should be for a modern family planning prevalence of 65% by 2020 in order to achieve a desired Total Fertility Rate of 2.2 by 2020;
5. Every woman in Papua New Guinea must have access to supervised delivery by a trained health care provider by 2030. This will be achieved through reaching the interim targets of 60% of all pregnant women having access by 2015 and 80% by 2020;
6. By 2030 every Papua New Guinean woman should have access to Comprehensive Obstetric Care from the Aid Post Level; and
7. Every woman should have access to quality emergency obstetric care, if she requires it at the first referral level, with the support of a functional referral system complemented by adequate communications and transport.

## **ARTICLE 13 - ECONOMIC AND SOCIAL LIFE**

### **Social and Economic Benefits**

- a. Provide information on whether women have access to loans and financial credit on equal terms with men.

#### **Responses:**

The National Development Bank in partnership with the Ministry of Commerce and Industry implements the Small and Medium Enterprise (SME) Policy. Loan application from aspiring business women are considered on merit.

However, Financial Institutions such as the commercial banks do not consider women's application for business loans on merit without the husband's consent. This policy disadvantages the both the married and unmarried women who want to venture into business activities.

- a. Specify any measures taken to ensure any efforts carried out by the Government in order to eliminate any de facto inequality between women and men on this issue.

#### **Response:**

The Government through the Ministry of Commerce and Industry has allocated PGK10 million (US\$3.3 million) as capital for women to access for informal sector business including micro- credit activities.

The first PGK200, 000.00 was released as capital to host the first ever 'Women in Business Expo' in February 2010, which attracted 2000 women participants countrywide, who are involved in Small-Medium Enterprise activities. The Expo was officiated by the Prime Minister, Rt. Hon Grand Chief Sir Michael Thomas Somare.

Also through the Government 'Public-Private Partnership Program', a number of Micro Finance Banks have been established throughout the country and is extending micro credit to women entrepreneurs nationally.

- a. Provide information on strategies the Government may be contemplating to address this problem.

#### **Responses:**

Refer to section b noted above.

## **ARTICLE 14 – RURAL WOMEN**

- a. Indicate what measures are being taken and/or planned to ensure women's equal access to and control over land and land usages, along with other efforts to enhance their economic independence.

#### **Responses:**

The Government of Papua New Guinea under various national policy and legislative framework has set in place strategies that promote gender equality and equity programs. The Government is also providing funds to women to enhance and encourage their participation in economic developments. Such policy and plans include the Medium Term Development Strategy, National Land Development Program, Incorporate Land Group Registration Act, National Agriculture Development Plan (NADP 2007-2016) and the National Strategic Plan (Vision 2050).

The NADP which is the Government's blue print for agriculture development recognized women's contribution to the well being of society is essential in agriculture production in Papua New Guinea. The Plan calls for all Government institutions to take a pro-active role in ensuring that gender, social and HIV/AIDS are mainstreamed in all development programs.

The Gender, Social and HIV/AIDS sub-component goals within the NADP are geared towards:

- Promoting equal participation of women in all aspects of agriculture and livestock development, so as to improve the status of women through economic development, and
- Ensuring gender, social and HIV/AIDS are mainstreamed in all agriculture development programs.
- Empowering women through training, skills development and small credit scheme in the production, processing and marketing of agricultural products.

Women in the rural areas are now given opportunities to venture into any economic activity with the support of various players including the Government agencies, donors, NGO's and civil society.

In agriculture, women are now forming cooperatives/association or networking with other groups to tap into those programs.

Also under the NADP, PGK4 million (US\$ 1.3 million) is allocated as a credit scheme to be managed by National Development Bank specifically for women in rural areas for various economic activities. Access to the credit scheme is open to all women.

- a. Provide detailed information on **any programmes, which have been developed to meet the needs of rural women, in particular in the areas of education, vocational training, access to health services and employment.**

#### **Responses:**

As for vocational training under the Technical and Vocational Education Training program, girls and women are now given opportunity to take up various skills training programmes that has been predominantly male-dominated such as in carpentry, welding, mechanic, plumbing, joinery and electrical services.

In the informal sector, the agriculture sector in collaboration with various Government line agencies and international development partners have been conducting various training for rural and urban women to enhance farming skills such as backyard vegetable gardening, floriculture, livestock farming, aquaculture and apiculture, as part of the livelihood and poverty alleviation programs.

At the higher education level the agriculture colleges and universities, women are now given 30-50% enrollment quota and are sponsored under the Papua New Guinea Government scholarship

program complemented by development partners including New Zealand AID. Upon completion they are employed within the public or private sectors.

- a. Describe the outcome of those programmes.

#### **Responses:**

Outcomes include empowered participation of women in all aspects of agriculture development, and gender, social and HIV/AIDS mainstreamed in the agriculture sector.

Women in the rural areas are now reaping the benefits from the formal and informal training programs and are venturing into the production, processing and marketing of their produce to earn a living to sustain their daily lives.

The microcredit schemes that are being established in various rural districts are now empowering women to have access to credit that is enabling them to venture into various economic activities. These are now proving to be successful in improving their lives and livelihood.

More women and girls are now taking up skills development and higher educational program that has enabled them to make sound and responsible choices for their future careers and projects.

Listed below are some of the programs that have been achieved, thus far, and some of the constraints experienced in the agriculture sector.

### Achievements

Since 1995 following the ‘Beijing World Conference on Women’, in response to gender mainstreaming in the Government’s policies and programs, the agriculture sector has implemented the following strategies which ensured that women are part of the development process:

- Establishment of ‘Women in Agriculture Development Unit’ (WIADU) within the National Department of Agriculture & Livestock that serves as a focal point for women in agriculture in addressing women and gender issues.
- Establishment of Gender Equity programs in agricultural statutory bodies including the National Agriculture Research Institute, Fresh Produce Development Corporation, National and Provincial Department of Agriculture and Livestock with funding assistance from the Papua New Guinea Government, NZAID and AusAID.
- The establishment of an agriculture extension contracting service provider called Smallholder Support Service Project (SSSP) funded jointly by Papua New Guinea Government and the Asian Development Bank (ADB), specifically aimed at enhancing productivity of women in extension service through capacity building. This concept has been piloted in the Morobe and Eastern Highlands provinces.
- Incorporation of Gender development aspects/issues into Agriculture Colleges and University curricular.
- Provision of scholarships for women to agriculture colleges and universities, funded jointly by the Papua New Guinea Government and New Zealand AID. The annual intake has increased from 20 to 30-50%.
- Formulation of a National Food Security Policy that addresses the main issues related to food insecurity.
- Integration of projects focused on women that relate to food security programs.
- Establishment of an action plan to guide national activities and linkages with provincial programs.
- Conducting of Gender Awareness Training programs within the agriculture sector workforce to sensitize them to gender development issues.
- Incorporation of gender issues in the National Agriculture Development Policy and Strategy (2001-2012) and the NADP (2007-2016) and the Whitepaper Policy (2008-2010).

- Promotion of Women's projects, in livestock husbandry, aquaculture, fresh food and cottage industries.
- Skills training for women in the informal sector in collaboration with various stakeholders including line departments, statutory organizations and NGOs.
- Facilitation of credit through the National Development Bank for women farmers.
- Establishment of Micro-credit schemes for rural women farmers with other collaborating agencies and line departments.
- Establishment of networks and linkages for the dissemination of gender and agricultural information's to women farmers and youths.
- Formation of 'Women In Agriculture Association's to address gender issues in the agricultural sector.
- Establishment of urban and peri-urban project, within and the peripheral areas of the city in addressing food security programs.
- Hosting of shows/festivals to commemorate internationally agreed events, such as World Food Day, World Rural Women's Day and World Poverty Day .

### **CONSTRAINTS AND CHALLENGES**

Some of the constraints impeding women in economic development include:

- Slow personal development and low self-esteem of many women;
- Domination by men (including violence and dispossession) in all areas of life;
- Poor group formation and networking for special interest groups;
- Inability to make informed choices due to lack of exposure to opportunities and the knowledge and skills;
- Inappropriate financial mechanisms for women to generate viable business and limited access to agricultural credit and capital;
- Poor access to, and involvement with, research that would lead to the development of relevant competencies to meet specific expressed needs;
- Declining biodiversity and increasing conservation pressures;
- Poor food security practices and limited understanding of what is involved;
- Low access to training, extension, information and business management support amongst other services;
- Marketing, transport, post-harvest and downstream barriers to women; and
- Ineffective institutional linkage, especially with agricultural agencies.

### **ARTICLE 15 & 16 - EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS & MARRIAGE AND FAMILY LAW**

- a. Women face various obstacles in the areas of marriage, divorce, child guardianship, custody, as well as inheritance. Please provide information on steps taken to ensure equality between women and men in personal status with respect to the above mentioned areas.

**Responses:**

Under the provision of the Civil Registration Act 1976 (Chapter 304) and Marriage Act 1976? (Chapter 280), the Civil Registry Office receives and screens applications for marriage and conducts marriage.

When there is a marriage dissolution or divorce between a couple (husband and wife), custody of a child or children is always considered on the basis of promoting the best interest of the child. The competent authorities will determine which parent has physical custody and who has the right of access.

In matters of ‘inheritance’, the State does not recognize before or during marriage what either parties owns and brings into marriage. However, the Court would require disclosure of assets by either party in divorce proceedings.

The Constitution provides equal distribution of wealth and inheritance between women/girls and men/boys. The Public Curator’s Office under the provision of the ‘Wills & Probates Administration Act’ distributes estates equally among the children (if any) or next of kin of the deceased.

However, parents or working partners who are members of a financial institution such as superannuation funds nominate members of their family that will benefit from their financial contribution. This has tended to be not always in the favor of women and girls.

- a. The report indicates that the **State party sets different minimum legal ages for marriage, which are 18 years for boys and 16 years for girls.**

**Responses:**

The new ‘Lukautim Pikinini Act’ of February 2010 (formerly Child Welfare Act) covers any harmful customary practices that are not in the best interest of a child. In terms of Legal Age for Marriage; the ‘Lukautim Pikinini Act’ defines a ‘child’ to be a person under the age of 18. A boy or girl of 18 years and below is still considered as a child.

The ‘Legal Age for Marriage’ is 21 years both for girls and boys and the minimum marriage age under the ‘Marriage Act Chapter 280’ is 16 years for girls and 18 years for boys. This remains unchanged.

In the event of any marriage under the age of 21years, the parents consent is required. If the parents refuses the marriage, the intended parties may apply to the National Court and the Judge decides whether to grant a judicial consent or not for the marriage.

- a. Provide statistical data, disaggregated by sex and age, of persons who marry before 18 years of age and indicate whether the Government intends to raise the minimum age of marriage for girls to 18 years.

**Responses:**

There is no readily available disaggregated sex and age statistical data on persons marrying before the age of 18. But the ‘Lukautim Pikinini Act’ under the definition of a ‘**child**’ **caters for any person under the age of 18 years** as being a child and other relevant provisions of the Act supports this definition whilst taking into account the paramount importance of the ‘Best Interest of the Child’, including girls who are below the age of 18. The prerequisite document for marriage is the ‘Birth Certificate’ of both parties.

- a. Indicate measures **taken to address customary marriages of girls as young as 14 years of age** deemed to be valid under customary law when girls are considered to have the “physical maturity” to enter into a customary marriage.

**Responses:****Civil Registration Roll-Out Programmes**

The Civil Registry Office in its efforts to address the issue of customary marriages involving girls below the minimum legal age of marriage is conducting a nationwide birth and marriage registration awareness.

All customary marriage couples are required to register with the Civil Registry Office. This exercise will assist the Government to plan the next course of action in addressing marriage by minors under customary practices.

The Office has established 17 provincial civil registration office out of the country's 22 provinces and 5 civil registration offices at the Department for Community Development Community Learning & Development Centers at the communities.

**Establishment of Provincial Lukautim Pikinini Councils**

The Office of Child Welfare under the Department for Community Development is establishing 'Provincial Lukautim Pikinini Councils' in all the Provinces. This year (2010) plans are underway to establish five 'Provincial Lukautim Pikinini Councils'.

These two important offices (Civil Registry & Child Welfare) endeavors to promote and protect the rights of children in customary practices, including marriage.

**PART C. AUTONOMOUS REGION OF BOUGAINVILLE**

- a. Indicate whether both women and men war veterans have benefited from equal recognition and rehabilitation in the post-conflict area of the Autonomous Region of Bougainville, including general and mental medical care.

**Responses:****Establishment of Veteran Affairs Division**

The Autonomous Bougainville Government has created a 'Veteran Affairs' Division within the Bougainville Administration, which is responsible for the administration of the rehabilitation and reintegration process of affected communities during the civil conflict in the region.

The Office has recently undergone a restructure and created eight (8) positions that in essence endeavours to ensure it effectively and efficiently carries out its roles and functions. The 'Office was allocated PGK10 million (equivalent to US\$ 3.3 million) by the Papua New Guinea Government with the support of AusAID.

Through this fund, the Office was able to assist affected communities/people, especially ex combatants to integrate back into their communities. The funds were used to purchase life skill equipment, which were distributed to ex combatants' families and their communities.

The main concern that was highlighted is that there were no guidelines used in the equipment distribution. As a result, people and communities that were affected did not benefit adequately. Women were noted to be invisible and missed out from this fund. However, women assisted men and supported ex combatants behind the scenes during the Bougainville conflict.

Also the UN supervised 'Disarmament and Weapons Disposal' process only was targeted at disarming combatants and not the resistance fighters who were the pro-Government combatants. As a result, resistance fighters are still in possession of weapons.

Plans are now underway to establish three ‘War Veterans Association’ representing the three region; Central Bougainville, North Bougainville and South Bougainville. These offices once established will oversee and coordinate the reintegration and rehabilitation processes in the three districts. It is acknowledged that this section is not gender sensitized and its planning lack gender inclusiveness.

### **Bougainville Peace Building Report**

The Office of Veteran Affairs carried out a ‘Peace Audit Report’ in June and July 2009 with the support from AusAID through the Democratic Governance Transition Phase Program.

The audit’s purpose was to assess the peace and conflict situation in Bougainville and to provide policy and program advice to the Autonomous Bougainville Government (ABG) for strengthening the peace process. The ‘Peace Audit’ covered all three (3) Districts in Bougainville.

The report highlighted the following; factors that contributed to people taking arms in each communities during the war , destruction that took place including lost of lives and reconciliation and reintegration process taking place including government services that are reaching the affected communities.

### **Contributing Factors for Communities Taking Arms**

Major contributing factors of people taking arms were leadership disputes between the Council of Chiefs Planning Committee (CCPC) and the Council of Chiefs Planning and Advisory Committee (CCPAC) parties - one under the National Government and the other under the rebels, respectively. At the end of 1989 several leaders of the CCPC were kidnapped by members of the CCPAC and murdered. The killings of these leaders eventually led to a major division among the people more importantly the families of the victims.

Between 1989 and 1999, this was a period of hardship, where there was;

- ✓ Suppression of freedom of speech
- ✓ Atrocity committed on unarmed Bougainville
- ✓ Displaced families into makeshift care centers
- ✓ Restrictions on freedom of movement
- ✓ Assault and harassment of youth and women
- ✓ Burning and looting of village, private and public properties
- ✓ Earning capacity of families below par
- ✓ High mortality rate
- ✓ Forced marriages
- ✓ Rape and abnormal sex activities forced on prisoners/suspects
- ✓ Total restriction on alcohol
- ✓ Increase orphans and child labor
- ✓ Abuse to orphan done by own relatives

Most families and business houses were greatly affected by the war. Not only were soldiers and others directly involved in the fighting killed but also non-combatants also were killed, wounded and had their gardens, roads and bridges destroyed. The report highlighted that

affected communities lost family members and their properties including small entrepreneur businesses.

While the Peace Building Process is continuing, Conflicts in some parts of the region is inevitable due to;

- Prevalence of guns
- Ineffective and inefficient service delivery
- Unsettled and outstanding crisis related issues with groups and individuals
- Leadership struggles
- Absence of proper law and order which creates a vacuum in dealing with law and order issues
- Conflicts in social structure
- Lack of infrastructure development which leads to lack of opportunities
- No proper rehabilitation, including medical coverage for severely wounded ex-combatants, which would ease their integration into communities; the dysfunctional behavior of ex-combatants is being passed on the youth which disturb the peace building activities.

### **Reconciliation and Reintegration Process**

Economy in Bougainville is slowly being restored and many families have now concentrated mainly on farming and agricultural activities. Noted below are some of the main rehabilitation and reconstruction activities taking place in the region.

- Piggery
- Cocoa
- Garden Produce
- Land Management Strategy
- Communication
- Mini-microfinance set ups- this is a grass root microfinance step ups introduced by the ABG government
- Small scale mining-small scale gold panning at Kaweron Trailing operating from Bana to Buka, Arawa, Siwai and Buin
- Small scale timber-there are 5 small timber mill companies operating in Bana
- Poultry and Fish Farming –these are individual and family based activities.

Infrastructure developments include; the new ABG Parliament Haus, new modern hospitals and renewed health centers, new wharf with a larger storage area, all government departments are established here including the police headquarters, educational institutions, University centre, Flexible Open and Distance Education, Department of Open and Distance Learning Hutjena Secondary School, new vocational schools, more primary schools, new secondary school constructed at Haku, sealed road in Buka Township and improved road system (road and sea), more retailed and wholesale stores with new being erected, more restaurant and guest houses, sealed airport, increase in volume sale of copra and cocoa, Education (Elementary, Primary and High Schools), health Services (Aid post), Village court, Sea transport, Communication (Two Way Radio and V-Sat).

Progress has also been made in peace building approaches and initiatives. Peace Committee has been established composed of representatives from COEs, women's organization churches, youths, ex-combatants, chiefs and community based organizational representatives.

## ACRONYMS

ABG	Autonomous Bougainville Government
ADB	Asian Development Bank
ARB	Autonomous Region of Bougainville
AusAID	Australian Agency for International Development
BFF	Bougainville Freedom Fighter
CEO	Chief Executive Officer
CHW	Community Health Worker
CCPAC	Council of Chiefs Planning and Advisory Committee
CCPC	Council of Chiefs Planning Committee
CLDC	Community Learning and Development Centers
CJC	Community Justice Committee
COE	Council of Elders
DHS	District Health Service
DODL	Department of Open Distance Learning
DOE	Department of Education
EmOC	Emergency Obstetric Care
ExCOM	Ex-Combatants
FODE	Flexible Open and Distance Education
FODEC	Flexible Open and Distance Education Centre
FP	Family Planning
FSC	Family Support Centers
FSVAC	Family Sexual Violence Against Women
HEO	Health Extension Officer
HSIP	Health Services Improvement Programme
ILO	International Labor Organization
LLG	Local Level Government
LPA	Lukautim Pikinini Act
MDF	Meekamui Defence Force
MDG	Millennium Development Goal
MGU	Meekamui Government of Unity
MMR	Maternal Mortality Rate
MOA	Memorandum of Agreement
MTDS	Medium Term Development Strategy
MW	Midwife

NADP	National Agriculture Development Plan
NCD	National Capital District
NDoH	National Department of Health
NGO	Non-Governmental Organization
NSO	National Statistical Office
NZAID	New Zealand Agency for International Development
ODW	Office for the Development of Women
OPP	Office of the Public Prosecutor
PDRSC	Panguna District Reconciliation Steering Committee
PGK	Papua New Guinea Kina
PNG	Papua New Guinea
Police SOS	Police Sexual Offence Squad
RPNGC	Royal Papua New Guinea Constabulary
Rt. Hon	Right Honorable
SME	Small and Medium Enterprise
S&RH	Sexual and Reproductive Health
SSSP	Smallholder Support Service Project
STI	Sexually Transmitted Infection
TSC	Teaching Service Commission
TSM	Temporary Special Measures
TVET	Technical & Vocational Education Training
UNCEDAW)	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
UNDP	United Nations Development Programme
UNICEF	United Nations Development Fund for Women
WIADU	Women