

PAPUA NEW GUINEA

UPDATE TO THE BRIEFING
TO THE UN COMMITTEE ON
THE ELIMINATION OF
DISCRIMINATION AGAINST
WOMEN: VIOLENCE
AGAINST WOMEN

46TH SESSION

**AMNESTY
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PNG CEDAW UPDATE

1. INTRODUCTION

Amnesty International submits the following information for consideration by the Committee on the Elimination of Discrimination against Women (the CEDAW) as an update to its August 2009 briefing on Papua New Guinea (PNG) to the Pre-Session Working Group.¹ This update reinforces a number of key concerns raised in Amnesty International's earlier briefing and demonstrates the need for the PNG Government to take immediate action to comply with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).

As with the earlier briefing, this update looks primarily at the pervasiveness of gender-based violence in PNG, particularly:

- Shortcomings in the legislative regime as it pertains to the protection of women from violence, both in the home and in the wider community; and
- The lack of support services provided by the State for survivors of violence.

2. STATE OBLIGATION (GENERAL RECOMMENDATION NO. 12 (8TH SESSION, 1989) AND GENERAL RECOMMENDATION NO. 19 (11TH SESSION, 1992))

2.1. NEED FOR THE INTRODUCTION AND IMPLEMENTATION OF LEGISLATION TO PROTECT WOMEN AGAINST ALL FORMS OF GENDER-BASED VIOLENCE²

While Amnesty International acknowledges that the Government of PNG has taken a significant step toward protecting women from sexual violence by enacting the Sexual Offences and Crimes Against Children Act (2002), there remain severe

¹ Amnesty International *Papua New Guinea: Briefing to the UN Committee on the Elimination of Discrimination Against Women: Violence against women* AI Index: ASA 34/002/2009 <http://www.amnesty.org/en/library/info/ASA34/002/2009/en> - accessed 7 June 2010.

² This section updates information provided in section 2.1 of Amnesty International *Papua New Guinea: Briefing to the UN Committee on the Elimination of Discrimination Against Women: Violence against women* AI Index: ASA 34/002/2009, p 4. <http://www.amnesty.org/en/library/info/ASA34/002/2009/en> - accessed 7 June 2010.

shortcomings in its implementation and enforcement.

In particular, Amnesty International would like to draw attention to credible reports of sexual violence perpetrated by those responsible for protecting women and upholding the law – the Royal Papua New Guinea Constabulary.

SEXUAL VIOLENCE PERPETRATED BY POLICE

Manfred Nowak, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, reported after a 14 to 25 May mission to PNG that women's vulnerability was "particularly exacerbated upon arrest and in police custody".³ The Special Rapporteur reports receiving "many allegations of sexual abuse", including of incidents where arresting officers demanded sex in exchange for release from custody; where women were arrested for minor offences with the intention of sexually abusing them; and where arrested women were kept overnight in cells with male detainees where they were subjected to gang rape.

Amnesty International notes whilst sexual abuse of women by police is rife, only a small number of police are charged and prosecuted. Women survivors often do not report the abuses for fear of further reprisals and victimisation.⁴

Amnesty International has documented the involvement of police officers in sexual violence in PNG in 2006.⁵ In mid 2009, an Amnesty International delegation carrying out research in PNG was told by a police officer working in a sexual offences squad that there was a continuing problem with police officers perpetrating

³ *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Papua New Guinea* (2010)
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10058&LangID=E> – accessed on 1 June 2010.

⁴ Amnesty International discussion with Women's Rights Activist, Port Moresby, August 2009.

⁵ Amnesty International *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!* AI index: 34/002/2006, pp.19-20
<http://www.amnesty.org/en/library/asset/ASA34/002/2006/en/3dffe5fd-d422-11dd-8743-d305bea2b2c7/asa340022006en.pdf> - accessed on 1 June 2010.

sexual violence against women.⁶

Between August and October 2009, when investigating forced evictions in Wangima in PNG's Highlands, Amnesty International received reports that three women had allegedly been raped and assaulted by officers from the police mobile squad during the evictions.⁷ To date, there have been no investigations of police actions during the forced evictions. Instead, the Police Commissioner said that Amnesty International's report was 'fabricated'.⁸

Amnesty International calls on the PNG government to introduce effective measures that prevent the abuse of women who have been arrested and detained by police, including by ensuring holding cells are able to be locked, to prevent potential perpetrators entering them. The Government should also ensure that all complaints received about violence and sexual abuse of detainees by police are fully investigated and prosecuted.

The government must implement gender and human rights training for all members of the PNG Constabulary.

Amnesty International recommends that the PNG government ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

OTHER GENDER-BASED VIOLENCE

Currently no distinction is made in PNG law between violence that occurs in the

⁶ Amnesty International, *Undermining rights: Forced evictions and police brutality around the Porgera Gold Mine, Papua New Guinea*, AI index: 34/001/2010, p.22
<http://www.amnesty.org/en/library/asset/ASA34/001/2010/en/2a498f9d-39f7-47df-b5eb-5eaf586fc472/asa340012010eng.pdf> – accessed on 1 June 2010.

⁷ Ibid, p.4.

⁸ Radio New Zealand International "PNG police chief claims Amnesty on Porgera evictions fabricated" <http://www.rnzi.com/pages/news.php?op=read&id=51733> accessed on 16 June 2010

context of a family relationship and violence which occurs in the context of wider community life. Given that there is currently no legislation that specifically criminalises domestic violence (cases currently fall under the Criminal Code), it is often treated as a private matter.

The Special Rapporteur on torture found that women in PNG held “a very low status in society, placing them at a very high risk of abuse both in the domestic and in the public sphere” and found that violence against women appears to be widespread.⁹ Gender inequality and discrimination in PNG are supported by customs including polygamy and bride price, which strengthen men’s belief that they own women.¹⁰

According to the Special Rapporteur, violence in the home was “underreported for shame or fear of further violence or rejection by the communities. Little support is granted by the State, and women who are victims of domestic violence do not seem to be recognized as victims. Many female detainees I interviewed were incarcerated for crimes linked to domestic violence and polygamy.”¹¹

The Special Rapporteur also found that the state had failed “to prevent and to investigate crimes relating to domestic violence, tribal fighting and to victims of accusations of sorcery”.¹²

One Port Moresby-based NGO told Amnesty International in 2009: “Violence is so much integrated in the life of individuals that it is considered a normal part of

⁹ *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Papua New Guinea* (2010).

¹⁰ Amnesty International *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!* AI index: 34/002/2006, p 13
<http://www.amnesty.org/en/library/asset/ASA34/002/2006/en/3dffe5fd-d422-11dd-8743-d305bea2b2c7/asa340022006en.pdf> - accessed on 1 June 2010

¹¹ *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Papua New Guinea* (2010)
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10058&LangID=E> – accessed on 1 June 2010.

¹² *Ibid.*

life.”¹³ The laws that should protect women and girls from physical and sexual violence are not effectively brought to bear on such crimes because of inadequate policing (lack of personnel, inadequate training, reliance on traditional justice, inadequate support for Sexual Offences Squads, ineffective investigations), and barriers to bringing a case to court and obtaining a conviction.

Amnesty International believes there is a critical need to enact specific legislation against domestic violence and calls on the PNG government to ensure such legislation is put in place as a matter of urgency.

Amnesty International also calls on the PNG government to ratify the Optional Protocol to the CEDAW.

SORCERY RELATED KILLINGS

In the remote communities and highlands provinces of PNG, "puri puri" – the traditional belief in sorcery – is being used more and more frequently as a pretext for brutal acts of violence against women. In July 2009, three elderly women accused of sorcery were killed (one was burnt alive, the other two stoned to death). In a widely-reported case in January 2009, a young girl was burnt alive in front of witnesses at a rubbish dump in Mt Hagen, allegedly for being a witch and, according to some reports, for spreading HIV.

In January 2009, the PNG police reported that the number of people killed for alleged involvement in sorcery had risen. The provinces of Eastern Highlands and Chimbu (where the July 2009 killings occurred) reported more than 50 cases of sorcery-related deaths in 2008.¹⁴ Local authorities believed that many more instances of murder had gone unreported. For example, Amnesty International received a direct report in 2009 from a PNG-based missionary group alerting it to a large number of sorcery-related killings of women and children in the Enga and

¹³ Amnesty International discussion with NGO representative, Port Moresby, Papua New Guinea, August 2010.

¹⁴ See BBC “PNG holds ‘sorcery murders’ probe” <http://news.bbc.co.uk/1/hi/world/asia-pacific/8143578.stm> accessed 19 June 2010

Southern provinces of PNG. Amnesty International and Human Rights Watch sent joint letters to Minister for Justice Hon Dr Alan Marat and Police Commissioner Gari Baki in January 2009, expressing concern at reports of sorcery related killings, particularly of women, and called for greater action from the authorities to curb the violence and murders. To date, there has been no response.

Women are six times more likely to be accused of sorcery than men, according to the PNG authorities.¹⁵ The accused face inhumane treatment such as beatings with barbed wire, having their bones broken, burning with red hot metal, rape, suspending people over fire, cutting of body parts, amputation of limbs and dragging victims behind moving vehicles. Amongst murders reported to police were those where victims had been buried alive, beheaded, choked to death, thrown over a cliff or into rivers or caves, starved, axed, electrocuted, suffocated with smoke, forced to drink petrol, stoned or shot.

Amnesty International believes that there is an urgent need for the PNG Government to complete its review of the country's current Sorcery Act to address past leniency in prosecutions and force rural courts to charge those accused of sorcery-related killings with premeditated murder.¹⁶

¹⁵ AAP, "'Sorcerers' buried alive, burnt, raped and stoned', says minister"(*Sydney Morning Herald*, 19 June 2003) <http://www.smh.com.au/articles/2003/06/19/1055828426206.html> – accessed on 1 June 2010.

¹⁶ The head of PNG's Constitutional Review and Law Reform Commission, Joe Mek Teine, announced in early 2009 that the issue would be given priority in 2009, that the Sorcery Act would be reviewed, and stronger laws developed in consultation with church organisations, government agencies and ethnic groups.

2.2. NEED FOR GREATER PROVISION OF SUPPORT SERVICES FOR WOMEN WHO ARE SURVIVORS OF VIOLENCE¹⁷

In response to the high level of violence, the humanitarian aid organisation Médecins Sans Frontières (MSF), which traditionally operates in armed conflict zones, two years ago began operating Family Support Centres in the city of Lae and the town of Tari, where they provide medical and psychological care for victims of sexual and gender-based violence. In 2009, at the Lae clinic alone, MSF provided care to more than 2,700 women and children who came for help after being beaten, sexually or otherwise physically abused or raped.¹⁸

Emergency accommodation and other services for survivors of violence are typically provided by non-governmental and church groups in PNG, with little or no support from the government. There is a dire need for more women's shelters. Those that exist are currently under-resourced and facilities are often poorly maintained.¹⁹

The right to a remedy for survivors of violence against women includes the right to access services to assist in recovery and rehabilitation. Government services generally in PNG are in a state of neglect, particularly in rural areas. As a result, survivors of gender-based violence are unlikely to receive either adequate medical care, counselling or legal support, or to have access to emergency accommodation.²⁰

¹⁷ This section updates information provided in section 2.3 of the Amnesty International *Papua New Guinea: Briefing to the UN Committee on the Elimination of Discrimination Against Women: Violence against women* AI Index: ASA 34/002/2009, p6 <http://www.amnesty.org/en/library/info/ASA34/002/2009/en> - accessed 7 June 2010.

¹⁸ Vanessa Gramond, "On the medical frontline, where the numbers are very raw" (*The Age*, 8 March 2010) <http://www.theage.com.au/opinion/society-and-culture/on-the-medical-frontline-where-the-numbers-are-very-raw-20100308-pgs9.html> - accessed on 1 June 2010.

¹⁹ Amnesty International (2006), *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!* pp.19-20 <http://www.amnesty.org/en/library/asset/ASA34/002/2006/en/3dffe5fd-d422-11dd-8743-d305bea2b2c7/asa340022006en.pdf> - accessed on 1 June 2010, p.65.

²⁰ Ibid, p.56.

Amnesty International believes the State, as primary duty bearer, should commit to providing adequate support services (including psychological, medical and legal support, as well as emergency shelters) for survivors of gender-based violence.

For this reason, Amnesty International seeks clarity from the PNG Government on its response²¹ to the Committee's question pertaining to State provision of social services to victims of gender based violence.²² The government should provide data about the level of financial and human resources being allocated to the running of the family support centres set up in the hospitals around the country.

²¹ See *Responses to the list of issues and questions with regard to the consideration of the combined initial, second and their periodic report* (CEDAW/C/PNG/Q/3/Add.1), pp.38-39.

²² See *List of issues and questions with regard to the consideration of periodic reports* (CEDAW/C/PNG/Q/3), paragraph 11.

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