

# PAPUA NEW GUINEA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in 2017, and the People's National Congress party won a majority in the 111-seat unicameral parliament, led by former prime minister Peter O'Neill. In May 2019 O'Neill resigned, and parliament elected James Marape prime minister. In some parts of the country, electoral contests involved widespread violence, fraud, bribery, voter intimidation, and undue political and tribal influence.

The Royal Papua New Guinea Constabulary maintains internal security and reports to the Ministry of Police. The Defense Force is responsible for external security but also has some domestic security responsibilities, and reports to the Ministry of Defense. Civilian authorities at times did not maintain effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings by police; torture by police and cases of cruel, inhuman, or degrading treatment or punishment; the existence of criminal defamation laws; serious acts of government corruption; lack of investigation of and accountability for violence against women; trafficking in persons; the criminalization of consensual same-sex sexual conduct between men, although the law was not enforced; and extensive child labor, including the worst forms of child labor.

The government frequently failed to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was pervasive.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

During the year there were numerous reports the government or its agents committed arbitrary or unlawful killings. In August police officers shot and killed a 29-year-old man from West Sepik Province while the victim was in police custody, local media reported. Four police officers allegedly struck the man with their firearms after removing him from a cell. According to media reports, police

shot the victim seven times. Police supervisors suspended the officers, confirmed that the victim had not instigated the incident, and referred the case to the Internal Affairs Unit for further investigation.

Public concern regarding police and military violence against civilians and security forces' impunity persisted. In September, Minister for Police Bryan Kramer, writing about his first 15 months in the job, stated: "The very organization that was tasked with fighting corruption had become the leading agency in acts of corruption. Add to that a rampant culture of police ill-discipline and brutality."

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

Although the constitution prohibits torture, individual police and correctional-services officers frequently beat and otherwise abused citizens or suspects before or during arrests, during interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. In June, East Sepik Province Governor Allan Bird criticized police abuse under the COVID-19 State of Emergency, citing reports by women who marketed food that police beat them and took money from them.

In April, for example, media reported that police raided an open-air market outside of Port Moresby, where they broke vendors' goods, stole items, and carried out body searches of men and women. A police superintendent told media that since no victims had come forward, police would not investigate the allegations. According to an August news report, police stole beer valued at 80,000 kina (PGK) (\$23,000) and PGK 300,000 (\$86,000) in cash from a store owner in multiple incidents in April and May. In August police officials told media the investigation was ongoing.

In October media reported that a sexual assault suspect in police custody was stripped naked in a cell and beaten by the families of the alleged victims with police complicity. Police Minister Bryan Kramer launched an investigation of the beating and of "excessive force used in his arrest." One station sergeant was suspended.

Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting. Police raids, searches, and forced evictions of illegal squatter settlements and suspected criminals often were marked by a high level of violence and property destruction.

### **Prison and Detention Center Conditions**

Prison conditions were poor overall. The prison system continued to suffer from serious underfunding, food shortages, inadequate medical facilities, and overcrowding in some facilities.

Physical Conditions: The country's prisons were overcrowded. Infrequent court sessions, slow police investigations, and bail restrictions for certain crimes exacerbated overcrowding.

Authorities held pretrial detainees in the same prisons with convicted prisoners but in separate cells. Pretrial detainees, frustrated by the slow processing of their cases, at times led prison breaks, which were common.

All prison facilities had separate accommodations for juvenile offenders. The Department of Justice and Attorney General operated four juvenile facilities, and the Roman Catholic Church operated three juvenile reception centers to hold minors awaiting arraignment prior to posting of bail. Nonetheless, Human Rights Watch reported authorities routinely held juveniles with adults in police detention cells, where older detainees often assaulted younger detainees. Police sometimes denied juvenile court officers access to detainees. Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Sanitation was poor, and prisoners complained of disease. Media commented on overcrowding at jails and prisons, reporting in August that police in Port Moresby made arrests selectively due to insufficient room at local prison facilities and concerns that overcrowding would spread disease at police and corrections facilities. Also in August a mass escape took place at the Buimo prison in Lae, Morobe Province, after the prison recorded its first confirmed COVID-19 case. Media reported that the prisoners staged the breakout on the pretense of seeking medical aid for an allegedly sick fellow inmate. Forty-five inmates escaped.

In January international media described execrable conditions at the Bomana Immigration Center in Port Moresby (see section 2.f.), where refugees formerly held on Manus Island were housed. The reports detailed the facility's lack of

shade and air conditioning, the minimal food and clean water, and the poor sanitation.

In September media reported that police in New Ireland Province held arrestees in a condemned cell with no toilets, no showers, no ventilation, and no separate facilities for men and women or for adults and juveniles. The articles noted that police leadership reassigned officers from the site once it was condemned, but that prisoners continued to be held at the facility.

Administration: The government mandated the Ombudsman Commission to visit prisons and investigate complaints from prisoners. Through September the commission lacked adequate resources to monitor and investigate effectively prison conditions. In October it received funding for prison visits, conducted one visit, and scheduled multiple visits in November.

Independent Monitoring: The government permitted monitoring visits by independent observers. Correctional service officials said that individual church representatives made visits, but that the service did not keep records or statistics on the number or types of visits.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, but police frequently detained citizens arbitrarily without evidence. In some cases police detained citizens without charge to steal from them. In April a man in Hela Province alleged that 20 police officers broke into his store, stealing PGK 10,000 (\$2,900) in goods. The man told media that when he confronted the officers, they beat him, arrested him, and held him for four hours without charge. The man filed a formal complaint. As of October there was no known police response. Persons have the right to challenge the lawfulness of their arrest or detention in court, but the government did not always respect this right.

#### **Arrest Procedures and Treatment of Detainees**

By law police must have reason to believe that a crime was, is being, or is expected to be committed before making an arrest. A warrant is not required, but police, prosecutors, and citizens may apply to a court for a warrant. Police normally do so only if they believe it would assist them in carrying out an arrest. Judicial authorization is usually provided promptly but is not requested in the majority of cases. Suspects may be charged with minor offenses and released after bail is paid.

Only national or Supreme Court judges may grant bail to persons charged with murder or aggravated robbery. In all other cases, police or magistrates may grant bail. If bail is denied or not granted promptly, suspects are transferred to prisons and may wait for years before they appear before a judge. Arrested suspects have the right to legal counsel and to be informed of the charges against them; however, the government did not always respect these rights. Detainees may have access to counsel, and family members may have access to detainees.

Pretrial Detention: Pretrial detainees comprised approximately 40 percent of the prison population. Due to very limited police and judicial resources and a high crime rate, authorities often held suspects in pretrial detention for lengthy periods. According to correctional services data, detainees could wait for as long as five years before trial, sentencing, or release. A correctional services official confirmed that as of October, five codefendants arrested in 2012 had yet to be tried. Although pretrial detention is in law subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations, particularly in locating witnesses, and occasional political interference or police corruption, frequently delayed cases for years. In addition there were delays due to infrequent circuit court sittings because of shortages of judges and travel funds.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

The law provides for a presumption of innocence and due process, including a public trial, and the court system generally enforced these. Judges conduct trials and render verdicts. Defendants have the right to an attorney, to be informed promptly and in detail of charges against them, to be present at their trial, to free interpretation services if desired, and not to be compelled to testify or confess guilt. The Public Solicitor's Office provides legal counsel for those accused of "serious offenses" (charges for which a sentence of two years or more is the norm if convicted) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges created delays in both the trial process and the rendering of decisions.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for individuals and organizations to seek civil remedies for human rights violations. A mechanism established by the national court is used to fast-track cases of alleged human rights abuses. Through this process the national court may award civil remedies in cases of human rights abuses. District courts may order “good behavior bonds,” commonly called “protection orders,” in addition to ordering that compensation be paid for violations of human rights. Courts had difficulty enforcing judgments. In addition largely unregulated village courts adjudicated many human rights matters.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the constitution prohibits such actions, there were instances of abuse.

Police threatened and at times harmed family members of alleged offenders.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, but the government did not fully respect these rights. Newspapers sometimes reported on controversial topics, although many journalists in the past have complained of intimidation aimed at influencing coverage by agents of members of parliament and other government figures. Self-censorship by journalists was common, especially when reporting on contentious political events.

Freedom of Speech: There were no known instances of government restrictions on freedom of speech during the year, although this has been a problem in prior years.

Freedom of Press and Media, Including Online Media: Unlike in prior years, media members made no allegations of harassment or other forms of pressure during the year. Independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: Journalists were not generally subjected to harassment, intimidation, or violence by police or supporters of parliamentarians for their reporting. In April the police minister accused two journalists with online publication *Loop PNG* of false reporting related to the government's COVID-19 response and for misrepresenting a financial report issued by the treasury minister. The police minister called for the journalists to be fired. *Loop PNG* defended the reporters and their article, describing the minister's accusations as inappropriate in view of the publication's right to editorial independence. Other news outlets published pieces in support of *Loop PNG*.

Libel/Slander Laws: The law allows for investigation and criminal prosecution of offenses including defamatory publication of material concerning another person.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access remained limited but continued to grow through the increasing use of mobile phones. The growth of internet access resulted in increased use of social media and blogs to discuss and develop evidence of abuse of power and corruption in government.

The law prohibits using electronic systems to incite any form of unrest (called cyber-unrest). Responsibility for enforcing the law lies with police. The penalties for conviction of violations are a maximum 25 years' imprisonment and a substantial fine.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

#### **e. Status and Treatment of Internally Displaced Persons**

Natural disasters, tribal violence, ethnic clashes, and land disputes have historically contributed to the displacement of communities in the country. Displacement was generally protracted, with families living in temporary situations for more than one year on average. These internally displaced persons (IDPs) were vulnerable because they lacked access to land, basic services, and protection. Women and children were especially susceptible to abuse. The government has no policy or legislation to address the needs of IDPs, and host communities often react with violence to displaced populations. During the year, however, approximately 80 percent of those displaced by natural disasters in West New Britain in 2019 returned to their homes, according to government officials. The provincial government established care centers to support the remaining 20 percent who were still displaced. The International Organization for Migration (IOM) cooperated with the country's National Disaster Center, the Red Cross Society, two provincial administrations, and a local government to complete displacement tracking assessments, identify displaced persons living in care centers, and register them following previous incidents that led to displacement in West New Britain.

#### **f. Protection of Refugees**

The government cooperated with the United Nations High Commissioner for Refugees (UNHCR), the IOM, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants and Refugees, and Stateless Persons: Asylum seekers and refugees were sometimes subjected to abuse by security forces and the local population. In August 2019 the government opened a detention facility, the Bomana Immigration Center, in Port Moresby, for asylum seekers who had their claims rejected or who were transferred from the Australian government-funded Regional Reprocessing Center on Manus Island (closed in 2017) and other centers

on Manus Island to Port Moresby. Refugee and legal groups noted that asylum seekers detained at the Bomana detention facility were unable to speak to lawyers and doctors, blocking medical evacuations to Australia. Several other asylum seekers approved for medical transfer were subsequently relocated to Bomana, where they lost contact with their lawyers and were therefore unable to effect their transfer. International media, which in January described execrable conditions at the Bomana facility (see section 1.c.), reported shortly thereafter that the last 18 asylum seekers in Bomana were released on January 22.

As of August 31, 170 refugees or asylum seekers formerly housed at the Manus Island centers or the Bomana Immigration Center remained in the country, living in guesthouses in Port Moresby and supported by the national government.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Legislation provides a refugee status determination process, under which those approved are eligible to apply for a refugee visa and certificate of identity. The law allows persons from Indonesia's Papua Province (formerly Irian Jaya) to apply for citizenship without having to pay the usual fee.

The government has had two agreements with Australia on refugees. The first allowed Australia to send asylum seekers to Manus Island (see section 1.c.) for processing only. The second, which superseded the first in 2013, allows refugees and asylum seekers to resettle in the country under the same rules that apply to all other foreign nationals applying for citizenship, which require eight years of permanent residence in the country. Refugees brought into the country under the latter agreement were exempted from paying the PGK 10,000 (\$2,900) application fee and were exempted from a work permit requirement to secure employment. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country questioned the constitutionality of both agreements.

The Immigration and Citizenship Authority worked with the support of international organizations and NGOs to provide training, job matching, and temporary financial support to help refugees establish themselves in the country. Resettlement efforts were problematic, however, because several refugees who tried to resettle in the country became victims of crime.

Durable Solutions: Approved asylum claimants may settle permanently in the country and, after eight years, apply for citizenship. In addition Indonesian Papuans may apply for Papua New Guinean citizenship without having to wait for

eight years or pay the citizenship fee. The Immigration and Citizenship Authority estimated that between 10,000 and 15,000 Indonesian Papuans lived in Papua New Guinea. As of October there was no report of how many, if any, Indonesian Papuans were granted citizenship.

Temporary Protection: The government provided temporary protection to persons from Indonesia's Papua Province who may not qualify as refugees. Approximately 3,000 persons, classified by the government as "border crossers," lived in villages adjacent to the border with Indonesia, and approximately 2,400 lived in urban areas, including Port Moresby.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government through free and fair elections. Citizens exercised this right through periodic but flawed elections based on universal and equal suffrage. While voting is supposed to take place by secret ballot, secrecy of the ballot was routinely compromised during elections, and assisted voting was common.

#### **Elections and Political Participation**

Recent Elections: The most recent general election occurred in 2017. Bribery, voter intimidation, and undue political and tribal influence were widespread in some parts of the country during the election. There were also many incidents of violence and destruction of property, primarily in the Highlands, during and after the voting period, causing the deaths of at least 40 persons, including four police officers. An observer group from the Commonwealth Secretariat noted that the Electoral Commission faced funding shortages and logistical challenges that were partly to blame for significant problems with the voter registration process. In some areas voting was peaceful and followed procedure, while in other areas ballot secrecy was not respected, and group voting occurred.

In November and December 2019, the Autonomous Region of Bougainville held a nonbinding referendum on whether Bougainville should be independent or remain autonomous within the country. The referendum took place peacefully and was considered free and fair by international observers. Voters opted overwhelmingly for independence, setting the stage for negotiations and an ultimate outcome determined by a vote of the National Parliament. In August and September, Bougainville held elections to fill the Autonomous Bougainville Government's House of Representatives (the provincial parliament) and its presidency. Despite

media reports detailing allegations of tampering with ballot boxes and concerns that some candidates illegally pressured voters, the Office of the Bougainville Electoral Commission and Bougainville Police Service reported that police and elections officials investigated the allegations, determining that procedural gaps contributed to the allegations but that no criminal activity took place.

Political Parties and Political Participation: There were no restrictions on party registration, and 45 parties contested the 2017 national elections. Several parties alleged that sitting members of parliament used government resources for campaigning, although the lack of transparency in accounting for funds made such claims hard to verify. The Ombudsman Commission issued a directive to freeze public funds controlled by parliamentarians starting when the campaign officially opened in 2017. The commission reported after the election, however, that unusually large amounts of money were withdrawn from these accounts in the 30 days before the freeze went into effect.

In some areas tribal leaders determined which candidate a tribe would support and influenced the entire tribe to vote for that candidate.

Participation of Women and Members of Minority Groups: No law limits participation by women or members of minority groups in the political process, but the deeply rooted patriarchal culture impeded women's full participation in political life. No women were elected in 2017 to the 111-seat parliament despite a record number of female candidates contesting for office (167 of 3,332 candidates). The political participation of women was often limited, since there were social expectations for them to vote along tribal and family lines. The Electoral Commission instructed polling officials to create separate lines for women in order to allow them to vote more freely. There were five female judges in the national court and the Supreme Court out of a total of 65 judges serving on those bodies. The chief magistrate and deputy chief magistrate were women.

There were three minority (non-Melanesian) members of parliament and several others of mixed parentage. Members of minority groups generally did not face limitations in running for office.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. International civil society and human

rights groups termed corruption “widespread” and “pervasive.” Minister for Police Bryan Kramer stated that corruption was “so deep-rooted and so entrenched in every aspect of politics and business that it is almost beyond comprehension.” There were numerous reports of government corruption during the year. Corruption was so serious a problem in part due to weak public institutions and governance, lack of transparency, politicization of the bureaucracy, and the social pressure of traditional clan obligations. Corruption and conflicts of interest were of particular concern in extractive industries, particularly the logging sector, and in government procurement.

The Ombudsman Commission and Public Accounts Committee are key organizations responsible for combating government corruption. The Public Accounts Committee is a permanent parliamentary committee established by the constitution with a mandate to examine and report to parliament on public accounts and national property.

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

Corruption: In May former prime minister Peter O’Neill was arrested on allegations that he illegally bypassed national public financial management laws when his government purchased two commercial turbines for PGK 50 million (\$14 million) for use by the public utility PNG Power. A police statement identified the charges as “misappropriation, abuse of office, and official corruption.” In June the public prosecutor referred a case against Foreign Minister Patrick Pruaitch to the Leadership Tribunal for investigation. The foreign minister allegedly misused government office for financial gain, submitted false government vouchers, and failed to provide financial statements during previous service as cabinet minister. In October, Pruaitch pled guilty to three minor procedural charges and paid token fines, while the Leadership Tribunal dismissed the six most serious charges pertaining to corruption and abuse of office. On October 23, Pruaitch resumed his duties as foreign minister.

Financial Disclosure: Public officials are subject to financial disclosure law as stipulated in the leadership code of conduct. The Ombudsman Commission

monitored and verified disclosures and administered the leadership code, which requires leaders to declare, within three months of assuming office (and annually thereafter), their assets, liabilities, third-party sources of income, gifts, and all beneficial interests in companies, including shares, directorships, and business transactions. The public did not have access to government declarations. Sanctions for noncompliance range from fines to imprisonment.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

Government Human Rights Bodies: The Ombudsman Commission is responsible for investigating alleged misconduct and defective administration by governmental bodies, alleged discriminatory practices by any person or body, and alleged misconduct in office by leaders under the leadership code. Staffing constraints often caused delays in investigations and thus in the completion and release of reports.

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

#### **Women**

Rape and Domestic Violence: Rape of men or women, including spousal rape, is a crime punishable by a sentence ranging from 15 years' to life imprisonment. Gender-based violence, including sexual violence, gang rape, and intimate-partner violence, was a serious and widespread problem. Although the law also criminalizes family violence and imposes maximum penalties of two years' imprisonment and monetary fines, it was seldom enforced. The law criminalizes intimate-partner violence as well, but it nonetheless persisted throughout the country and was generally committed with impunity.

Most informed observers believed that a substantial majority of women experienced rape or sexual assault during their lives. According to Amnesty International, approximately two-thirds of women had been beaten by their partners. Due to stigma, fear of retribution, and limited trust in authorities, most women did not report rape or domestic violence to authorities. In June a woman

was punched, head-butted, burned across the face and stomach with a hot iron, and beaten with the iron while her children watched. Her domestic partner, a soldier, was arrested, charged with grievous bodily harm, and released on bail. In July hundreds of individuals dressed in mourning marched through Port Moresby calling for an end to domestic violence after a woman age 19 died after six days of beatings with her arms and legs chained and her mouth gagged. Her domestic partner was charged with willful murder.

Those convicted of rape received prison sentences, but authorities apprehended and prosecuted few rapists. The legal system allows village chiefs to negotiate the payment of compensation to victims in lieu of trials for rapists. Anecdotal evidence suggests that victims and their families pursue tribal remedies, including compensation, in preference to procedures in official courts. Village and district courts often hesitated to interfere directly in domestic matters. Village courts regularly ordered payment of compensation to an abused spouse's family in cases of domestic abuse rather than issuing an order to detain and potentially charge the alleged offender.

Police committed sexual violence (including against women in detention, see section 1.c.), and the unresponsiveness of authorities to complaints of sexual or intimate-partner violence deterred reporting of such crimes. Since most communities viewed intimate-partner violence as a private matter, few survivors reported the crime or pressed charges.

There were family and sexual violence units in 18 of 22 provincial police headquarters across the country to provide victims with protection, assistance through the judicial process, and medical care. Police leadership in some provinces led to improved services for victims of gender-based violence. Nevertheless, comprehensive services for victims of domestic and sexual violence were lacking in most of the country. This lack of services, along with societal and family pressure, often forced women back into violent and abusive homes.

As of September, Port Moresby hosted eight shelters for abused women in the National Capital District and neighboring provinces. Three of these shelters opened during the year. Outside the capital small community organizations or individuals with little access to funds and counseling resources maintained some shelters. In June media reported that COVID-19 pandemic-related lockdowns and other health measures hurt operations at shelters across the country. The media report stated that transportation restrictions, lack of personal protective equipment, and limited financial resources forced multiple shelters to close temporarily.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, authorities charged a large number of women with murdering another of their husband's wives. Independent observers indicated that approximately 90 percent of women in prison were convicted for attacking or killing their husband or another woman.

Other Harmful Traditional Practices: Customary bride price payments continued. This contributed to the perception by many communities that husbands owned their wives and could treat them as chattel. In addition to being purchased as brides, women sometimes were given as compensation to settle disputes between clans.

Sexual Harassment: Sexual harassment is not illegal and was a widespread and severe problem. Women frequently experienced harassment in public locations and the workplace (see section 7.d.). In Port Moresby the government and UN Women, the UN office promoting gender equality, worked together to provide women-only public buses to reduce instances of sexual harassment on public transportation.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although the law provides extensive rights for women dealing with family, marriage, and property disputes, gender discrimination existed at all levels. Women continued to face severe inequalities in all aspects of social, cultural, economic, and political life.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. The law, however, requires district courts to endorse orders for imprisonment before the imposition of the sentence, and judges frequently annulled such village court sentences.

## **Children**

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

Education: Education is free and compulsory through grade 10. There were many complaints the government did not adequately fund education, leading to overcrowded classrooms and too few teachers. Some schools did not receive promised government education subsidies and reportedly closed as a result. Many schools charged fees despite the official free-education policy. Only one-third of children completed primary school. Primary and secondary education completion rates tended to be slightly higher for boys than for girls. Recent reports confirmed that girls were at high risk of sexual harassment in schools, which, in addition to girls' generally high risk of sexual violence and harassment, commercial exploitation, and HIV infection, posed serious threats to their education.

Child Abuse: In July 2019 the NGO Save the Children released the results of a small-scale study showing that an estimated 2.8 million children, or 75 percent of the child population, faced physical or emotional violence, and 50 percent faced sexual violence or family violence in the home. Child protection systems, especially in rural areas, were not adequate to meet the needs of children facing abuse. The NGO Medecins Sans Frontieres reported that children made up 50 percent of sexual violence cases referred to clinics. Other studies found that only the most egregious forms of sexual and physical abuse of children were reported to police, because family violence is viewed as a domestic matter.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for boys and 16 for girls. There are younger legal marriage ages (16 for boys and 14 for girls) with parental and court consent.

Customary and traditional practices allow marriage of children as young as age 12, and early marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. The maximum penalty for child rape is 25 years' imprisonment or, if the victim is younger than age 12, life imprisonment. Making or possession of child pornography is illegal; penalties range from five to 15 years' imprisonment, but enforcement remained a problem. There were cases of sex trafficking of children in urban areas, including of minors working in bars and nightclubs. There were reports of exploitation of children in the production of pornography and of sex trafficking involving both local and foreign children. The law specifically

prohibits using, procuring, and offering a child for pornographic performances. NGOs reported continued prevalence of child sex trafficking.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

There is a very small Jewish community in Port Moresby. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical or mental disabilities. Nevertheless, persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and access to other state services. Most buildings and public infrastructure remained inaccessible for persons with disabilities. Children with disabilities experienced an underresourced educational system and attended school in disproportionately low numbers. Those with certain types of disabilities, such as amputees, attended school with children without disabilities, while those who were blind or deaf attended segregated schools. The government endorsed sign language as a national language for all government programs, although access to interpreters was limited. Public addresses by government officials have simultaneous sign language interpretation, as do all local broadcast news programs.

Through the National Board for the Disabled, the government granted funds to a number of NGOs that provided services to persons with disabilities. The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities.

Most persons with disabilities did not find training or work outside the family (see section 7.d.).

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

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

### **HIV and AIDS Social Stigma**

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection, which prevented some persons from seeking HIV/AIDS-related services.

### **Other Societal Violence or Discrimination**

Press reported vigilante killings and abuses remained prevalent across the country. Many killings were related to alleged involvement in sorcery and witchcraft and typically targeted the most vulnerable persons: young women, widows without male sons, and the elderly. In July, two sisters were accused of sorcery after a man from their Highlands Province village died. Both women were tortured with red-hot iron rods by a group of villagers. According to media reports, one sister died shortly after the attack, while the second sister died from her injuries in September. Police stated that there were 25 sorcery-related attacks in Enga Province as of September. In June police in Northern Province declared they were overwhelmed by a rise in sorcery-related violence, leading to an unspecified number of cases not being investigated.

Church leaders and policy makers observed that the number of persons reportedly tortured and killed for alleged sorcery was increasing. Many believed perpetrators used claims of sorcery to mask criminal violence (e.g., theft or revenge) against vulnerable members of the community, especially women. Reliable data on the

matter remained elusive with estimates ranging from 30 to 500 attacks per year resulting in death.

Long-standing animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of law enforcement were factors underlying frequent violent tribal conflict in highland areas. During the year tribal fighting continued in highland provinces. The number of deaths and IDPs resulting from such conflicts continued to rise due to the increased availability of modern weapons (see section 2.e.).

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers in the public and private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. The government has limited influence over trade union formation and registration. The law does not cover workers in the informal sector, which accounted for 85 percent of the labor force, most of whom were engaged in small-scale farming.

The law requires unions to register with the Department of Labor and Industrial Relations. An unregistered union has no legal standing and thus cannot operate effectively. Although the law provides for the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike or refusing to grant permission for a secret ballot vote on strike action. Some union leaders complained that the Labor Department's refusal to allow for votes on strike action constituted undue government influence. By law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when deemed contrary to government policy.

The law prohibits both retaliation against strikers and antiunion discrimination by employers against union leaders, members, and organizers. The law does not provide for reinstatement of workers dismissed for union activity. In cases of retaliation or unlawful dismissal for union activity, the court may fine an employer and may order the reinstatement of the employee and reimbursement of any lost wages. If an employer fails to comply with such directives, the court may order imprisonment or fines until the employer complies. Judicial proceedings are subject to lengthy delays.

The Labor Department is responsible for enforcing the law, but did not do so effectively. Penalties were commensurate with those for other analogous violations. With two labor inspectors per province and inadequate resources, inspectors usually monitored and enforced the law on an ad hoc basis. The Labor Department did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination, which remained widespread in the logging sector and in state-owned enterprises. Observers attributed its ineffectiveness to insufficient manpower and resources.

Unions were generally independent of both the government and political parties, whose influence diminished from previous years. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest privatization policies, terminations, and appointments of managers or board members, or in pay disputes. In most cases the strikes were brief due to temporary agreements reached between the government and workers.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution and law prohibit all forms of forced or compulsory labor. Criminal penalties were commensurate with those for analogous serious crimes, such as kidnapping.

The government did not effectively enforce the law. Logging and mining sites primarily operated in remote regions with negligible government oversight, and authorities did not make efforts to identify forced labor victims at them.

Foreign and local men and boys seeking work on fishing vessels go into debt to pay recruitment fees, which vessel owners and senior crew leverage to compel them to continue working indefinitely. The law allows officials, on order of a judge or magistrate, to apprehend a noncitizen crewmember of a foreign-registered ship who fails to rejoin the crewmember's ship during its time in the country. The crewmember is placed at the disposal of the diplomatic representative of the country in which the ship is registered (or, if no such representation exists, the ship's owner or representative) in order to return the crewmember to the ship. Observers noted this practice might prevent foreign workers from reporting or escaping situations of forced labor.

There were reports that foreign and local women and children were subjected to forced labor as domestic servants, as beggars or street vendors, and in the tourism sector (see section 7.c.). Foreign and local men were subjected to forced labor,

including through debt bondage, in the logging, mining, and fishing sectors. There also were reports of foreign workers, particularly from China and other Pacific nations, entering the country with fraudulent documents and being subjected to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit all the worst forms of child labor. By law the minimum working age is 16, although children ages 14 to 15 may be employed if the employer is satisfied that the child is no longer attending school. In addition children ages 14 and 15 may work aboard ships. The minimum age for hazardous work is 16, but the government has no list of hazardous occupations. There are no provisions prohibiting children ages 16 to 18 from engaging in hazardous work. Children as young as age 11 may be employed in light work in a family business or enterprise, provided they have parental permission, medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children ages 11 to 16 must not interfere with school attendance. The law does not, however, specify the types of activities in which light work is permitted nor the number of hours per week this work may be undertaken. The Labor Department is responsible for enforcing child labor law provisions.

The government did not effectively enforce the law. Penalties were commensurate with those for analogous crimes, such as kidnapping. There was a high prevalence of child labor in urban and rural areas, including in hazardous occupations.

Many children worked in the informal economy and were seen directing parking vehicles and selling cigarettes, food, and DVDs on the street and in grocery stores throughout the country, sometimes near mining and logging camps. There were reports of boys as young as 12 being exploited as "market taxis" in urban areas, carrying extremely heavy loads for low pay; some may have been victims of forced labor. There were also reports of children engaging in mining activities, including prospectors forcing children to work in alluvial gold mining.

Children worked mainly in subsistence agriculture, cash crop farming, and livestock herding. This included seasonal work on plantations (for coffee, tea, copra, and palm oil) in the formal and informal rural economies.

Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the “host” family, in situations that sometimes constituted forced labor. In some cases the host was a relative who informally “adopted” the child.

The law specifically prohibits using, procuring, and offering a child for pornographic performances. There were reports of commercial sexual exploitation of children (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution bars discrimination based on disability and the law bans discrimination based on gender in employment and wages in the workplace. The law nonetheless explicitly precludes women from employment in certain occupations, allows the government to recruit either men or women for certain civil service positions, and discriminates by gender in eligibility for certain job-related allowances. No law prohibits discrimination regarding race, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status.

The government did not effectively enforce the law. Penalties were commensurate with those for similar violations, but were not applied in all sectors.

Discrimination occurred against women and against persons with disabilities in hiring and access to the workplace. Migrant workers were vulnerable to discrimination; the International Labor Organization noted there were concerns regarding discrimination against certain ethnic groups, including Asian workers and entrepreneurs.

#### **e. Acceptable Conditions of Work**

The minimum wage was above the official estimate for the poverty income level. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime work. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas, and it provides for premium pay for overtime work. Labor law does not apply to workers in the informal sector. The

government did not effectively enforce the minimum wage and overtime law; penalties were not commensurate with those for similar crimes.

The Labor Department is responsible for enforcing the law regarding minimum wage and work hours and occupational safety and health (OSH). It sets OSH standards and is required by law to inspect work sites on a regular basis. The law does not specify protection for employees who seek to remove themselves from conditions they deem hazardous. In the case of a second or subsequent violation of wage or safety and health law, the employer is liable to a fine for each day or part of each day for which the offense continued. When an employer fails to obey an order, direction, or requirement, the court may order imprisonment of the offender until the directive is obeyed.

The government did not effectively enforce the law on OSH. The number of OSH and industrial relations inspectors was insufficient to enforce compliance. Penalties were not commensurate with those for similar violations. Violations of wage, overtime, and OSH law and regulations were common in the logging, mining, agricultural, and construction sectors due to the government's lack of enforcement capacity. The logging industry in particular was known for extremely low wages and poor working conditions, including cramped and unhygienic worker housing. Workers in the mining sector were also subjected to hazardous and exploitative conditions, including exposure to toxic metals such as mercury.

According to World Bank data, 90 percent of the 2.9 million workers labored in rural areas, where labor law enforcement and monitoring were weak.