



January 2008

country summary

Papua New Guinea

Parliamentary elections in July 2007, although not without incident, concluded without the feared large-scale violence, resulting in Sir Michael Somare's return as prime minister and changes in key cabinet ministries. Again, only one woman, Dame Carol Kidu, was elected to parliament.

Police rape and torture, impunity for gender-based violence and discrimination, and abuses against people living with and affected by HIV/AIDS remain widespread.

Two men were sentenced to death in October for murder, although no executions have been carried out since the death penalty was reintroduced in 1991.

Police Violence, Juvenile Justice, and Detention of Children

Police continue to routinely use excessive force, torture, and sexual violence against individuals in custody. In the face of widespread violent crime, such tactics have proved ineffective as crime control, and have deeply eroded the public trust and cooperation crucial to policing. Impunity and corruption fuel abuse as police are rarely held accountable for violence, either through internal disciplinary mechanisms or by the criminal justice system.

Otherwise promising juvenile justice reforms have had little effect on widespread police violence against children and other vulnerable groups, as converting new standards into changed police practices remains elusive. However, progress in developing the juvenile justice system continues with additional training for police on new standards for dealing with children. A third juvenile policy monitoring unit opened in the highlands. The units are intended to divert children from the formal justice system into mediation or informal conflict resolution mechanisms, and to prevent detention with adults. However, in many areas, police continue to detain children with adults in police lockups, where they are denied medical care and

placed at risk of rape and other forms of violence.

In prisons and other juvenile institutions, children awaiting trial are mixed with those already convicted. Many facilities lack blankets, beds, mosquito nets, clothes, or any education or rehabilitation programs. As children may face months or even years in detention awaiting trial, these are serious problems. Some prisons and rural lockups received additional funds in 2007, resulting in improvements to staff housing and conditions for some inmates.

A new juvenile justice act emphasizing rehabilitation and reintegration, with arrest and detention as measures of last resort, awaits parliamentary review at this writing.

Violence and Discrimination against Women and Girls

Violence against women and girls—including domestic violence, gang rape, and torture and murder for alleged sorcery—is pervasive and rarely punished. In October news reports of a man pulling the fetus from his pregnant wife's womb provoked widespread public outrage. Parliamentarian Kidu presented to parliament a petition on violence against women signed by more than 4,000 people. At this writing, parliament has declined to debate the issue. Police often ignore complaints or demand money or sex from victims. Nevertheless, in August the Supreme Court upheld the conviction of James Yali, a parliamentarian, for raping his 17-year-old sister-in-law; the ruling invalidated his reelection.

Girls' and women's low status also is reflected in disparities in education, health care, and employment; heavy household workloads; and polygyny.

Human Rights Monitoring Mechanisms

The Ombudsman Commission, which has taken useful steps to monitor government corruption, has a human rights unit, but the unit's capacity to pursue cases is weak. In June 2007 the police force signed an agreement with the Ombudsman's Commission to create a police ombudsman, but it remains to be seen whether the office will take up torture and cruel, inhuman, and degrading treatment, and, if it

does, whether it will have the political backing and resources to hold officers accountable.

Prohibitive costs and procedural difficulties make it all but impossible for many citizens to pursue civil claims against police officers suspected of abuse. Successful claims have limited deterrent effect because the costs are born by the state, not the police force or individual officers.

Nongovernmental organizations (NGOs) and women's rights activists play an essential role in obtaining services for victims of violence, but some face threats for their work.

HIV/AIDS

Papua New Guinea has the highest prevalence of HIV/AIDS in the Pacific: the government and UNAIDS estimate that almost 60,000 people were living with the disease at the end of 2007 (1.61 percent of persons ages 15-49).

Antiretroviral therapy remains inaccessible to most, and few have the tools to protect themselves from infection. People living with HIV/AIDS often face violence and discrimination in their communities. In August an activist's report that southern highlands villagers had buried alive at least three people living with HIV/AIDS received international condemnation. The government promised to investigate and, in the context of conflicting claims by some local groups, announced it had found no evidence of the practice.

Despite ongoing police training on HIV/AIDS, police undermine prevention efforts by targeting female sex workers, men and boys suspected of homosexual conduct, and street vendors for beatings and rape. Police also extort money from such individuals, using the threat of arresting them for illegal activities. Police are known to abuse people simply for carrying condoms; such actions deter condom use and undermine protection efforts. However, NGOs report some improvements on the part of individual officers as the result of training.

Education

Primary education is neither free nor universal. Gross primary enrollment is low—about 75 percent of school-age children in 2005—according to United Nations data, while secondary school enrollment rates are below 30 percent. School fees and related costs pose a significant barrier to children’s education, despite partial government subsidies in some provinces. Fees, which are high compared with average annual income, are often linked to non-attendance, dropout, and the entry of children into child labor.

Key International Actors

The government has not at this writing responded to requests to visit Papua New Guinea from the UN special rapporteurs on torture, health, or education. Papua New Guinea is not a party to the Convention against Torture or to other major human rights treaties, apart from the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Elimination of Racial Discrimination. The United Nations Children’s Fund (UNICEF) continues to lead juvenile justice reform efforts.

Australia remains, by far, the most important external actor and largest foreign donor, playing a significant role in, among other areas, the law and justice sector and HIV/AIDS. However, Australia does not take a human rights approach to development, and relations between the two countries remain strained.

This summary does not address human rights developments in Bougainville.