

PAPUA NEW GUINEA 2021 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, led by former prime minister Peter O'Neill, won a majority in the 111-seat unicameral parliament. In 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 and reports to the Ministry of Defense, but it also has some domestic security responsibilities. Civilian authorities at times did not maintain effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by police; torture by police and cases of cruel, inhuman, or degrading treatment or punishment by police; the existence of criminal defamation laws; serious acts of government corruption; lack of investigation of and accountability for gender-based violence; 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, including for official corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

During the year there were numerous reports that the government or its agents committed arbitrary or unlawful killings. In March a policeman shot and killed Billy Iru, a 28-year-old man selling mustard at Gaire market in Central Province. Media reported that Iru approached someone he knew in a police vehicle, but as he turned to walk away, a police officer shot him and sped off. The police officer responsible was detained and charged with willful murder.

In April two police officers were arrested and charged in the death of a man from Mekeo, Central Province. According to media, he was detained by a passing police patrol and several days later was reported missing. His body was found near Biotou village. The two policemen remained in custody.

On April 8, media reported 14 police officers had been suspended pending investigations into their alleged involvement in murders reported in Central, Western, and New Ireland Provinces in the previous two weeks. Police Commissioner David Manning stated, “We continue to struggle, like other state institutions, with maintaining discipline.”

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 March a man from Chimbu Province was allegedly stripped naked and robbed of 820 kinas (\$230) cash by Port Moresby police. The victim walked naked to the Boroko Police Station to file his complaint, seeking the return of his money. According to media, duty officers recorded the man’s statement, assuring him that they would investigate. Also in March a police sergeant in Menyamy, Morobe Province, was suspended after ordering two suspected drug dealers to strip naked,

tying the men's hands behind their backs, and parading them, tied to a police vehicle, to the police station.

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.

Public concern regarding police and military violence against civilians and security forces' impunity persisted. In September, Commissioner Manning announced the re-establishment of the Policing the Police Task Force Team to investigate and take disciplinary action against members of the police force, declaring that "for far too long criminals have been hiding within the force in police uniform."

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.

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 March that no new inmates would be accepted through April at the Buimo Jail in Lae, Morobe Province, as the government, facing a fresh wave of COVID-19 infections around Port Moresby, announced a national isolation strategy. Jail breaks were common. Correctional Services commissioner Stephen Pokanis reported that approximately 700 prison escapees and 5,000 bail absconders remained at large since 2010. By June the country had seen four mass prison breaks: 48 prisoners escaped in March from Beon Prison in Madang Province; in April, 11 inmates escaped from Kerevat Prison in East New Britain Province, while 10 high-risk prisoners broke out of Lorengau Prison in Manus Province; and in May, 13 prisoners fled Buibi Prison in Mendi, Southern Highlands Province. On August 26, 18 prisoners, reportedly including two serving life sentences and one on death row, escaped from Bomana Prison in Port Moresby. Several days later, media reported that 35 men bolted from cells at the Tari police station in Hela Province in the highlands.

Administration: The government mandated the Ombudsman Commission to visit prisons and investigate complaints from prisoners. Through November the commission lacked adequate resources to monitor prison conditions and investigate them effectively.

Independent Monitoring: The government permitted monitoring visits by independent observers. Correctional service officials stated that individual church representatives made visits, but that the service did not keep records or statistics on the number or types of visits. During the year the International Committee of the Red Cross independently visited Bomana Prison in Port Moresby, Buimo Prison in Morobe Province, Bui-lebi Prison in Southern Highlands Province, Bihute Prison in Eastern Highlands Province, Baisu Prison in Western Highlands Province, Kerevat Prison in East New Britain Province, and Beikut Prison in the Autonomous Region of Bougainville.

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. Persons have the right to challenge the

lawfulness of their arrest or detention in court, but the government did not always respect this right. On June 8, police officer Israel Bill of the Fox Unit in Port Moresby was charged with illegally detaining lawyer Laken Aigilo. Bill and other officers, acting with no prior formal complaint or warrant, reportedly broke into Aigilo's residence the night of April 18, held him at gunpoint, physically assaulted him, removed his 3,000-kina (\$855) laptop, and detained him overnight at the local jail, without arresting or charging him. He was released the next day by order of the police commissioner after the incident was publicized. The lawyer's detainment came one day after he lodged a complaint with the Ombudsman Commission against Enga provincial governor Peter Ipatas over allegations of financial mismanagement. Aigilo claimed the incident was politically motivated, suggesting police had acted in support of the governor, who in 2020 had charged Aigilo with defamation for his online criticism.

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 of a warrant is usually provided promptly, but police do not request a warrant in most 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: The constitution provides for a right to trial "within a reasonable time," without prescribing a specific limit to pretrial detention. A charge must be made within 48 hours of arrest, and the prosecutor must compile briefs within three to six months. Pretrial detainees, however, 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. Local media reported in May that most incarcerated individuals were detainees, with some waiting close to 10 years for their trials. 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. In April Port Moresby police broke into the residence of lawyer Laken Aigilo, an antagonist of Enga provincial governor Peter Ipatas, without a warrant. The officers held Aigilo at gunpoint, physically assaulted him, and seized his laptop, according to media (section 1.d.). One police officer was arrested and charged with deprivation of liberty for his role in the incident.

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right, although there were anecdotal reports of harassment. Newspapers sometimes reported on controversial topics, although many journalists in the past 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 Expression: There were no known instances of government restrictions on freedom of speech during the year, although this was a problem in prior years.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Unlike in prior years, media members made no allegations of harassment or other forms of pressure during the year.

Violence and Harassment: Journalists were not generally subjected to harassment, intimidation, or violence by police or supporters of parliamentarians for their reporting. On May 7, police briefly detained an EMTV staff member, Richard Magei, after he reportedly filmed officers destroying roadside betel nut markets in Port Moresby. Following calls from media outlets and government ministers, Magei was released without charge.

Libel/Slander Laws: The law allows for investigation and criminal prosecution of defamatory publication of material concerning another person, although there were no reports of such cases used as a political weapon against journalists or public officials during the year.

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 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 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 and the Right to Leave the Country

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 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 internally displaced persons, and host communities often reacted with violence to displaced populations. Continuous heavy rains in Mul-Baiyer district in Southern Highlands Province caused a series of landslides in January, displacing at least 100 persons, and affecting three villages, their local water source, cash crops, livestock, and gardens. According to the International Organization for Migration, clan violence in Tari, Hela Province in January displaced 2,294 individuals, but by September, tensions had eased and many of those displaced intended to return to their homes. As of November, 20 percent of those displaced by natural disasters in West New Britain Province in 2019 remained in provincial government care centers.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Office for Migration, and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

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.

Per agreement with Australia, the Papua New Guinea government processes refugees who attempted to enter Australia illegally. The agreement allows refugees and asylum seekers to resettle in Papua New Guinea 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 agreement were exempted from paying the 10,000-kina (\$2,800) application fee and were allowed to work. International organizations, nongovernmental organizations (NGOs), and civil society groups in the country questioned the constitutionality of these arrangements.

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.

On October 6, in a joint media release with the Papua New Guinea government, Australia announced it would cease financially supporting asylum seekers in Papua New Guinea at the end of the year. Thereafter, Papua New Guinea would assume full management of regional processing services in the country and full responsibility for those asylum seekers who remained. Before the end of the year, Australia would support anyone subject to regional processing in Papua New Guinea who wished to voluntarily transfer to Nauru, where Australia continued its offshore processing program. The statement added that Papua New Guinea would provide a permanent migration pathway for those wishing to remain there, including access to citizenship, long-term support, settlement packages, and family reunification, as well as supporting individuals temporarily in Papua New Guinea awaiting movement to a third country. Activists and human rights groups were critical of the new arrangement and warned of Papua New Guinea's limited capacity to handle the resettlement process. David Burke, legal director of the Human Rights Law Center, declared, "Shifting people from PNG (Papua New Guinea) to Nauru to continue to be warehoused at a remote island simply extends

this cruelty.”

As of July 31, 124 refugees or asylum seekers remained in Papua New Guinea, most of them living in guesthouses in Port Moresby and supported by the national government; according to the Refugee Council of Australia; a small number lived in Goroka, the capital of Eastern Highlands Province, approximately 250 miles from Port Moresby. The government recognized 88 of those remaining in the country as refugees and determined 36 of them to be nonrefugees.

Abuse of Migrants and Refugees, and Stateless Persons: Asylum seekers and refugees were sometimes subjected to abuse by security forces and the local population.

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. No Indonesian Papuans were granted citizenship during the year.

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.

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 historically marginalized and 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 (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 to allow them to vote more freely. There were six female judges on 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.” 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 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 October the National Court acquitted former prime minister Peter O’Neill of abuse of office related to the 2014 purchase of two generators from Israel, ruling that the prosecutor failed to prove three of four criminal elements required for conviction and that O’Neill had acted “for a legitimate public purpose, to ease power shortage in Port Moresby and Lae.” In September Deputy Prime

Minister Sam Basil was suspended from office for alleged misappropriation of 150,000 kinas (\$43,000) in 2015, but in December the Leadership Tribunal cleared him of the allegations of misconduct, citing the lack of evidence presented by the public prosecutor. In July, six officials at the Department of Immigration and Citizenship Authority were suspended for alleged misappropriation of more than eight million kinas (\$2.3 million) in 2020. On September 29, police arrested Madang provincial governor Peter Yama and two of his wives for alleged misuse of six million kinas (\$1.7 million) from the Manam Resettlement Authority. Yama was also charged with abuse of office, breach of the Public Finances Management Act, conspiracy to defraud, misappropriation, and money laundering.

Section 5. Governmental Posture Towards 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 and Societal Abuses

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. Moreover, most communities viewed intimate-partner violence as a private matter, further discouraging survivors from reporting the crime or pressing charges.

In May the police minister told a special parliamentary inquiry into gender-based violence that although more than 15,000 cases of domestic violence were reported in 2020, only 250 individuals were prosecuted, and fewer than 100 were convicted, as many victims were reluctant to take their cases through the judicial process and the police force lacked the resources to ensure thorough investigations. The inquiry also determined that COVID-19 had exacerbated gender-based violence.

In July a woman in Lae, Morobe Province, was assaulted with rocks and bricks, sustaining a broken jaw and other injuries. Her domestic partner was sentenced to 10 years' imprisonment for grievous bodily harm, as she suffered a severe brain injury and scalp lacerations.

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 suggested that victims and their families pursued tribal remedies, including compensation, in preference to procedures in official courts. Village and district courts often hesitated to escalate 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. In August a 46-year-old police constable in

Port Moresby was sentenced to 12 years of hard labor for repeatedly raping an eight-year-old girl, the daughter of another policeman, since she was five.

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. Outside the capital small community organizations or individuals with little access to funds and counseling resources maintained some shelters. Media reported that COVID-19 pandemic-related lockdowns and other health measures hurt operations at shelters across the country, as 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 many 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 that promotes gender equality, worked together to provide women-only public buses to reduce sexual harassment on public transportation.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Cultural barriers that impeded access to contraception included low educational and literacy levels among women; religious beliefs; risk of gender-based violence; the belief that younger women, women not in a union, or unmarried women who had not given birth to a child should not use contraceptives; lack of training among health-care workers; and community gossip and discrimination. There was limited or no access for vulnerable populations in the rural areas to health-care services. Societal discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals indirectly prevented them from freely accessing health-care services. The National Department of Health worked to strengthen Family Support Centers that provided counseling and support to survivors of gender-based violence and their families; emergency contraception was provided to those victims who wanted it on a case-by-case basis following counseling services. Access to menstrual health care was constrained culturally in most rural areas and was a financial challenge to girls in urban centers. Families of pregnant secondary school-age girls discouraged them from continuing their education until they gave birth; afterward, to avoid social stigma and discrimination, the new mothers often did not return to school and pursued odd jobs to support their child.

According to the UN Fund for Population, the maternal mortality ratio in 2019 was 171 deaths per 100,000 live births due to factors including minimal access to maternal health services, the lack of health facilities and supplies, unmet needs for family planning and contraception, unsupervised deliveries, and sensitivities surrounding sexual and reproductive health. One-third of married women had an unmet need for family planning, seeking to stop or delay childbearing but not using any method of contraception. Only 32 percent of married women used modern contraceptive methods. The Special Parliamentary Committee on Gender-Based Violence reported to parliament in August on the government's need to focus resources on family planning.

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.

Systemic Racial or Ethnic Violence and Discrimination

The laws provide for protection of members of racial and ethnic minority groups from discrimination; the government did not enforce them effectively.

The constitution provides that all persons are entitled to the fundamental rights and freedoms of the individual, regardless of their race, tribe, place of origin, political opinion, color, creed, or sex.

In May, Prime Minister Marape considered calling a state of emergency to enable security forces to quell a surge in murder, tribal violence, and “raskol” (criminal street gang) activity. In February a man from Tari, Hela Province, was reportedly killed in Port Moresby by Goilala tribesmen from Central Province. The same week in Port Moresby’s Erima neighborhood, two men from Goilala District, Central Province, were murdered in revenge killings by men from Tari Pori District, Hela Province. In May a Goilala man was murdered by Tari men in the Koki section of Port Moresby. These ethnic killings led Moresby South member of parliament Justin Tkatchenko to call for a “mass-eviction” of Goilala settlers in his district who, he declared, were instigating ethnic violence in Port Moresby’s squatter settlements.

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 subsidized but not compulsory. 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 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 in 2019 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 possessing 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. In August Port Moresby police rescued a 12-year-old girl who had been sold by her 20-year-old cousin to two men to provide sex. 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 had simultaneous sign language interpretation, as did 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.).

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.

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 gay, bisexual, transgender, queer, or intersex men 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 or violent retaliation may have led to underreporting.

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.

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.

According to Human Rights Watch, at least five women were attacked, and one was killed, for practicing sorcery between March and June. On May 7, Mary Kopari was accused of sorcery following the death of a young boy in her village in Hela Province. She was tied up and burned alive in Komo-Magarima District. The attack was recorded on video and reported by Papua New Guinea Television. Although police reportedly knew the identity of some of the attackers, no arrests were reported.

NGOs expressed concern that deaths from COVID-19 were increasing violence based on sorcery allegations. On or around March 30, a woman and her teenage daughter in Goroka, Eastern Highlands Province, were accused of causing the woman's husband's death, believed to be from COVID-19. They were held captive by the husband's relatives and tortured with hot iron rods until police rescued them.

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. Seeking retribution in a land dispute, mobs rampaged indiscriminately across three villages in Hela Province in January and February, causing 21 deaths, dozens of injuries, and extensive property damage. Some of the victims reportedly were beheaded and had their limbs cut off. In April, 19 individuals were killed in tribal fighting in Eastern Highlands Province. The number of deaths and internally displaced persons 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 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 were 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 June, PNG Power Limited staff

went on strike because management did not consult them on the rollout of internal changes that led to forced resignations of line workers while executive management positions were increased. In October, Air Niugini laid off several flight attendants for refusing vaccinations. The Air Niugini Workers Union filed an official complaint with the National Court. 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 went into debt to pay recruitment fees, which vessel owners and senior crew leveraged to compel them to continue working indefinitely. Officials may, with a court order, return foreign crewmembers to their fishing boats, which observers said could prevent them from escaping forced labor or other abuse.

There were reports that foreign and local women and children were subjected to forced labor in the tourism sector or as domestic servants, beggars, or street vendors (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, who entered the country with fraudulent documents and were 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 outside the home or family business is 16, although children ages 14 to 15 may be employed, including on ships, if the employer is satisfied that the child is no longer attending school, which is universal in policy but in practice is neither universal nor compulsory, with only 20 percent of school-age children attending secondary school. 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, define light work or set limits on work hours. The Labor Department is responsible for enforcing child labor law provisions.

The government did not effectively enforce the law, and child labor was common across the country, including in hazardous occupations. Penalties were commensurate with those for analogous crimes, such as kidnapping, but were seldom applied.

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

Many children also 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 and of prospectors forcing children to work in alluvial gold mining.

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.

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 persons with disabilities in hiring and access to the workplace. Women had limited access to credit, loans, and land, especially in rural areas where traditional biases about women's roles and lack of government oversight were prevalent. 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

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

Occupational Safety and Health: The Labor Department is responsible for enforcing minimum wage, work hours, and occupational safety and health (OSH)

laws. The government sets appropriate 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 OSH law. Inspectors have the right to make unannounced visits and levy sanctions, but 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.

Informal Sector: An estimated 85 percent of the country's workers labored in the unregulated informal sector, primarily in subsistence agriculture. Labor law does not apply to workers in the informal sector. Conditions in the informal sector were commonly in violation of the wage, hour, and safety provisions applicable to the formal sector. Working conditions for women working in the informal economy, mainly street vendors, were often unsafe and unhealthy. According to a 2021 Lowy Institute research paper, those with no formal schooling had lower participation rates in the informal sector than those who dropped out of school. The main activities in the informal economy included, in addition to agriculture, selling betel nut, cigars, basic groceries, arts and crafts, and garments.