

## **PAPUA NEW GUINEA**

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy with a population of approximately 6.3 million and more than 800 indigenous tribes. The most recent general elections, held in 2007, were marred by bribery, voter intimidation, and influence peddling. A coalition government, led by Prime Minister Michael Somare, was formed following the elections. On December 14, Somare stepped aside as prime minister after the public prosecutor requested the chief justice to appoint a leadership tribunal to investigate allegations that he failed to file annual income tax returns for a number of years, and Deputy Prime Minister Sam Abal became acting prime minister. Security forces reported to civilian authorities. There were some instances in which elements of the security forces acted independently.

Human rights abuses during the year included arbitrary or unlawful killings by police, severe police abuse of detainees, poor prison conditions, police impunity, lengthy pretrial detention, infringement of citizens' privacy rights, government corruption, violence and discrimination against women, sexual abuse of children, trafficking in persons, discrimination against persons with disabilities, intertribal violence, violence against Asians, and ineffective enforcement of labor laws.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.    Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, police killed a number of persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, public concern about police violence persisted.

On November 5, correctional officers at Baisu Prison outside Mount Hagen shot and killed five prisoners and wounded a number of others during an escape attempt. One wounded prisoner subsequently died of his wounds, and the body of a seventh was found in the Waghi River, which a number of the escapees had tried to swim across. The officers reportedly shot at the prisoners as they and other inmates attempted to run away after scaling the prison wall. Police reportedly were investigating the incident at year's end.

There were no further known developments in the following 2008 cases involving police actions: the death of a young man resulting from a shootout between police and youths in Kimbe Province and the police killings of three gunmen who tried to rob the Bank South Pacific in West New Britain.

There were numerous press reports during the year of vigilante killings and abuses, some of which were related to alleged involvement in sorcery and witchcraft. For example, in July a mob attacked and hacked to death a prison escapee wanted for robbery and murder in Lae City. In September the *Post Courier* newspaper reported that, in a village in the Western Highlands, a mother of four was beaten, bound with barbed wire, and later burned alive for allegedly killing a man from another tribe through sorcery. In October the *Post Courier* reported that four persons, including an elderly couple, accused of using sorcery to kill a tribal chief were tortured and then thrown into the Waghi River in Chimbu Province. The incident had occurred in September but was only reported to police in October. According to police reports, the victims allegedly were badly beaten, tied up with ropes, and dragged for several miles before being thrown into the fast-flowing river. Police investigations found that the killings were arranged and backed by the whole community.

No further information was available on the status of police investigations into the following 2009 vigilante killings: the killing of a woman by a group of men in Mount Hagen, allegedly for confessing she had eaten a man's heart; the killing of a man and his son by persons from Ban village near Mount Hagen; and the killing of three men by members of a community in Sandaun Province for allegedly performing witchcraft that resulted in a fellow resident's death.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, individual police members frequently beat and otherwise abused suspects during arrests and interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees.

In May the UN special rapporteur on torture, Manfred Nowak, visited the country on a fact-finding mission at the invitation of the government. He reported systemic beatings of detainees by police upon arrest and within the first hours of detention, including during interrogation. He also reported severe punishment of prison escapees that he characterized as amounting to torture, including brutal beatings with bush knives and gun butts, shooting detainees at close range, and cutting detainees' tendons with axes and bush knives after they were apprehended with the intent of disabling them. He further reported that the victims usually were kept in cells without any medical treatment, which sometimes even led to their death.

At year's end no further information was available on the status of the 2009 case of alleged rape of a cleaning woman by officers at a police station in Port Moresby.

There were no further known developments in the June 2008 police shooting that resulted in the amputation of the suspect's leg and the August 2008 police shooting and wounding of bank robbery suspect William Kapris.

#### Prison and Detention Center Conditions

Despite minor improvements to existing cells and increased capacity, prison conditions remained poor, and the prison system continued to suffer from serious underfunding. Two prisons--in Tari, Southern Highlands and Daru, Western Province--remained closed during the year due to tribal conflicts and unresolved health issues, respectively. Neither prisons nor police detention centers had medical care facilities. In some police holding cells, detainees lacked bedding and sufficient food and water. In November the *National* newspaper reported that problems with the water supply at Baisu Prison outside Mount Hagen caused a dysentery outbreak in which four inmates died.

Overcrowding in prisons and police cells remained a serious problem. According to the correctional services commissioner, all except five of the country's prisons experienced overcrowding during the year. The commissioner also confirmed that during the year the holding capacity of the country's prisons increased from approximately 3,600 beds to 4,366 beds, including a new facility opened in Bouganville. At year's end, the number of inmates was 4,268, approximately one-third of whom were pretrial detainees. There were 230 female inmates, including 150 convicted prisoners and 80 pretrial detainees, and 151 juveniles, including 78 convicted prisoners and 73 pretrial detainees. While there were some improvements in the pace of police investigations and an increase in the number of judges in the magistrates' courts and the National Court, in some areas infrequent

court sessions, slow police investigations, and bail restrictions for certain crimes continued to exacerbate overcrowding. Prison escapes were common, even from high-security installations.

Male and female inmates usually were held separately, but some rural prisons lacked separate facilities, and there were reports in the past of assaults on female prisoners. During the year, 13 of the country's 18 prison facilities had separate, detached accommodations for juvenile offenders; the remaining five did not. To hold minors waiting to be arraigned prior to posting of bail, there were three juvenile reception centers located in Port Moresby, Lae, and Wewak, all run by the Catholic Church; there was no longer a center operating in Goroka, according to the correctional services commissioner. Human Rights Watch reported that juveniles routinely were held with adults in police detention cells, where in many cases they were assaulted by older detainees. Police denied juvenile court officers access to police cells. Pretrial detainees were held in the same prisons as convicted prisoners but had separate cells.

Prisoners had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit credible complaints of inhumane conditions without censorship to the Ombudsman Commission for investigation or directly to the judicial authorities. The Ombudsman Commission was mandated to visit prisons, but could not effectively monitor and investigate prison conditions due to lack of adequate funds and staff.

The government permitted monitoring visits by independent human rights observers, and one such visit was made during the year.

The Ombudsman Commission does not have specific authority to investigate on its own initiative such matters as alternatives to incarceration for nonviolent offenses; addressing status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve time beyond the maximum sentence for their offense. However, the commission can investigate prisoner complaints relating to such matters.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

## Role of the Police and Security Apparatus

A commissioner who reports to the minister for internal security heads the national police force, the Royal Papua New Guinea Constabulary. Internal divisions related to clan rivalries and a serious lack of resources negatively affected police effectiveness. Police impunity was a serious problem.

Police shootings are investigated by the police department's Internal Affairs Office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court. Despite these prescribed procedures, in many cases investigations remained unresolved.

The Ombudsman Commission deals with public complaints and concerns about members of the police force.

## Arrest Procedures and Treatment While in Detention

Under the law, to make an arrest police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, but this was rare in practice. Police, prosecutors, and citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review; however, the government did not always respect these rights. Detainees had access to counsel, and family members had access to detainees.

Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for lengthy periods. Although pretrial detention is 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 months. In addition, circuit court sittings were infrequent because of shortages of judges and travel funds. Some detainees were held in jail for up to two years because of the shortage of judges.

e. Denial of Fair Public Trial

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

Trial Procedures

The legal system is based on English common law. The law provides for due process, including a public trial, and the court system generally enforced these provisions. Judges conduct trials and render verdicts; there are no juries. Defendants have the right to an attorney. 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) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, access government-held evidence, plead cases, and appeal convictions. The law extends these rights to all citizens. The shortage of judges created delays in both the process of trials 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 in civil matters. District courts may order "good behavior bonds," commonly called "protection orders," in addition to ordering that compensation be paid for violations of human rights. However, courts had difficulty enforcing judgments. In addition, many human rights matters were handled by village courts, which were largely unregulated. Village and district courts often were hesitant to interfere directly in domestic matters. Village courts regularly ordered that compensation be paid to an abused spouse's family in cases of domestic abuse rather than issue a domestic court order.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions; however, there were instances of abuse. Police raids and searches of illegal squatter settlements and homes of suspected criminals often were marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting.

At year's end there was no further information on the status of a 2009 lawsuit filed by landowners in Porgera against the police, charging that, during an operation against alleged illegal mining and criminal activity in the area, police also destroyed more than 300 homes of legal residents.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. All newspapers included a variety of editorial viewpoints and reported on controversial topics. There was no evidence of officially sanctioned government censorship; however, newspaper editors complained of intimidation tactics aimed at influencing coverage.

In March Prime Minister Somare threatened to call reporters before the Parliamentary Privileges Committee to oblige them to reveal the names of politicians allegedly linked to crime. The prime minister made the comment after reports appeared in the press that accused bank robber William Kapris had claimed that unnamed "politicians" assisted criminals. However, no reporters were called before the committee during the year. In May a National Court judge ordered that the media be prohibited from court proceedings against Kapris.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet. The International Telecommunication Union reported that approximately 2 percent of the country's inhabitants used the Internet in 2009.

### Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government often limited this right in practice. Public demonstrations require police approval and 14 days' notice. Asserting a fear of violence from unruly spectators, police rarely gave approval.

In May police interrupted a rally at Goroka National Park by activists opposed to proposed government amendments to the Ombudsman Commission and Forestry Acts. The government briefly detained three members of the group; they were released after approximately a half hour of questioning. Later during the rally, police reportedly intervened again and told the group's leader, anticorruption activist Noel Anjo, to avoid making personal attacks on the prime minister and other senior ministers.

In September police denied approval for a planned nationwide protest march led by Anjo against controversial constitutional amendments made by Parliament to the Ombudsman Commission Act. Police had allowed earlier protests against the amendments to take place in Port Moresby and Lae in May.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/irf/rpt](http://www.state.gov/g/irf/rpt).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these



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

The law prohibits forced exile, and the government did not use it.

### Protection of Refugees

The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government also provided temporary protection to individuals who may not qualify as refugees.

With support from the UNHCR, the government continued to provide protection to approximately 2,300 persons residing at the East Awin refugee settlement who fled the Indonesian province of West Papua (formerly Irian Jaya). Another 5,000 such 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 the capital, Port Moresby. During the year the UNHCR assisted four persons to return to West Papua.

Registered refugees residing in the East Awin refugee settlement were granted a certificate of identity that allowed them to travel freely within the country and to West Papua.

### Section 3    Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic but flawed elections based on universal suffrage.

### Elections and Political Participation

The most recent general election was held in 2007. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the election. After the election the National Court registered 53 election petitions that alleged illegal practices. By the end of 2009 (the latest information available), 28 petitions were dismissed and 14 were withdrawn, two by-elections and four judicial recounts were ordered, and court decisions were pending on the remaining five petitions.

In May presidential and parliamentary elections were held for the government of the autonomous Bougainville province. International observers deemed the elections generally free and fair. John Momis was elected president, defeating the incumbent and several other challengers.

Political parties could operate without restriction or outside influence. In February the governor of the National Capital District launched a new political party, the United Democratic Front, with a stated goal of fighting government corruption.

There is no law limiting political participation by women, but the deeply rooted patriarchal culture impeded women's full participation in political life. There was one woman in the 109-seat Parliament. She served as minister of community development, the only cabinet position held by a woman. There was one female National Court justice and no female provincial governors.

There were six minority (non-Melanesian) members of Parliament (MPs). Of these, two were in the cabinet, and three were provincial governors.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption at all levels of government was a serious problem due to weak public institutions, leadership, and governance; lack of transparency; politicization of the bureaucracy; and the use of public resources to meet traditional clan obligations.

In February Parliament's Public Accounts Committee commented on examinations it undertook of the accounting standards and handling of public monies by government entities. The committee reported that, of the nearly 1,000 agencies examined between 2003 and 2008, only five were found to be acceptably

accountable and transparent in their use of public funds. In March the director of the National Research Institute stated that in many cases public development projects were not implemented because the funds allocated were stolen by public officials.

In June Finance Minister Patrick Pruaitch was suspended from office after the Supreme Court ruled that under the law an official referred to a leadership tribunal for allegations of official misconduct is automatically suspended from office. Pruaitch had been referred to such a tribunal; his appeal of the referral was pending at year's end.

In October the former police operations commander for the National Capital District, Andy Bawa, was arrested and charged with two counts of official corruption. The charges involved receiving a double salary since January 2008-- one from the police force and another from another government agency. Bawa was suspended without pay pending the outcome of his court case. In November the National Executive Council (NEC) suspended then police commissioner Gari Baki for allegedly misleading the NEC into obtaining 10 million kina (approximately \$4 million) for police operations at the liquefied natural gas project site in the Southern Highlands Province. The NEC asserted that the funds were not actually necessary. The NEC also ordered investigations into Baki's four years as police commissioner. The acting commissioner, who replaced Baki, offered Andy Bawa his job back; however, Bawa declined to resume the post until the courts ruled in his case. At year's end, investigations were still ongoing, and Bawa's case was still before the courts.

In November MP Tonny Puana was arrested and charged with misappropriation of funds and false pretenses; however, the case had not been referred to the Public Prosecutor's Office for prosecution by year's end.

At year's end, charges of misappropriation of funds filed in 2009 against former Southern Highlands governor Hami Yawari were still awaiting assignment of trial dates before the National Court.

There was no further information available on the status of the Ombudsman Commission's investigation of two 2008 cases: one involving allegations that representatives of a foreign government had offered 80 million kina (approximately \$31.1 million) to government officials in exchange for establishing diplomatic relations and another in which the media claimed that a government

minister had 100 million kina (approximately \$38.9 million) in a foreign bank account.

Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission, Leadership Tribunal, and Public Accounts Committee are key organizations responsible for combating government corruption.

On December 14, Prime Minister Somare stepped aside as prime minister after the acting public prosecutor requested the chief justice to appoint a leadership tribunal to investigate allegations that he failed to file income tax statements or filed incomplete statements with the Ombudsman Commission on a number of occasions between 1993 and 2005. The commission had referred the matter to the Public Prosecutor's Office. At year's end, a leadership tribunal had not yet been appointed. Deputy Prime Minister Sam Abal was appointed acting prime minister and remained in that position at year's end, pending resolution of the case against Somare.

In April, despite widespread public opposition, Parliament took a preliminary vote to pass an amendment to the constitution that removes the power of the Ombudsman Commission to issue directives to individuals and organizations to preserve and uphold the conduct of public office holders. The Ombudsman Commission had used this power to issue directives preventing payments from public funds to officeholders it believed were using such funds improperly. As of year's end, a final vote on the bill proposing the amendment had not taken place in Parliament.

No law provides for public access to government information. The government published frequent public notices in national newspapers and occasional reports on specific issues facing the government; however, it generally was not responsive to individual requests, including media requests, for access to government information.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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.

As of year's end, there were no further known developments in the investigation of the December 2009 shooting and wounding of Chief Ombudsman Commissioner Chronex Manek by unknown assailants.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations. The UN special rapporteur on torture visited the country during the year (see section 1.c.).

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. It operated without government or political party interference; however, constraints in staffing resources often caused delays in investigations and thus in completion and release of reports. The commission presented a report to Parliament in December 2009 on the entry, arrest, detention, and transportation of former Solomon Islands attorney general Julian Moti from Papua New Guinea to Solomon Islands in 2006 while he was facing charges of having sex with a child in Australia. The report, which was tabled in Parliament in March, found that a number of the country's laws had been breached when Moti was flown to the Solomon Islands in a Papua New Guinea military aircraft. The report also found that the directions had come from Prime Minister Somare. As of year's end, the government had taken no further action in the matter.

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

The constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex; however, enforcement of the provisions was not effective.

### Women

Violence against women, including gang rape and domestic violence, was a serious and prevalent problem.

Rape, including spousal rape, is a crime punishable by imprisonment, and prison sentences were imposed on convicted assailants, but few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat.

The legal system allows village chiefs to negotiate the payment of compensation in lieu of trials for rapists.

Human Rights Watch (HRW) documented five cases of gang rape allegedly committed in 2009 and 2010 by members of a private security force employed at the Porgera gold mine site in Enga Province. The reported assaults all took place on or near the waste dumps surrounding the mine; most of the victims were illegally mining on the dumps. HRW reported further that police and the mining company both opened investigations into these and other allegations of sexual violence by security personnel at the site, and the investigations were continuing as of November.

Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter, few victims pressed charges, and prosecutions were rare. Widespread sexual violence committed by police officials and their unresponsiveness to complaints of sexual or domestic violence served as barriers to reporting by both women and men. Traditional village mores, which served as deterrents against violence, were weak and largely absent when youths moved from their villages to larger towns or to the capital. According to Amnesty International (AI), approximately two-thirds of women in the country have been hit by their partners, with the number approaching 100 percent in parts of the Highlands. AI reported that there were only three shelters for abused women in Port Moresby, all privately run; the situation was even worse outside the capital.

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

Sexual harassment is not illegal, and it was a widespread problem.

Under the country's family planning policy, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children free from violence and coercion. However, in practice the decision of the husband or male partner on such matters usually prevailed over the wishes of the woman. Access in practice to contraception and adequate prenatal, obstetric, and postnatal care was hindered by logistical problems faced by the Health Department in distributing supplies. Medical facilities also were limited in their capacity to provide adequate services to the growing population. According to indicators

published by the Population Research Bureau, 26 percent of married women between the ages of 15 and 49 used some form of contraception. According to the UN report *Trends in Maternal Mortality: 1990-2008*, the country's estimated maternal mortality ratio was 250 deaths per 100,000 live births. Women and men had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The laws have provisions for extensive rights for women dealing with family, marriage, and property disputes. Some women have achieved senior positions in business, the professions, and the civil service; however, traditional discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Women continued to face severe inequalities in all spheres of life: social, cultural, economic, and political. There is no employment antidiscrimination law.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. By law a district court must endorse orders for imprisonment before the sentence is imposed, and circuit-riding National Court justices frequently annulled such village court sentences. Polygyny and the custom in many tribal cultures of paying a "bride price" tended to reinforce the view that women were property. In addition to the purchase of women as brides, women sometimes were given as compensation to settle disputes between clans, although the courts have ruled that such settlements denied the women their constitutional rights.

According to statistics published by the UN Educational, Social, and Cultural Organization, women continued to lag behind men in literacy and education; 53 percent of women were literate, compared with 62 percent of men. The Ministry of Community Development was responsible for women's issues and had considerable influence over the government's policy toward women.

### Children

Citizenship is derived through birth to a citizen parent.

Primary education was not free, compulsory, or universal. Substantial fees were charged and posed a significant barrier to children's education. Many children did not progress further than primary school. With foreign funding assistance, the government abolished school fees for students in grades one and two in an effort to increase primary school enrollment.

Boys and girls had equal access to medical care, but many children did not receive effective care. Government-provided free medical care for citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas.

Sexual abuse of children was believed to be frequent. Independent sources confirmed that, in two major cities, 1,000 or more cases of child sexual abuse were reported in 2009. Incest is a crime and reportedly increased in frequency. There were cases of commercial sexual exploitation of children in urban areas, including minors working in bars and nightclubs. HRW documented numerous instances of police abuse of children.

The legal age for marriage is 18 for boys and 16 for girls. There is a lower legal marriage age (16 for boys and 14 for girls) with parental and court consent. However, customary and traditional practices allow marriage of children as young as age 12, and child 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.

The minimum age for consensual sex is 16. The maximum penalty for violators is 25 years' imprisonment or, if the child is under age 12, life imprisonment. Child pornography is illegal; penalties range from a minimum of five to a maximum of 15 years' imprisonment.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

#### Anti-Semitism

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities



The constitution prohibits discrimination against persons with physical or mental disabilities; however, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in education, training, and employment. No legislation mandates accessibility to buildings, and most buildings were not accessible. There were no policies or programs to assist persons with disabilities in obtaining access to communications and information.

Through the National Board for the Disabled, the government granted funds to a number of nongovernmental organizations 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. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure.

#### National/Racial/Ethnic Minorities

Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. During the year tribal fighting continued in the highlands provinces. In the last few years, the number of deaths resulting from such conflicts continued to rise due to the increased availability of modern weapons.

On September 9, mobs attempted to break into and loot Asian businesses in Goroka, Eastern Highlands Province. The businesses remained closed for the day and police dispersed the crowds. A parliamentary committee appointed to investigate the widespread violence directed at Asian businesses in the country in 2009 had not issued a report as of year's end.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sodomy and acts of "gross indecency" between male persons are illegal. The maximum penalty for sodomy is 14 years' imprisonment and, for acts of gross indecency between male persons (a misdemeanor), three years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender (LGBT) persons under these provisions during the year. There were no specific

reports of societal violence or discrimination against LGBT persons, but they were vulnerable to societal stigmatization.

### Other Societal Violence or Discrimination

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS-related services. The nongovernmental Business Coalition against HIV/AIDS worked to combat discrimination against persons with HIV/AIDS.

## Section 7 Worker Rights

### a. The Right of Association

The law provides for the right of workers in both the public and private sectors to form and join labor unions, subject to registration by the Department of Labor and Industrial Relations (DLIR), and workers exercised this right in practice. The government did not use registration to control unions; however, an unregistered union has no legal standing and thus cannot operate effectively. An estimated one-half of the approximately 250,000 wage earners in the formal economy were members of approximately 50 trade unions. The Public Employees Association represented an estimated 12,000 persons employed by national, provincial, and municipal governments, or one-third of the public-sector workforce. Unions were independent of both the government and political parties.

The law provides for the right to strike for workers in both the private and public sectors, although the government may and often did intervene in labor disputes to require arbitration before workers may legally strike. The law prohibits retaliation against strikers, but the DLIR did not always enforce the law. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases the strikes were brief and ineffective.

### b. The Right to Organize and Bargain Collectively

Workers in both the public and private sectors have the right to organize and engage in collective bargaining, and workers exercised these rights in practice. However, under the law the government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to

government policy. The DLIR and the courts are involved in dispute settlement. Wages above the minimum wage were set through negotiations between employers and employees or their respective industrial organizations.

The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, the DLIR enforced the law selectively.

Antiunion practices were widespread in the logging industry, which was known for extremely low wages and poor working conditions, including debt bondage and cramped and unhygienic accommodation of workers. In July the International Transport Workers' Federation (ITF) reported that members of the ITF-affiliated Papua New Guinea Maritime and Transport Workers' Union employed by the fishing company Frabelle reportedly were told by their employer that they would lose their jobs unless they agreed to sign a petition giving up their union membership.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, but there were reports that such practices occurred.

There were instances of women and children forced into involuntary domestic servitude, often by members of their immediate family or tribe, and of men forced to work in logging and mining camps. There were also reports of a growing number of foreign workers, particularly from China and other Pacific nations, entering the country illegally and being subjected to conditions of forced labor.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law establishes the minimum working age as 16; for hazardous work, the minimum age is 18. However, children between the ages of 11 and 18 may be employed in a family business or enterprise, provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance. There

were children selling cigarettes, food, CDs, and DVDs on the street and in grocery stores near mining and logging camps. Some children (primarily girls) worked long hours as domestic servants in private homes, often to repay a family debt to the "host" family. In some cases the host family was a relative who had informally "adopted" the child. The DLIR is responsible for enforcing child labor laws; however, enforcement was not effective.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

e. Acceptable Conditions of Work

The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. In April 2009 the board increased the minimum wage to 100.80 kina (approximately \$39) per week and also abolished the separate, lower youth wage for new entrants into the labor force between the ages of 16 and 21. Although it was above the national per capita income, the minimum wage did not provide a decent standard of living for a worker and family who lived solely on the cash economy.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. 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 law provides for at least one rest period of 24 consecutive hours every week. Although the DLIR and the courts attempted to enforce the law, they were not effective.

The DLIR is also responsible for enforcing the Industrial Health and Safety Law and related regulations. The law requires inspection of work sites on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions.

Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations. The law protects legal foreign workers. Many illegal foreign workers lacked full legal protection and were vulnerable to exploitation and abuse.