



Australian Government

Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT PAPUA NEW GUINEA

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ACRONYMS

RPNGC	Royal Papua New Guinea Constabulary
ITFS	Investigation Task Force Sweep
PGK	Papua New Guinea kina (currency)
NDoH	National Department of Health
UPNG	University of Papua New Guinea
ARB	Autonomous Region of Bougainville
BPA	Bougainville Peace Agreement
NHRI	National Human Rights Institution
PNGDF	Papua New Guinea Defence Force
FATF	Financial Action Task Force
NBC	National Broadcasting Corporation
NCW	National Council of Women
GESI	Gender Equity and Social Inclusion
FSVU	Family and Sexual Violence Unit
NID	National Identification Biometric System

GLOSSARY

Payback and traditional 'compensation'

'Payback' is an act of retaliation that is usually carried out when one group has been harmed by another. In many cases, the perpetrator pays financial or other compensation to the victim or their family. This focus on payback and traditional 'compensation' means that female or child victims of sexual assault and domestic violence can be discouraged from seeking the assistance of police or the courts. The practice of payback can lead to impunity from mainstream court processes. Many payback cases are not reported, and witnesses are often reluctant to testify out of fear of retaliation from within the group. Traditional compensation via payback is often preferred because it produces immediate benefits and prevents a cycle of escalating 'tit-for-tats'.

Wantokism/ Wantoks

'*Wantokism*' is a system of social kinship, welfare and mutual obligation derived from PNG's traditional tribal-based society. *Wantokism* affects most aspects of contemporary life in PNG, including in business and government. In the Tok Pisin language, *Wantok* means 'One Talk', referring to the language of the tribe or clan to which a person belongs. In a tribal-based society such as PNG, the overall welfare of the tribe and its members is paramount. Face-to-face relationships, inter-marriage, kinship and reciprocal exchange create strong ties to keep the tribe together. At its best, *wantokism* operates as a social supporting mechanism that ensures that those members of the tribe less able to look after themselves are supported.

In contemporary PNG, *wantokism* includes additional relationships, such as those between school classmates or work colleagues. People who gain any position of power or responsibility – for example, as a politician, public servant or business owner – are expected to look after their *wantoks*. Business people are expected to make significant contributions when traditional obligations are needed, such as compensation or bride price payments. Senior politicians are expected to contribute even larger sums to their *wantoks*. Senior *wantoks* must respond positively to junior *wantoks* to maintain their position of respect. This can lead to money being syphoned from businesses, or public money being misappropriated, in order to meet the never-ending *wantok* obligations. *Wantokism* can see state officials pressured to protecting the interests of their *wantoks* above their legal duties to provide services or protection impartially to an individual. Officials can be reluctant to uphold the legal rights of those outside their *wantok* group if it requires them to act against – and especially prosecute – those within their group.

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Papua New Guinea (PNG).

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in PNG. It takes into account relevant and credible open source reports, including US State Department reports; those from relevant UN agencies, including the Office of the United Nations High Commissioner on Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Children's Fund (UNICEF), the United Nations Economic, Scientific and Cultural Organisation (UNESCO), and the United Nations Development Programme (UNDP); recognised human rights organisations such as Human Rights Watch, *Medicins Sans Frontieres* and Amnesty International; and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 European colonial powers assumed political control of the island of New Guinea in the late nineteenth century. The western half of the island, now part of Indonesia, was annexed by the Dutch; while the Germans and British divided the eastern half, now PNG. In 1906, the British transferred their rights to newly federated Australia; Australia's military took control of the German-run area during the First World War. After the invading Japanese were defeated in a fierce military campaign during the Second World War, the United Nations granted Australia administrative rights over PNG. Australia granted PNG limited home rule in 1951 and autonomy over its internal affairs in 1960. PNG achieved full independence in September 1975.

2.2 Since independence, PNG has faced considerable economic, security and political challenges. While large-scale mining operations quickly became the largest contributors to the economy, they also caused major environmental degradation, and social and political disharmony. Disputes over the disbursements of profits from a major copper mine on the island of Bougainville descended into a violent conflict between the PNG Defence Force and secessionist guerrillas from 1988-1997, which drained national resources considerably. Further challenges included a major volcanic eruption in 1994 that buried much of Rabaul, one of PNG's leading cities, and an earthquake-triggered tsunami off the northern coast in 1998 that killed 1,500 people. The country also experienced growing levels of crime, corruption and political instability.

2.3 In the late 2000s/early 2010s, a huge global demand for commodities helped PNG's economy grow significantly. However, depressed commodity prices in recent years and the resultant fall in revenue have impacted seriously on government operations. Forty years on from independence, many PNG citizens experience very limited access to government services. PNG was one of only a handful of countries worldwide that did not achieve any Millennium Development Goals by the target date of 2015.

2.4 PNG experienced a political crisis in 2011-12 when the country briefly had two rival claimants to the position of Prime Minister. The issue was resolved by national elections held in July 2012, which resulted in a decisive victory for Peter O'Neill. Under O'Neill, PNG has adopted an increasingly international outlook, including seeking a greater leadership role in the Pacific and Melanesia. Despite O'Neill's personal dominance of PNG's political scene, the political climate has remained turbulent during his prime ministership. National elections are due in June/July 2017.

DEMOGRAPHY

2.5 PNG's most recent census in 2011 resulted in a population count of 7.25 million, an increase of 40 per cent from the last population census in 2000. Since 2001, the population has grown by a rate of around 2.3 per cent to approximately 7.5 million. PNG has a heavily ruralised population, with only 15 per cent of its total population living in urban areas. PNG's capital and largest city is Port Moresby, which has a population of around 345,000. Other main regional centres are Goroka and Mt Hagen in the densely

populated Highlands region, the commercial port of Lae, and Kokopo/ Rabaul in East New Britain. Though each is diverse, PNG is often informally broken down into 'Highlands', 'Islands', and 'Coastal' regions.

2.6 The indigenous population of PNG is one of the most heterogeneous in the world. PNG is home to hundreds of ethnic, communal, tribal or clan (*'wantok'*) groups, many with their own language. PNG also has a small resident community of Chinese descent (see 'Chinese community'), and a sizeable resident expatriate community, of which Australians, Filipinos and Chinese are the largest nationalities.

2.7 PNG has three official languages: Tok Pisin (English Creole), English, and Hiri Motu (a simplified *lingua franca* version of the Papuan region). In addition, at least 850 indigenous languages are spoken in PNG, accounting for around 12 per cent of the world's total languages. Many of these languages have fewer than 1,000 speakers.

ECONOMIC OVERVIEW

2.8 PNG has considerable economic potential. It is richly endowed with natural resources, including gold, oil, gas, copper, silver, timber and fisheries. Its natural beauty, war history, diverse cultures and unique bird and animal species lend themselves well to international tourism, currently a largely untapped market. In 2015, PNG briefly had the second fastest growing economy in the world (after China), due in large part to the completion of a large LNG plant the previous year.

2.9 However, PNG has yet to leverage strong macro-economic performance and revenues from the extractive industry into tangible improvements to living standards for the majority of its citizens. Significant capacity restraints in physical infrastructure, including electricity, telecommunications, and roads, combined by rugged terrain, land tenure issues and natural disasters, have all hampered the country's ability to fully exploit its natural resources. Shortfalls in governance capacity, including a long-running inability to produce accurate statistical information, have added to the difficulty of developing PNG's economy. Recent depressed commodity prices and the resultant fall in revenues have negatively affected government operations, and international observers predict that a difficult economic environment will last for some time in PNG.

2.10 DFAT assesses that the low level of economic development and poor economic opportunities acts as a significant 'push factor' for emigration from PNG.

Employment

2.11 Despite some recent diversification, the agricultural, forestry and fishing sector engages most of the labour force (including providing a subsistence livelihood for at least 75 per cent of the population). The minerals and energy extraction sector accounts for the majority of export earnings.

2.12 The World Bank classifies PNG as a lower to middle-income country. PNG ranked 157 out of 187 countries in the UN Human Development Index for 2015. The United Nations Development Program (UNDP) reported in 2015 that almost 40 per cent of PNG's population lived on less than USD1 a day. It is credibly estimated that up to 85 per cent of PNG citizens are economically dependent on the informal economy.

Corruption

2.13 Transparency International's 2016 Corruption Perceptions Index ranked PNG equal 136th out of 176 countries (176 being the most corrupt), level with Guatemala, Kyrgyzstan, Lebanon, Myanmar and Nigeria.

According to the World Bank's Global Governance corruption index, PNG ranks in the lowest 15 per cent of countries dealing with corruption. Corruption has had a serious impact on PNG's budget. Corruption is indisputably pervasive in PNG, and detracts from the country's ability to deliver basic services.

2.14 Corruption in PNG takes a number of forms. What outsiders call corruption may often reflect the *wantok* obligations of the individuals concerned (see 'Glossary'). For example, virtually all politicians need to reward their supporters in material and tangible ways, ranging from providing projects to villages and districts which voted for them, to ensuring contracts are directed towards leading supporters. MPs (and candidates) are also under considerable pressure to assist their constituents pay school fees, funeral costs, bride prices and other expenses. Most PNG citizens accept such practices as being more or less consistent with their expectation of their elected representatives. Politicians who violate the basic understanding – that while they benefit from incumbency, their supporters should receive a share – are unlikely to be re-elected. These practices can create a permissive environment for much more systematic exploitation of the government system for personal benefit, with little or no pay-off for local communities.

2.15 Reliable business sources have reported that it is possible for businesses to operate in PNG without succumbing to corrupt practices. Reputable businesses that refuse to pay bribes may lose some work, but sufficient opportunities remain for legitimate activity. Businesses have reported that it is often unclear whether bureaucratic delays are the result of an attempted shakedown, or from maladministration. The extent of maladministration also encourages businesses (and ordinary people) to circumvent proper procedures, increasing opportunities for corrupt behaviour.

2.16 A number of bodies have regulatory and legislative powers to fight corruption in PNG. These include the Ombudsman Commission, the Leadership Tribunal, the Royal Papua New Guinea Constabulary's National Fraud and Anti-Corruption Directorate (commonly referred to as the Fraud Squad), and various *ad hoc* Commissions of Inquiry. According to a range of informed sources, all of the existing anti-corruption bodies have been restricted in their effectiveness by underfunding and political pressure.

2.17 After campaigning on an anti-corruption platform during the 2012 elections, O'Neill's newly elected government announced it would introduce a bill to establish a new body, the Independent Commission Against Corruption (ICAC). In November 2015, the Organic Law on an Independent Commission Against Corruption was tabled in Parliament, and remains with the Parliamentary Committee on Constitutional Laws and Acts with passage pending.

2.18 There have been a number of high-profile corruption-related convictions in recent years. In November 2013, the National Court found the former Minister for National Planning guilty of misappropriating PGK10 million (AUD4.75 million) of public funds while serving as a state minister, sentencing him in March 2014 to nine years' imprisonment. In February 2015, the former Chief Financial Officer of the National Parliament was convicted of defrauding PGK150,000 (AUD70,000) and was sentenced to four years' imprisonment. A number of prominent businessmen have also been convicted of corruption-related offences.

Health

2.19 In 2015, PNG's life expectancy was 67 years (64.8 for males and 69.3 for females), representing an improvement over the preceding decade. The World Health Organisation (WHO) reported in 2013 (latest report available) that PNG had also made positive progress over the period 1990-2013 on the under-five mortality rate, maternal mortality rate, deaths due to HIV/AIDS, deaths due to malaria, and deaths due to tuberculosis among HIV-negative people. However, at 0.5 per cent of the population, PNG's HIV positive rate is by far the highest in the Pacific. PNG also has the highest rate of tuberculosis (TB) in the Pacific, with an estimated 30,000 new infections each year. Drug-resistant TB is an increasing concern. Simple-to-manage

conditions like TB, pneumonia, and diarrhoea dominate morbidity in PNG. Malnutrition and stunting are major problems. Women die in childbirth at 80 times the level in Australia. Transportation to medical facilities in isolated areas is a major difficulty.

2.20 PNG's health delivery system is decentralised, with health services fragmented between national and provincial authorities. Bottlenecks resulting from the decentralisation of government functions are a major obstacle to coordination and effective delivery of services. The Provincial Authority Act (2007) established a system of Provincial Health Authorities (PHA) that integrated the management of hospitals with that of rural health services. PNG adopted a 'Free Primary Health Care and Subsidised Specialist Services' policy in 2014 as part of its efforts to achieve Universal Health Coverage. Churches in PNG play an important role in delivering health and other services to remote areas where the government has a limited presence.

2.21 PNG's health sector faces a number of major challenges. According to the WHO, these include a critical shortage of medical staff for health, frequent shortages of essential medicines and supplies, and leadership and management capacity limitations at all levels of the system.

Education

2.22 UNESCO estimated in 2014 that PNG had a literacy rate of 62.9 per cent for the adult population over the age of 15. Men (68.9 per cent) had a markedly higher rate than women (57.3 per cent). There was also a huge disparity between urban (86 per cent) and rural (52 per cent) literacy rates.

2.23 National and provincial governments jointly administer PNG's National Education System. National institutions, including Flexible Open and Distance Education centres, national high schools, primary teachers' colleges, and technical and business colleges, are administered from the national level; while provincial authorities administer other schools, including elementary, community, primary schools and secondary schools, vocational centres, and community colleges. The National Department of Education determines national policies and coordinates their implementation, monitors and maintains national educational standards, and provides professional support and advisory services. PNG has seven universities. The University of PNG (UPNG) was founded in 1965 and is the country's oldest and largest tertiary institution.

2.24 PNG introduced free tuition for primary school students in 2012, which led to a growth in the enrolment rate. However, education in PNG is not compulsory, and about half of all primary school-aged children are still out of school, with fewer girls going to school than boys. UNICEF has listed the causes for the low participation rate as distance from school, security, lack of parental support, and an unsupportive home environment. PNG's net enrolment rate of 63 per cent is the lowest in the Asia-Pacific region. Only one in three children completes their basic education, meaning most do not remain in school long enough to learn the basic learning skills. Children in rural areas are also less likely to receive an education than their urban counterparts. There is very little capacity in the education system to address children with special education needs or disabilities. Many schools lack adequate toilet facilities and access to clean water.

POLITICAL SYSTEM

2.25 PNG is a constitutional monarchy. Its Head of State is HM Queen Elizabeth II, represented in PNG by a Governor-General. MP Bob Dadae was elected by the National Parliament on 1 February 2017 to succeed Sir Michael Ogie GCMG CBE as Governor General, a role that performs mainly ceremonial functions. The National Parliament is a 111-member unicameral legislature elected for five-year terms by universal suffrage. The Prime Minister is appointed and dismissed by the Governor-General on the proposal of Parliament. The

Cabinet, known as the National Executive Council, is appointed by the Governor-General on the recommendation of the Prime Minister.

2.26 PNG has three formal levels of government: national, provincial and local (Bougainville is administered separately; see 'Autonomous Region of Bougainville'). Members of the National Parliament are elected from 89 single-member electorates and 22 regional electorates which correspond to PNG's 20 provinces, plus the Autonomous Region of Bougainville and the National Capital District. Members from regional electorates generally also serve as provincial Governors. Each province has its own provincial assembly and administration.

2.27 Motions of no-confidence have been a characteristic of PNG politics since independence, and several PNG governments have fallen because of such motions. Following its 2012 election win, the O'Neill government passed legislation that amended the Constitution, reducing the timeframe in which motions of no-confidence could be introduced. In September 2015, the Supreme Court unanimously declared the amendments unconstitutional.

Autonomous Region of Bougainville

2.28 The Autonomous Region of Bougainville (ARB) was established following the signing of the Bougainville Peace Agreement (BPA) in August 2001. The BPA formally ended a ten-year civil conflict fought between the PNG government and pro-independence separatists. The BPA also allowed for a referendum on Bougainville's political future before mid-2020. Since 2005, Bougainville has had its own House of Representatives.

HUMAN RIGHTS FRAMEWORK

2.29 PNG's Constitution has numerous references to human rights, and gives the Supreme Court powers to initiate investigations into alleged human rights violations. PNG has ratified six of the major UN conventions on human rights, namely: the *International Convention for the Elimination of All Forms of Racial Discrimination* (1982); the *International Convention on the Rights of the Child* (1993); the *International Convention on the Elimination of All Forms of Discrimination Against Women* (1995); the *International Covenant on Economic, Social and Cultural Rights* (2008); the *International Covenant on Civil and Political Rights* (2008); and the *International Convention on the Rights of Persons with Disabilities* (2013).

2.30 However, there is limited human rights promotion or public outreach to educate people in PNG on their rights and freedoms. PNG citizens would rarely be aware of their options to report allegations of human rights abuses. Traditional collectivist social norms and *wantok* obligations infuse administrative behaviour and often dominate notions of human rights, regardless of what the law prescribes.

2.31 In May 2016, the United Nations Human Rights Council's Universal Periodic Review (UPR) examined PNG's human rights record. The UPR made 161 recommendations, to which PNG accepted 108 and noted 53. Major areas of concern raised during the UPR were gender-based violence and sexual violence, witchcraft and sorcery-related violence, death penalty, lesbian, gay, bisexual, trans and intersex (LGBTI) rights, and police violence. In its statement to the UPR, PNG identified gender-based violence and sexual violence as its major human rights challenge. PNG also highlighted a number of human rights achievements, including the passing of human rights-related legislation and the ratification of a number of human rights treaties.

National Human Rights Institution

2.32 PNG does not have a National Human Rights Institution (NHRI) complying with the Principles relating to the status of national institutions (the Paris Principles). Local and international commentators have frequently expressed their concern that this represents a considerable gap in PNG's human rights infrastructure.

2.33 While the Ombudsman Commission has assumed a whole-of-government role in terms of promoting awareness and strengthened observance of human rights, it is not resourced for general human rights work. It is also restricted in that it is only able to pursue complaints on human rights related to governmental bodies – for example, it cannot pursue complaints against private companies, but can only refer them to relevant ministries.

SECURITY SITUATION

2.34 In December 2013, PNG launched a National Security Policy, 'Safe, Secure and Prosperous Papua New Guinea', aimed at safeguarding PNG's national interests. The policy focused on internal and external threats to PNG, including law and order, maritime and land border security, gender-based violence, and corruption, and seeks to enable better coordination between government agencies with security responsibilities. PNG is generally regarded as a country at low risk of terrorist attack.

Law and Order

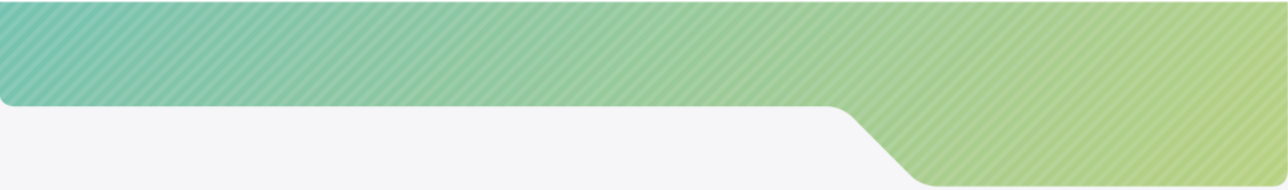
2.35 While varying in degree according to location, the overall crime rate in PNG is extremely high and is characterised by high levels of violence. Crimes occur randomly, and are particularly prevalent in Port Moresby and other major cities; the settlement areas of towns and cities are particularly dangerous. Machetes and firearms are often used in assaults and thefts. Car-jackings, armed robberies, assaults (including sexual assaults) and stoning of vehicles are common. The types of crimes experienced in PNG vary significantly by region and by gender. Gender-based violence and crimes against children occur regularly, and total crime victimisation for women and children are likely to be heavily under-reported (see also 'Women').

Tribal Violence

2.36 Tensions between and within PNG's hundreds of different groups occurs frequently across PNG, and may be triggered for a variety of reasons, including land and territory-related issues, accusations of sorcery and witchcraft, and inequality. These tensions have led to frequent outbreaks of fighting, rioting and looting, often resulting in the widespread destruction of property, disruption of normal services, death and serious injury.

2.37 Tribal violence is particularly prevalent in the Highlands provinces, which account for almost half the country's population. Conflicts between various groups are complicated by grievances over access to royalties, benefits, and compensation associated with resource extraction projects in the country, whether mining, gas extraction or logging. DFAT is aware of cases in recent years where tribes from the Highlands have carried on tribal violence in other parts of the country, including in Port Moresby.

2.38 Tribal conflict has become increasingly violent in recent years as individuals have had greater access to firearms and other high-powered weaponry, and as those fighting have increasingly been affected by



alcohol or drugs. In December 2014, the Internal Displacement Monitoring Centre estimated there were about 22,500 people displaced within PNG because of tribal warfare (and natural disaster). In particularly serious cases, provincial authorities may request the deployment of the Papua New Guinea Defence Force (PNGDF) and/or the Royal Papua New Guinea Constabulary (RPNGC) Mobile Squads. These forces are known for taking a blunt approach to restoring security, including through burning villages and holding village leaders for ransom until perpetrators have given themselves up.

2.39 The *Inter-group Fighting Act* (1977) prohibits inter-tribal fighting. Section 11 (2) of the Act provides for a punishment of between three and six years' imprisonment where a person has taken part in inter-tribal fighting that has resulted in death. Section 11 (3) of the Act provides for a punishment of between 20 to 30 years' imprisonment if a Court determines that an individual is a principal offender or a leader of a fight that results in death. While there have been some cases of individuals involved in tribal fighting being prosecuted, problems often arise in relation to securing witnesses to support the prosecution, as many people fear they will be subjected to 'payback' violence (see 'Glossary') if they testify.

3. REFUGEE CONVENTION CLAIMS

Legal Protections Against Discrimination

3.1 The preamble to the Constitution of PNG guarantees that all citizens are entitled to the fundamental rights and freedoms of the individual, regardless of race, tribe, place of origin, political opinion, colour, creed or sex. As noted in 'Human Rights Framework', a number of Constitutional Articles further define the rights and freedom of the individual.

RACE/NATIONALITY

Chinese community

3.2 PNG has two distinct Chinese communities, a long-term resident community and a more recently arrived expatriate community. The more-established community, known as the PNG Chinese, has been influential in business and politics and is well integrated into PNG society, including through inter-marriage. The majority of PNG Chinese are Christian and speak English as their first language. Most do not hold Chinese citizenship. The PNG Chinese community includes twice-elected Prime Minister Sir Julius Chan, and several prominent businessmen. The community has been dwindling in size since independence in 1975, when many opted to take up Australian citizenship, and today numbers in the hundreds. Included within this community are a small number of persons of Chinese-origin who came to PNG from Indonesia at independence.

3.3 A new wave of Chinese migration to PNG commenced in the late 1990s and is credibly estimated at being between 10-20,000 people. Virtually none of the new Chinese community have obtained PNG citizenship. Members of this community are predominantly involved in small businesses, especially in retail, including operating fast food bars and trade stores. They are a visible minority in towns throughout PNG, and increasingly in rural areas as well. Chinese labourers are also a feature of Chinese construction projects, particularly the Ramu Nico mine in Madang Province, China's premier investment in PNG.

3.4 Anti-Asian (particularly anti-Chinese) sentiment is relatively high in PNG. A common complaint, often expressed in letters to the editor, is that 'Asians' are taking over jobs and businesses from PNG citizens, and are selling sub-standard goods. Widespread public antipathy translated into violence in November 2015, when protests and riots in Lae directed against Chinese traders left one person killed and another critically injured. Similarly, riots targeting Chinese-owned businesses occurred in several locations throughout PNG in May 2009. The riots, which involved tens of thousands of people, temporarily closed down many of the country's major towns and resulted in the deaths of at least four people. Security remains an ongoing problem for Chinese-owned businesses, which are regularly targeted by criminals. The Chinese community has also regularly complained that state protection authorities, including the RPNGC, target them.

3.5 DFAT assesses that PNG citizens of Chinese origin face a low risk of societal discrimination, including violence, by the broader community due to an anti-Asian sentiment prevalent in most parts of the country.

This risk is, however, far greater for the newer Chinese arrivals (who are almost exclusively non-citizens) than it is for the better-established PNG Chinese.

RELIGION

3.6 The 2000 National Census (the most recent to provide detail on religious affiliation) found that 98 per cent of PNG citizens identified themselves as Christian. Of this number, approximately 27 per cent were Roman Catholic; 20 per cent Evangelical Lutheran; 12 per cent United Church; 10 per cent Seventh-Day Adventist; 9 per cent Pentecostal; 5 per cent Evangelical Alliance; 3 per cent Anglican; and 3 per cent Baptist. Other Christian groups, including The Church of Jesus Christ of Latter-Day Saints (Mormons), Jehovah's Witnesses, and the Salvation Army, together constituted 9 per cent. Baha'is, indigenous or other beliefs constituted the remainder.

3.7 There is a strong tradition of ecumenicalism in PNG, and the churches in particular maintain strong and productive working relations. Most PNG citizens integrate Christian faith with some indigenous beliefs and practices. These can range from belief in sorcery, to widespread attribution of events, behaviour and poor health to animalistic forces.

Legal Policy Framework and Protection Against Discrimination

3.8 Article 45 of the Constitution guarantees individuals the right to 'the freedom of conscience, thought and religion and the practice of his religion and beliefs', except to the extent that the exercise of that right infringes on another person's rights or where it violates a public interest in 'defence, public safety, public order, public welfare, public health, the protection of children and persons under disability, or the development of under-privileged or less advanced groups or areas. This has consistently been interpreted to mean that any religion may be practiced or propagated as long as it does not interfere with the freedom of others, including traditional beliefs or customs. Although PNG has no state religion, the predominance of Christianity in the country is recognised in the preamble of the Constitution, which refers to 'our noble traditions and the Christian principles that are ours'.

3.9 In December 2013, the Speaker of Parliament replaced a totem pole in the main hall of parliament and masks over the main entrance with a Christian unity pole and biblical text, respectively. A range of secular and religious leaders condemned the action, including the Catholic Bishops Conference which issued warnings about the rise of Christian fundamentalism as a risk to the country's traditional identity. In May 2016, a PNG Court ruled that the Speaker's actions were illegal and ordered the reinstallation of the totem pole.

3.10 An increase in the number of conversions from traditional Christian denominations to both Pentecostal/ charismatic Christianity and Islam in recent years has led some established churches and public figures to question the desirability of these developments.

3.11 DFAT assesses that PNG citizens are generally able to practice their religion without interference from the state and are able to do so without societal discrimination or violence.

Personal Status Laws

3.12 Both District Courts (see 'Judiciary') and Village Courts (see 'Traditional Mediation Systems and Customary Law') have the authority to make decisions in family law matters, including in cases of family violence, family disputes over bride price or custody of the children of unmarried parents and parents

married by custom. However, in many instances courts are not used or are subservient to traditional customs. Some traditional PNG customs permit parents to sell or give away their daughters for forced marriages – often to wealthy men and leaders – to settle debts or as peace offerings, leaving the women (or underage girls) vulnerable to domestic servitude. Women sold into polygamous marriages may be forced into domestic service for their husbands' extended families.

3.13 Along with a number of other child protection and anti-violence measures, the Child Welfare (*Lukautim Pikinini*) Act (2015) mandates a minimum age of 18 for marriage. However, at the time of publication, the Act was yet to be implemented.

Muslims

3.14 Although numbering only 5,000 people in the 2000 National Census, Muslims are reportedly one of PNG's fastest growing religious communities. PNG's indigenous Muslim community is almost entirely Sunni and is headquartered at a small mosque in Port Moresby built with Malaysian and Saudi assistance. There are other small Muslim communities in Lae and across the Highlands region. The Muslim community maintains regular inter-religious dialogue with Christian churches.

3.15 Local interlocutors have told DFAT that there is a limited understanding and knowledge of Islam in PNG. While there have been some incidents such as intimidation and harassment of women with headscarves, DFAT understands that this has largely subsided. DFAT is aware that on occasion prominent PNG citizens, including Ministers, have expressed strong anti-Muslim sentiments (including public calls to close the Port Moresby mosque), particularly in relation to the perceived threat posed by Muslim 'terrorists'.

3.16 DFAT assesses that Muslims in PNG face a low level of societal discrimination, which may take the form of verbal intimidation and harassment. This is particularly the case for women wearing headscarves and others wearing clothing which identifies them as Muslim. DFAT assesses, however, that PNG Muslims are not at any greater risk of physical violence than are PNG citizens of other faiths.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.17 Tribal, linguistic, geographic, or personal ties drive political loyalties in PNG more than shared ideology does. Many candidates run as independents and align with parties after they are elected. See also 'Political System'.

3.18 Elections are held every five years. The 2012 parliamentary elections were monitored by a number of international and domestic organisations. Several major incidents of election-related violence occurred during both the polling and counting periods, resulting in serious injury, loss of life and destruction of property. Most of the violence occurred in the Highlands provinces (which are generally more violent than the rest of PNG), and it is difficult to say for sure whether individual incidents of violence were election-related or were the result of separate community or tribal tensions.

3.19 In addition to the violence, observers also reported attempts to disrupt the election in particular locations, including by hijacking or destroying ballot boxes, or interfering with the count. Observers also noted that concerns had been raised about some members of the security forces reportedly acting in support of, or in collusion with, particular candidates.

3.20 PNG has one of the lowest rates of political participation by women in the world. In the 2012 elections, 135 women candidates ran out of approximately 3,500 candidates in total. Three women were elected, occupying just 2.7 per cent of the overall parliamentary seats. At the time of publication, PNG had one female Minister, Delilah Gore, Minister for Religion, Youth and Community Development. Gore replaced

another female Minister, Loujaya Kouza, in the role, in a Ministerial reshuffle in August 2014. The ARB has its own post-conflict Constitution, which reserves three parliamentary seats (out of 40) for women. In the 2015 ARB elections, none of the three incumbent females was re-elected. However, for the first time, a woman won an open constituency seat in her own right and is now the only female member of its 12-person Executive Council (Josephine Getsi, Minister for Community Development).

3.21 There are a number of identifiable barriers to increasing women's participation in politics in PNG. These include the country's predominant 'big man' culture; widespread family and sexual violence; the absence of a unified, national women's movement; and a lack of campaign finance, mentoring, internships and media experience. Following the poor performance of women in the 2012 national elections, UNDP held a workshop that sought to identify the lessons for women. The workshop found that women candidates were generally not well prepared for the election campaign; made late decisions to run; did not have campaign plans or adequate finance; and were not strategic in approaching political parties or the media.

3.22 DFAT assesses that, generally speaking, citizens of PNG are able to participate freely in the political process. However, this freedom varies considerably according to region and gender; women experience significant barriers to political participation. Underlying violence can come to the fore during periods of heightened political activity, such as during elections, particularly in the Highlands.

GROUPS OF INTEREST

Civil Society Organisations

3.23 Article 47 of the Constitution provides for freedoms of assembly and association. A small range of civil society organisations provide some social services in PNG, and advocate for women's rights, the environment and other causes. Domestic and international human rights organisations operate largely without government restriction, investigating and publishing their findings on human rights cases. International and domestic civil society organisations are also able to deliver development assistance without government interference.

3.24 The government recognises workers' rights to strike, organise, and engage in collective bargaining. However, the government occasionally sought to impose arbitration in labour disputes before workers have had the opportunity to strike. The government has also frequently undermined attempts to hold demonstrations: marches and demonstrations require 14 days' notice and police approval, which is rarely granted. In June 2014, all public assembly was suspended during a major corruption crisis. However, police did permit peaceful sit-ins to take place. In June 2016, student protests and boycotts occurred at universities in Port Moresby and Lae. The police response, which included the discharge of firearms, was heavily criticised.

3.25 DFAT assesses that civil society organisations in PNG, and individuals associated with them, are generally able to operate freely, although in practice the right to hold demonstrations has not always been respected.

Media

3.26 Article 46 of the Constitution guarantees freedoms of speech, the press and information. Journalists can be sued for defamation in civil cases, but defamation is not a criminal offence. There has been an increasing trend by some politicians to sue the media for defamation rather than taking the opportunity to

respond to allegations, particularly if these relate to corruption. The average compensation claimed in defamation cases lies in the range of PGK20-50,000 (AUD10-25,000).

3.27 PNG has a diverse media. The broadcast media consists of the main public broadcaster, the National Broadcasting Corporation (NBC); several major commercial radio networks, including Nau FM and FM 100; and the main private television station, EMTV. Radio remains the most important source of news, due to its ability to reach the country's most isolated settlements and overcome PNG's low literacy rates. Fiji-based companies own a number of private outlets, including EMTV. Both of the country's daily newspapers are foreign-owned. News Corporation owns the Post-Courier, while the Malaysian logging company Rimbunan Hijau owns the National. PNG has foreshadowed plans to reduce foreign ownership in the country, although these have not yet been finalised.

3.28 Internet usage has been growing in PNG, assisted by the steady development of infrastructure providing remote access for internet, television and mobile phones. While the government had not previously restricted access to the internet, in August 2016 the National Parliament passed the Cybercrime Code Bill that allows for the prosecution of offences committed on-line. The announcement has attracted strong criticism that it is an attempt to regulate mainstream media by stealth.

3.29 According to Freedom House's 2015 report on press freedom in PNG, while news media in the country has traditionally been among the strongest and most independent in the South Pacific, press freedoms have eroded somewhat in recent years. Threats and harassment against journalists, and attempts to interfere with their work have occurred, particularly in reprisal for investigative reporting on wrongdoing by officials. Credible media sources have told DFAT that substantial bribes are often offered to journalists and editors with the intent of buying favourable coverage.

3.30 The Media Council of Papua New Guinea (MCPNG) has been the country's primary advocacy organisation for journalists, lobbying for media freedom, managing a complaints process, and undertaking media research. However, the MCPNG is currently in the early stages of re-establishing itself after a 2011 fraud scandal left it moribund for several years.

3.31 DFAT assesses that journalists in PNG who report stories perceived to be critical of the government are at risk of threats, verbal harassment, and other attempts to interfere with their work, and of being sued for defamation. DFAT assesses that journalists in PNG are unlikely to be at serious risk of physical violence because of their occupation.

Women

3.32 Article Five of the Constitution calls for equal participation by PNG's women citizens in all political, economic, social and religious activities. The Office for the Development of Women, which sits within the Ministry of Religion, Youth and Community Development, has responsibility for women's issues. The *National Council of Women Act* (2010) mandates the National Council of Women (NCW) to promote equal participation of women in society, and to support the government to eliminate all forms of discrimination against women. In addition to the NCW, several other civil society organisations are also dedicated to improving the situation of women in PNG. A number of women hold senior positions in business, the professions, and the civil service. At the time of publication, two government departments had female Departmental Secretaries.

3.33 Despite official efforts to promote women, gender discrimination exists at all levels in PNG, and cultural barriers continue to place significant limits on the extent of female participation, including in politics (see above). In 2014, PNG ranked 158 out of 188 countries surveyed on the UNDP's Gender Inequality Index (188 being the worst).

3.34 Levels of violent crime against women are extremely high across PNG. Domestic or family violence is particularly endemic. The precise number of women who experience violence at the hands of a partner or family member is unknown – statistics are unreliable, and there is a social stigma in PNG about reporting. Human Rights Watch (HRW) published a report on family violence in PNG in November 2015 that found that the problem continued to be pervasive throughout the country. An earlier survey, published in 2013, found that 80 per cent of men in Bougainville reported that they had perpetrated physical and/or sexual violence against a partner. A March 2016 report from *Medicins Sans Frontieres* (MSF) detailed how a dire lack of protection mechanisms, a weak justice system and a culture of impunity endangered the health and lives of victims of violence even if they managed to reach medical care.

3.35 The November 2015 HRW report found that police and prosecutors rarely pursued criminal charges against perpetrators of family violence, even in the most serious cases (such as those involving attempted murder, serious injury or repeated rape). Police often demanded money from victims before they would act, or simply ignored cases occurring in rural areas. Police appeared reluctant to refer survivors for protection orders, and survivors who sought protection orders frequently encountered delays in the courts. When police did get involved in family violence, they typically mandated mediation and reconciliation for the couples involved.

3.36 The November 2015 HRW report found there was a dire lack of services for people requiring assistance after suffering family violence. Most areas had no safe houses, and no area had enough. Qualified counsellors were largely non-existent, case management was rarely provided, legal aid was almost entirely absent, and there was no safety net to assist survivors, particularly those with dependent children, who needed temporary support and assistance to leave their abusers and become financially independent.

3.37 The *Family Protection Act* (2013) makes family violence a crime, punishable by up to two years and/or a fine of PGK6,000 (AUD2,750). The Act also created new mechanisms, including establishing Family and Sexual Violence Units (FSVUs) in police stations and Family Support Centres in hospitals, to protect and assist victims of family violence. As of the publication date, 15 FSVUs were operational nationwide, staffed primarily by female RPNGC officers. All were under-resourced, and only able to operate for limited hours despite considerable demand for their services. Although the Act came into force in March 2014, as of the publication date it was yet to be fully implemented.

3.38 A number of factors act as barriers to the full participation of women in the workforce in PNG. These include cultural stigma against women's education or employment; gender discrimination; nepotism; the risk of violence and sexual abuse; high levels of female illiteracy; and low levels of female education. Restrictions to women achieving a good education include underage marriage, unwanted pregnancies, and lack of financial support.

3.39 DFAT assesses that women across PNG have a high risk of societal discrimination due to long-standing traditional values and gender roles that restrict their ability to participate fully in the community and workforce. DFAT assesses that women are unable to participate fully in politics in PNG due to deeply held cultural traditions and institutional restrictions. DFAT further assesses that women in PNG face a high risk of gender-based violence, regardless of their social status. Women living in the Highlands provinces are at particular risk, although violence against women occurs nationwide. Women subjected to gender-based violence are unlikely to be able to avail themselves of adequate state protection or support services.

Sexual Orientation and Gender Identity

3.40 PNG's Criminal Code criminalises consensual sexual acts between adult males. Section 210 (1) states that the offence of 'sexual penetration against the order of nature' is punishable by up to 14 years'

imprisonment, while Section 212 states that ‘indecent practices between males’ (non-penetrative sexual contact) is a misdemeanour offence punishable by up to three years’ imprisonment. Sexual acts between females are not expressly legislated for in any way, nor are there any other PNG laws dealing with lesbian, gay, bisexual, trans- or intersex (LGBTI) people. PNG does not recognise sexual orientation or gender as grounds for protection in its (limited) anti-discrimination regime. There were calls in 2010 and 2014 to reform the legislative framework. However, many PNG church leaders have strongly resisted any attempt to decriminalise homosexuality.

3.41 Despite the existence of criminal sanctions, DFAT understands that actual prosecutions of homosexual acts are rare. DFAT is aware of only two cases in recent years where consenting adult males have been prosecuted for engaging in homosexual acts. To DFAT’s knowledge, neither case resulted in prison sentences.

3.42 The social stigma against LGBTI individuals in PNG (and the legislative framework) has led to a ‘don’t ask, don’t tell’ mentality in the country. Although a number of prominent PNG figures are ‘known’ to be homosexual, it is very rare for this to be acknowledged publicly. Two studies conducted in 2010 and 2011 found that approximately 75 per cent of the gay male participants had not revealed their sexual orientation and/or behaviour to their family or community because of fears of social exclusion. Those surveyed also reported a high incidence of physical and sexual assault, blackmail, and of being refused medical treatment.

3.43 There have been credible reports that local men often physically target gay men walking the streets of Port Moresby, who have been raped, beaten, or even murdered. Police are reportedly frequent perpetrators of violence, leading to unwillingness by many victims of violence to seek police protection or redress, including when raped. The Highlands provinces are reportedly the area most highly intolerant of LGBTI people nationwide.

3.44 There are a small number of openly LGBTI individuals in PNG, and some of Port Moresby’s nightclubs reportedly hold gay and drag nights. A LGBTI-themed documentary film screened across the country as part of the fifth PNG Human Rights Festival in 2014. In 2014, a foreign photojournalist published a photo essay detailing the relative acceptance and safety experienced by LGBTI people living in Port Moresby. The coastal urban areas of Lae and Madang also reportedly offer safer environments for LGBTI people. In 2014, the International Day Against Homophobia and Transphobia was marked for the first time.

3.45 DFAT assesses that LGBTI individuals in PNG face a high risk of societal discrimination, with on-going traditional views about sexuality and gender restricting their participation in the community and workforce. Visible LGBTI individuals face a high risk of societal violence. Although prosecutions or legal punishments are not generally pursued in PNG, the existence of legislation prohibiting male homosexual acts can be used as a means of harassment.

Sorcery and Witchcraft Accusations

3.46 There is a strong belief throughout PNG in the power of the supernatural, in particular the ability of ‘witches’ or ‘sorcerers’ to use magic. This belief is prevalent in both rural and urban areas. In some instances, when a person dies (generally of unexplained causes or prematurely), someone is accused of having caused the death by witchcraft and is attacked by the community as ‘payback’ (see ‘Tribal Violence’).

3.47 The identification of individuals as witches or sorcerers is arbitrary and subjective. The accusation may be motivated by considerations such as jealousy or greed (for example, seeing an opportunity to obtain the property of the accused); or aimed against those who do not fully fit, such as outsiders, the elderly, the disabled, or the marginalised, particularly women.

3.48 Police are frequently reluctant to intervene in witchcraft cases. They themselves are members of the community and might face retributive attacks, or may be themselves afraid of the alleged sorcery or witchcraft tool. Large and highly agitated groups of people generally carry out sorcery-related killings. In some cases, police have reported that they lacked the manpower to intervene against large crowds. Human Rights Watch reported in 2015 that the risks to people accused of sorcery were so real and severe that the main approach used by NGOs seeking to help them was to relocate the accused to another community (see also 'Internal Relocation').

3.49 In May 2013, PNG repealed the *Sorcery Act* (1971). Section 16 of the Act had allowed for sorcery as provocation to be used as a defence in cases of sorcery-related murder. At the same time, the government changed the law to allow for the execution of those convicted of wilful murder of a person because of accusation of sorcery, aggravated rape, and robbery (see 'Death Penalty'). The actions came after a series of brutal public killings, including the burning alive of a 20 year old woman in a village market in February 2013, and the beheading of a woman accused of black magic in April 2013.

3.50 On 21 July 2015, PNG's National Executive Council endorsed a Sorcery and Witchcraft Accusation National Action Plan aimed at reducing sorcery-related violence. The plan, allocated a budget of PGK3 million (AUD1.44 million) in 2016, focuses on five strategic areas: care and counselling; advocacy and communications; legal and protection; the health sector; and research. At the time of publication, however, the funds approved for the implementation of the National Action Plan were yet to be released.

3.51 DFAT assesses that those accused of sorcery or witchcraft in PNG face a high risk of societal discrimination and violence. This discrimination may include being illegally detained, beaten or tortured, having their possessions stolen, being forced to leave their communities, or being killed.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Enforced or Involuntary Disappearances

4.1 The US State Department's 2015 Human Rights Report on PNG stated there had not been any reports of politically motivated disappearances in the country that year. DFAT is not aware of any recent politically motivated disappearances.

4.2 According to reputable international sources, between one and two thousand people are considered missing from the Bougainville conflict. A missing persons policy was approved by the ABG in September 2014 which, when fully implemented, will provide a facility for people to register their loved ones; enable people to anonymously report locations where bodies may be buried; and facilitate the recovery of remains. A national coordination mechanism on missing persons in Bougainville has been established by the National Coordination Office on Bougainville Affairs. Forthcoming steps include the creation of a proper register of missing persons, with associated forensic data, and a register of alleged gravesites. There has reportedly been good cooperation between the ABG and PNG government on the missing persons issue, including through information sharing by the PNGDF.

Deaths in Custody

4.3 Accurate statistics on the numbers of deaths in judicial custody in PNG are not available. However, a March 2015 UN report reported concerns about the treatment of individuals in police custody, noting cases where police had brought wounded individuals to police lock-ups and failed to provide them with medical assistance. The report noted that, in practice, proper records not always kept of who was being held in the cells, why they were being held, for how long, and their state of health.

DEATH PENALTY

4.4 The death penalty for those convicted of wilful murder has long been part of PNG law, but the country has not conducted any executions since independence in 1975 – the last execution took place in 1954. In May 2013, in response to growing outrage at the deteriorating law and order situation in PNG and levels of violence against women, Parliament passed the *Criminal Code (Amendment) Act* (2013) which added several offences for which the death penalty could be imposed. These offences included the wilful murder of a person because of accusation of sorcery; aggravated rape; and robbery. The Act also set out the permitted methods of execution, which include by hanging, lethal injection, medical death through administration of anaesthetic and deprivation of oxygen, electrocution, and firing squad. Prime Minister O'Neill told Parliament the Act intended to address lawlessness by 'creating a strong deterrent'.

4.5 At the time of publication, no executions had been carried out in PNG, but approximately 12 people remained on death row. While the level of broad public support for the death penalty in PNG is unclear, a number of prominent PNG citizens and institutions have voiced their opposition, including the Catholic Archbishop of Port Moresby and the Assemblies of God Church.

TORTURE/ CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.6 Article 36, Section 1 of PNG's Constitution states that 'No person shall be submitted to torture (whether physical or mental), or to treatment or punishment that is cruel or otherwise inhuman, or is inconsistent with respect for the inherent dignity of the human person'. However, Human Rights Watch reported in January 2015 that physical and sexual abuse of detainees – including children – by police and paramilitary police units was widespread. In March 2014, a videotape surfaced of police officers surrounding and unleashing three dogs on a defenceless man. Police officers later condemned the abuse and said they were investigating the incident. In December 2015, another videotape emerged showing police forcing a detained woman to eat condoms.

Arbitrary Arrest and Detention

4.7 PNG's Constitution prohibits arbitrary arrest and detention. Police must have reason to believe that a crime was, is being, or will be committed to make an arrest. A warrant is not required, and police make most arrests without one. 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. Only National or Supreme Court judges may grant bail to persons charged with wilful 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. Detainees have the right of access to counsel, and family members have the right of access to detainees. The US State Department reported in 2015 that police frequently detained citizens arbitrarily without evidence, and in some cases detained family members of suspects to force their surrender. DFAT assesses that the State Department's reporting is credible.

Corporal Punishment

4.8 Corporal punishment is unlawful as a sentence for crime, including for juveniles. There is no provision for corporal punishment as a sentence in the Criminal Code (1974), or the *Village Courts Act* (1989). Article 85 of the *Juvenile Justice Act* (2014) (which was yet to be fully implemented as of the publication date) prohibits the use of corporal punishment being used as a sentence on a juvenile offender, while Article 102 prohibits the use of corporal punishment as a disciplinary measure in penal institutions.

4.9 The 2011 Universal Periodic Review of PNG recommended that PNG reform its laws to prohibit corporal punishment in all settings. PNG accepted the recommendations. In 2013, PNG outlawed corporate punishment under the *Family Protection Act*. However, several provisions of the Criminal Code and Constitution enable the use of corporal punishment against children. Article 278 of the Criminal Code (1974) provides for the use of force 'by way of correction' by parents and teachers. Article 42 of the Constitution, concerning the treatment of persons arrested or detained, states: 'Subject to any other law, nothing in this section applies in respect of any reasonable act of the parent or guardian of a child, or a person into whose care a child has been committed, in the course of the education, discipline or upbringing of the child.'

5. OTHER CONSIDERATIONS

STATE PROTECTION

Military

5.1 The Papua New Guinea Defence Force (PNGDF) consists of a Land Element, an Air Operations Element, and a Maritime Operations Element. The PNGDF's core services are border security; maritime surveillance, patrol and response; public order and security; nation building; disaster relief; and the fulfilment of international obligations. PNG does not have a system of military conscription or national service. While the PNGDF has generally remained apolitical, in January 2012 a small group of soldiers took control of Port Moresby's military headquarters for a short period in an unsuccessful attempt to restore ousted Prime Minister Michael Somare.

5.2 PNG's 2013 Defence White Paper outlined its intention to develop and expand its military capabilities. The White Paper noted that PNG's defence capabilities had degenerated significantly, and that security gaps were affecting national development. Major equipment and funding shortfalls have limited the PNGDF's ability to deploy independently overseas. However, these intentions have been hampered by PNG's economic downturn, with implementation of the White Paper's recommendations indefinitely delayed.

5.3 Public confidence in the PNGDF has been undermined on occasion by public examples of ill-discipline by soldiers. These include incidents in which military personnel have clashed violently with civilians (often in retaliation to attacks on soldiers by civilians). In one such incident in July 2015, four PNGDF soldiers were charged with attempted murder after an assault on a student at a cultural show in Port Moresby. There have also been a number of incidents in recent years involving clashes between police and military personnel. These clashes have tended to occur when minor incidents have escalated. The leadership of the two organisations have worked together to minimise the frequency and severity of such incidents.

Police

5.4 The Royal Papua New Guinea Constabulary (RPNGC) is responsible for maintaining internal security in all regions of the country. The Police Commissioner reports to the Minister for Police. Under the terms of the Bougainville Peace Agreement, the Autonomous Region of Bougainville (ARB) maintains its own police force, the Bougainville Police Service. While the ARB Minister for Police has authority to enforce local law, the RPGNC retains the authority to ensure that national law is enforced. In some areas of PNG, including Bougainville, supplementary policing is provided through an initiative known as the Community Auxiliary Police. The *Police Act* (1998) affords this force the same powers as the regular police, although the exercise of their powers is limited to the geographical area in which they are appointed.

5.5 The PNG Community Perceptions Survey 2015 (see 'Crime') highlighted that the RPGNC was perceived very poorly in the PNG community. 70 per cent of those surveyed reported that police did not treat people fairly; 67 per cent reported that police did not treat people with respect; and 66 per cent

reported that police were not honest. The survey also noted that focus groups raised gender as an issue, with women surveyed reporting disrespect, lack of action on complaints, and sexual aggression and violence (including rape by police and the exchange of sexual favours for better treatment). However, the report did highlight some evidence of positive improvements in Port Moresby and Lae, including greater visibility in these areas and an increase in people's willingness to seek help from them.

5.6 Resource constraints limit the effectiveness of the RPNGC, particularly in relation to staffing. The RPNGC's numbers have remained static over the past few decades despite a huge growth in PNG's population. The police presence is negligible in some remote areas of PNG. Transport limitations, including a lack of vehicles and fuel, limit the RPNGC's ability to investigate crimes. The police also endure poor working and living conditions, including low remuneration; frequently need to assert themselves in violent environments often without weapons or protection; have family/clan obligations to meet; and are generally poorly trained, particularly on human rights.

5.7 International human rights bodies have consistently highlighted alleged abuses of power and the use of violence by police. Two high profile incidents of police brutality in January 2015 provoked widespread public criticism of the conduct and professionalism of the PNG police. The first incident occurred in the early hours of 1 January, when a 24-year-old woman was shot and killed in Lae while reportedly driving home from a restaurant. Witnesses alleged that the woman had been chased by both police and a private security company before being shot. After widespread community anger, including over the initial response by the local police, detectives were deployed from Port Moresby to investigate. A police officer was subsequently charged with the woman's murder.

5.8 The second incident occurred on 23 January, when RPNGC officers shot and killed two villagers at the village of Hanuabada on the outskirts of Port Moresby following a dispute at a local market. In retaliation, villagers demonstrated outside RPNGC headquarters, disrupting traffic on Port Moresby's major cross-town transport link, and established roadblocks that temporarily cut off access to some of Port Moresby's major infrastructure facilities, including fuel depots and a power station. As of the publication date, there had not been any arrests over the shootings.

5.9 In May 2015, the government dismissed Geoffrey Vaki as Police Commissioner; Prime Minister O'Neill stated that Vaki had 'overseen the police force over a time of terrible decline in standards and a litany of cases of police brutality and issues that have upset the public'.

Private Security Firms

5.10 Private security firms are widespread in PNG, and employ more guards than there are police officers in the country. The *Security (Protection) Industry Act* (2004) governs private security companies. It contains provisions on the granting of licenses and permits in relation to security services. The PNG government established the Security Industries Authority in 2006 to regulate the growing industry. It has reported that there are approximately 400 licensed security firms in PNG, employing around 20,000 people.

5.11 Although there are restrictions on the carrying of firearms by employees of private companies, there have been cases in which employees have used excessive force, resulting in some instances in deaths. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed concerns over insufficient training, the lack of a regulatory framework, and the lack of accountability for employees of private companies who act outside the law.

Judiciary

5.12 The PNG legal system is based on English common law. Section 37 of the Constitution ('Protection of the Law') provides for a presumption of innocence and due process, including a public trial. PNG does not have a jury system, and judges conduct trials and render verdicts. The Public Solicitor's Office provides legal counsel for those accused of 'serious offences' (for which a sentence of two or more years is the norm) who are unable to afford counsel.

5.13 The Supreme Court is the highest court in PNG. Its powers and procedures are provided for by Section 184 of the Constitution, the *Supreme Court Act* and the *Supreme Court (Amendment) Act* (2012). The Supreme Court hears appeals from decisions made by the National Court; reviews decisions made by the National Court (concerning matters of which the law does not allow for appeals to be made); gives opinions or advice on whether a proposed law or already made law by Parliament is constitutional; develops rules of the underlying law; and enforces human rights as provided under the Constitution. The National Court hears both criminal and civil cases involving claims of PGK10,000 (AUD4,600) or above. It also hears appeals from decisions made in District Courts.

5.14 District Courts have a diverse jurisdiction, which includes family law matters, small civil matters, and indictable and summary offences. For most PNG citizens, District Courts are the main face for the formal judicial system. The District Court system includes the Coroner's Court, Juvenile Court, and Land Court, which were all established by various acts of legislation. There are 70 District court establishments and more than 400 gazetted court holding places throughout PNG.

5.15 The efficient functioning and operation of District Courts is the responsibility of Magisterial Services. The Chief Magistrate heads Magisterial Services, assisted by two Deputy Chief Magistrates at the Port Moresby Headquarters, and by Senior Provincial Magistrates located at each provincial location. A review of Magisterial Services conducted in 2015 identified a number of serious structural issues inhibiting the functioning of District Courts around the country, the most significant of which was a large and growing case backlog and organisational capacity constraints. The review also highlighted as a concern insufficient recurrent funding allocations.

5.16 The US State Department found in its 2015 Human Rights report that the government generally respected the independence of the judiciary. However, a shortage of judges created delays in both the process of trials and the rendering of decisions. The UN noted in 2014 that there were allegedly over 4,000 arrest warrants outstanding, some of which dated back to the 1980s.

5.17 Access to lawyers is a concern in PNG. There are a limited number of lawyers in PNG, particularly those practicing criminal law, and many people are unable to afford their fees. The Office of the Public Solicitor provides free legal assistance in respect of civil and criminal matters to those who are unable to afford a private lawyer, and in the case of criminal matters to those facing a sentence of two or more years. However, the Office finds it difficult to attract lawyers due to the limited benefits it is able to offer, in particular, in the area of housing. Pro bono representation is uncommon in PNG.

Traditional Mediation Systems and Customary Law (Village Courts)

5.18 There are approximately 1,600 Village Courts located across PNG, both in outlying rural areas and in and around cities and settlements. Village Courts are mandated by Section 172 (2) of the Constitution. They play a vital role in providing access to justice for a significant portion of the population, particularly in terms of dispute resolution within and between communities. The primary role of the Village Courts is to ensure peace and harmony in the communities in which they operate. This may involve compromise in a way that is

acceptable not just to the parties to a dispute, but to the wider community. Village Courts also play an important role in upholding matters of custom.

5.19 Village Courts are empowered to impose fines of up to PGK300 (AUD130) and order compensation payments of up to PGK1000 (AUD440). They can also impose prison sentences of up to six months, provided these sentences are upheld by a higher court. Their decisions can be appealed, but rarely are in practice.

5.20 Tribal disputes are often brought before Village Courts. For example, in Goroka, the provincial capital of the Eastern Highlands, a 'Peace Park' – a large open space – has been established, where the magistrates of the Village Court, the tribal groups involved, the police and other interested parties meet to mediate problems and reach a settlement. Generally, a cash payment is offered as compensation to resolve the dispute. However, it may happen that the communities are not satisfied with the financial compensation offered, which could give rise to renewed fighting. In addition, Village Court mediations may foster impunity if the tribal fight involved crimes such as killing or rape and serious physical injury.

5.21 The PNG Community Perceptions Survey 2015 (see 'Crime' and 'Police') found that the Village Court process was generally seen as important in resolving disputes. Of those surveyed who had used Village Courts in the past year, 83 per cent had had their matter resolved, and 72 per cent were partly or very satisfied with the process. However, there was a clear gender gap in satisfaction with village court outcomes, with 33 per cent of women being very satisfied as opposed to 46 per cent of men. Village Courts were perceived as being less effective in Port Moresby and Lae.

5.22 Village Courts have largely succeeded in their goal of providing people with an opportunity for justice that they may not otherwise have been able to access. They also empower women to a certain extent. They have been criticised on occasion for overstepping their mark and for seeking to keep the peace rather than deliver justice, such as through dealing with sexual or domestic violence through reconciliation processes rather than referring them to District Courts, as required by law.

Detention and Prison

5.23 The PNG Correctional Service runs prisons in PNG. It reports to the Ministry for Correctional Service. Each province maintains a prison, although some may be closed temporarily on occasion due to tribal conflicts and unresolved health problems. The prison administration is also jointly responsible, together with the Department of Provincial and Local Level Government, for ten rural lock-ups throughout the country. Police stations, run by the RPNGC, are also used for detention purposes. DFAT is aware of cases whereby police stations have been used for long-term detention, in contradiction of their mandate to be used as 'lock-ups' for no longer than 72 hours.

5.24 Overcrowding is a commonly experienced problem in both prisons and police stations. In some areas, this has been exacerbated by infrequent court sessions, slow police investigations and bail restrictions for certain crimes. In other cases, the overcrowding was the result of a police practice to arrest a large number of people immediately after incidents, many of whom were subsequently released without charge. Reliable international sources estimate that up to 85% of those held in police custody never actually face trial.

5.25 Large-scale prison breaks occur frequently in PNG. Recent incidents include the escape of 33 prisoners from Baisu jail in the Western Highlands (with the assistance of armed accomplices) in January 2015; three separate escapes from Madang's Jomba police cells in January/February 2015, with about 50 prisoners escaping in total; and a mass outbreak of 94 prisoners from a prison in Lae in February 2016, which resulted in the deaths from gunshot wounds of 12 prisoners and the injuring of 18 others.

5.26 Female prisoners make up a small percentage (approximately five per cent) of PNG's total prison population (including pre-trial detainees). Male and female prisoners are usually held separately, but some rural prisons lack separate facilities. There have been reports in the past of assaults on female prisoners.

5.27 Juvenile prisoners (under 18) make up just under four per cent of PNG's total prison population (including pre-trial detainees). All of these prisoners are male. 13 of PNG's 21 prisons have separate accommodations for juvenile offenders. The Department of Justice and Attorney General opened four juvenile facilities in 2013, while the Catholic Church operated three juvenile reception centres to hold minors awaiting arraignment prior to posting of bail. However, the US State Department reported in 2015 that authorities routinely held juveniles with adults in police detention cells, where older detainees often assaulted the younger detainees. Human Rights Watch reported in January 2015 that the physical and sexual abuse of juvenile detainees by police and paramilitary police units continued to be widespread.

5.28 At any given time, approximately a third of the prisoner/detainee population is in pre-trial detention. Due to very limited police and judicial resources, and a high crime rate, suspects are often held in pre-trial detention for periods of up to three years. Although pre-trial detention is subject to strict judicial review through continuing pre-trial consultations, the slow pace of police investigations, particularly in locating witnesses, and occasional political interference or police corruption have frequently delayed cases for months.

INTERNAL RELOCATION

5.29 Internal relocation in PNG is generally possible – people can and do regularly migrate to big cities, either in search of economic opportunities, or to escape tribal and other violence or natural disasters. A credible international source estimated that there are as many as 100,000 internally-displaced persons in PNG. As many as 50 per cent of Port Moresby's population comprises of internal migrants residing in shanties. Those who relocate to Port Moresby and other major cities find very high unemployment – 80-90 per cent in the formal sector in Port Moresby – and very high levels of crime, including tribal fighting.

5.30 However, logistical and security issues make internal relocation within PNG more difficult. In many instances, community access to provincial and major capital centres is hampered by a lack of effective and trafficable road transport infrastructure. Travelling overland necessitates passing through other tribal areas, which can have security implications. Women who need to move within PNG to escape violence are likely to lose all of their possessions, including titles to land. Tribal feuds can and have relocated from their original location - there have been cases of payback killings carried out in major cities. Those fleeing accusations of witchcraft are particularly vulnerable – rumours can quickly travel from the Highlands to major cities, and those accused are less likely to be able to obtain the support of *wantok* networks.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.31 As of the date of publication, Port Moresby's Jacksons International Airport was PNG's only airport operating international commercial services. PNG's national carrier, Air Niugini, and a small number of other airlines operate direct international flights to a number of destinations in Asia and Oceania. In late 2015, recently instigated direct flights to Rabaul/Kokopo (East New Britain) from Cairns were suspended. DFAT understands these flights were not commercially viable and there is no present intention to revive them.

5.32 A large number of airports throughout PNG provide domestic and charter services. Some, including Vanimo (Sundaun), may provide international charter services, while those located near key mines in the Highlands offer chartered fly-in fly-out services for miners. A large number of seaports offer immigration services for international cruise ships and fishermen. The only legal land border crossing point recognised by PNG is from Jayapura (Indonesia) to Vanimo.

Conditions for Returnees

5.33 There is no mechanism available to monitor returnees once they have returned to PNG. DFAT does not have any information available on conditions faced by those who have not refused protection, and who have been returned to PNG.

DOCUMENTATION

PNG National Identification Biometric System

5.34 In February 2015, PNG officially launched a national identification biometric system (NID) in Southern Highlands Province with the national rollout to follow. The system is intended to capture fingerprints as the unique identifier of people. The impetus behind introducing the system was two-fold: to address the lack of reliable civil registration information held by the PNG government; and to address problems associated with the poor state of the electoral roll. The Department of National Planning and Monitoring is managing the project, in coordination with other key agencies. In addition to elections, the NID will have a range of uses relating to economic statistics, housing, health, education, land registration, and pension systems, amongst others. As of the date of publication, there was no indication of when the NID would formally commence as a feeder document.

Passports

5.35 Current requirements for adult passport applicants include evidence of citizenship, in the form of either a birth certificate or Citizenship Certificate, and two recent photographs. Married women are also required to submit their marriage certificate. Applicants under 17 years of age must furnish the consent of their parents or legal guardian.

PREVALENCE OF FRAUD

5.36 Document fraud occurs frequently in PNG, particularly in relation to documents of identity. It is reportedly very easy to obtain birth certificates in any name. DFAT is aware of cases where grandparents' names have been placed on birth certificates rather than parents' names. Fraudulent supporting documents, including fake bank certificates and letters of invitation, can also be readily obtained. It is reportedly not uncommon in cases of visa non-compliance for people to reapply under a new identity. DFAT is aware of cases in which people have obtained multiple passports in different names at the same time.