

PAPUA NEW GUINEA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Papua New Guinea is a constitutional, federal, multiparty, parliamentary democracy. Parliamentary elections took place in July, and the Pangu Party, led by Prime Minister James Marape, won a majority in the 118-seat unicameral parliament. In some parts of the country, electoral contests involved widespread violence. Observers also identified many problems in the organization and conduct of the elections. Because of these flaws, observers could not say that the results were even broadly reflective of the voters' will.

The Royal Papua New Guinea Constabulary and Correctional Services maintain internal security and report to the Ministry of Internal Security. When requested by the constabulary commissioner, defense force elements may deploy to support the constabulary, with defense force members granted police powers during such deployments. Civilian authorities at times did not maintain effective control over the security forces. There were reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by police; torture and cases of cruel, inhuman, or degrading treatment or punishment by police; harsh and life-threatening prison conditions; serious acts of government corruption; lack of investigation of and accountability for gender-based violence; trafficking in persons; the criminalization of consensual same-sex sexual conduct between men; and extensive child labor, including the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The Royal Papua New Guinea Constabulary, Correctional Services, and the Ombudsman Commission conduct investigations and the courts pursue prosecutions into such deaths.

In one case, in August, a police officer allegedly shot and killed Neo Sauba, age 22, in Wewak, East Sepik Province. Media reported that Sauba was on his way home when he and his friends were provoked by four uniformed police officers in an unmarked police vehicle. Eyewitnesses reported that one of the officers swore at Sauba for unknown reasons, and because Sauba swore back at the officers, the officers trailed him, fired upon and killed him, and departed the scene. The police officer accused was detained and charged with willful murder. Prosecution was pending as of November.

b. Disappearance

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

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

The constitution prohibits torture. There were reports, however, that individual police and correctional services officers beat and otherwise abused citizens or suspects before or during arrests, during interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. In February, two men were hospitalized in Port Moresby with severe injuries allegedly caused by four police officers. The officers reportedly tackled and kicked the victims in the head, dragged them along a road, and then tortured one of the victims for several hours. The officers were charged with attempted murder. Prosecution was pending as of November.

Police units operating in the Highlands region sometimes used intimidation and destruction of property to suppress tribal fighting. A high level of violence and property destruction often marked police raids and searches of suspected criminals as well as forced evictions of illegal squatter settlements.

Public concern about police and military violence against civilians and security forces' impunity persisted. A Policing the Police Task Force Team investigates and can take disciplinary action against members of the police force. In March, National Capital District and Central Divisional Constabulary Commander Anthony Wagambie, Jr. indirectly acknowledged the impunity problem, saying, "Police have been constantly reminded about ethical conduct and performing duties within the rule of law with the aim to rebuild public confidence." Police also committed sexual violence (see section 6).

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, overcrowding in some facilities, physical abuse, and inadequate sanitary conditions and medical facilities.

Abusive Physical Conditions: The country's prisons were overcrowded. Sanitation was poor, and prisoners complained of lack of medical treatment for diseases.

Authorities held pretrial detainees in the same prisons with convicted prisoners but in separate cells.

Authorities usually held male and female inmates separately, but some rural prisons lacked separate facilities.

Media commented on overcrowding at jails and prisons. Jail breaks were common, and many escapees were not caught. Media reported 26 prisoners escaped from West New Britain Province's Lakiemata Prison in October and 22 escaped from Madang's Beon Prison in November.

Administration: The government mandated the Ombudsman Commission visit prisons and investigate complaints from prisoners. The commission visited several

prisons in the National Capital District and Central Province during the year but did not release a report of its findings.

Independent Monitoring: The government permitted monitoring visits by independent observers. Correctional service officials stated various church representatives made visits, but the service did not keep records or statistics on the number or types of visits. During the year, the International Committee of the Red Cross independently visited Baisu in Mt. Hagen, Western Highlands Province, and Bomana in Port Moresby.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not always respect this right.

Arrest Procedures and Treatment of Detainees

By law police must have reason to believe that a crime was, is being, or is expected to be committed before making an arrest. A warrant is not required, but police, prosecutors, and citizens may apply to a court for a warrant. Police normally do so only if they believe it would assist them in carrying out an arrest. Judicial authorization of a warrant is usually prompt, but police do not request warrants in most cases.

Suspects charged with minor offenses may be released after bail is paid. Only national or Supreme Court judges may grant bail to persons charged with murder or aggravated robbery. In all other cases, police or magistrates may grant bail.

Arrested suspects have the right to legal counsel and to be informed of the charges against them; however, the government did not always respect these rights. Family members may have access to detainees.

Arbitrary Arrest: Police frequently detained citizens arbitrarily without evidence. In some cases, police detained citizens without charge to steal from them.

Pretrial Detention: Although the constitution provides for a right to trial “within

a reasonable time” and pretrial detention is subject to strict judicial review through continuing pretrial consultations, lengthy pretrial detention was a problem. Due to limited police resources, the slow pace of police investigations, a high crime rate, bail restrictions for certain crimes, and infrequent court sessions, authorities often held suspects in pretrial detention for lengthy periods. The national elections added to these burdens, as officials were required to support 2022 elections operations, preventing them from undertaking their usual duties. According to correctional services data, detainees could wait for as long as 10 years before trial, sentencing, or release. Pretrial detention frequently equaled or exceeded the maximum sentence for alleged crimes. The average pretrial time served for all individuals was five years, according to local media reports. Pretrial detainees, frustrated by the slow processing of their cases, at times led prison breaks.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for a presumption of innocence and due process, including a public trial “within a reasonable time.” The court system generally enforced these rights, except for timeliness. The shortage of judges created delays in both the trial process and the rendering of decisions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for individuals and organizations seeking civil remedies for human rights violations. A mechanism established by the National Court is used to fast-track cases of alleged human rights abuses. Through this process the National Court may award civil remedies in cases of human rights abuses. District courts may order “good behavior bonds” (noncustodial sentences with the threat of incarceration for infractions over a

period of time) for abusers, in addition to ordering that compensation be paid for violations of human rights. Courts had difficulty enforcing judgments. In addition, largely unregulated village courts adjudicated many human rights matters without government involvement.

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

The constitution prohibits such actions, and unlike in previous years, there were no reports of such abuses.

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

Section 2. Respect for Civil Liberties

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

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right, although there were anecdotal reports of harassment. Newspapers sometimes reported on controversial topics, although many journalists in the past complained of intimidation by agents of members of parliament and other government figures aimed at influencing coverage. Self-censorship by journalists was common, especially when reporting on contentious political events.

Violence and Harassment: Journalists were sometimes subjected to harassment, intimidation, or violence by police or supporters of parliamentarians for their reporting. In September a female reporter from *The National* newspaper and a male reporter from the *Post Courier* newspaper were harassed and intimidated by supporters of an unnamed former MP. The two were harassed after reporting on the former MP's trial on charges of abduction.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: In May, the Office of Censorship released a statement warning media outlets against publishing inappropriate content when reporting on deaths and violence, instructing “editors and producers [to] practice

responsibility when editing information or content which includes pictures, videos, and publications.” In September, the Office of Censorship banned a local song, “Paiya Wara,” from being broadcast, based on slang or phrases in the lyrics considered by many in the country to be vulgar and distasteful (especially to women), and supportive of illegal alcohol consumption.

In February, the interim CEO of state-owned television news channel EMTV directed employees not to publish stories about convicted drug smuggler Jamie Pang, an Australian citizen with strong ties to several influential Papuan politicians. EMTV news manager Sincha Dimara was fired for publishing stories about Pang. Another 24 staff members walked off the job in support of Dimara and were subsequently fired.

Publishers and journalists were generally aware of what content the government would object to and at times practiced self-censorship.

Libel/Slander Laws: The law allows for investigation and criminal prosecution of the publication of defamatory material, although, unlike in previous years, there were no reports of such cases used as a political weapon against journalists or opposition political figures.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

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

Access to Asylum: The law provides for granting asylum or refugee status, and there is a system for providing protection to refugees. Legislation establishes a process for determining refugee status; those approved may apply for a refugee visa and certificate of identity.

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

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

Temporary Protection: The government provided temporary protection to persons from Indonesia's Papua region who may not qualify as refugees. According to government estimates, more than 10,000 refugees from Indonesia's Papua region were living in the country. The government began a nationwide Naturalization and Registration Project to regularize the status of these persons. The country also welcomed non-Melanesian refugees, including those who arrived independently and those processed under regional arrangements.

f. Status and Treatment of Internally Displaced Persons

Natural disasters, tribal violence, ethnic clashes, and land disputes have historically

contributed to the displacement of communities in the country. On September 11, for example, a 7.6 magnitude earthquake struck Eastern Highlands and Morobe Provinces. Twenty-one persons died and 42 were injured, mostly due to landslides, and more than 5,000 residents were displaced.

Displacement from disaster and violence was generally protracted, with families living in temporary situations for more than one year on average. These internally displaced persons were vulnerable because they lacked access to land, basic services, and protection. Women and children were especially susceptible to abuse. The government has no policy or legislation to address the needs of internally displaced persons, and host communities often reacted to displaced populations with violence.

Between May and July, tribal fighting and election-related violence escalated in parts of the Highlands region, especially in Enga, Southern Highlands, and Hela Provinces, leading to the declaration of a state of emergency in the three provinces. Estimates of the number of persons displaced by the violence varied widely, ranging from 19,000 in the three provinces mentioned above to up to 265,000 across the entire region.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The most recent general election occurred in July. Bribery, voter intimidation, and undue political and tribal influence were widespread in some parts of the country during the election campaign. In some areas voting was peaceful and followed procedure, while in other areas ballot secrecy was not respected, and group voting occurred. There were also many incidents of violence and destruction of property, primarily in the Highlands, during and after the voting

period, causing the deaths of at least 50 individuals, including three police officers. Observers estimated that, altogether, an estimated 19,000 to 265,000 persons were affected by electoral violence. The International Foundation for Electoral Systems, a nongovernmental organization (NGO), reported that the violence stemmed in part from an under-resourced Electoral Commission along with poor planning and implementation. An observer group from the Commonwealth Secretariat agreed that the commission faced funding shortages and noted logistical challenges that were partly to blame for significant problems with the voter registration process. An observer group from the NGO Transparency International PNG described a severely flawed electoral process, with failures in the preparation, conduct, delivery, and conclusion of the election. Key problems identified by Transparency International PNG included inaccurate voting rolls, lack of enforcement against election offenses, noncompliance with constitutional requirements, disturbances in counting ballots, confusion about the declaration of victorious candidates, and widespread election-related violence. Because of the manifold flaws, observers could not say that the results were even broadly reflective of the voters' will.

Political Parties and Political Participation: There were no restrictions on party registration, and 43 parties contested the elections. Several parties alleged that sitting members of parliament used government resources for campaigning, although the lack of transparency in accounting for funds made this possible but hard to verify. The Ombudsman Commission issued a directive to freeze public funds controlled by parliamentarians starting when the campaign officially opened in April. The commission reported after the election, however, that unusually large amounts of money were withdrawn from parliamentary accounts in the 30 days before the freeze went into effect.

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

Participation of Women and Members of Minority Groups: No law limits participation by women or members of historically marginalized groups in the political process, but the deeply rooted patriarchal culture impeded women's full participation in political life. Two women won seats in the July elections for the 118-seat parliament. Women were expected to vote along tribal and family lines. The Electoral Commission instructed polling officials to create separate lines for

women to allow them to vote more freely. Six of the 65 judges on the National Court and the Supreme Court were women. The chief magistrate and deputy chief magistrate were women.

There were nine non-Melanesian members of parliament, triple the number before the election. Non-Melanesians generally did not face limitations in running for office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: International civil society and human rights groups termed corruption “widespread” and “pervasive.” Corruption was a problem in part due to weak public institutions and governance, lack of transparency, politicization of the bureaucracy, and the social pressure of traditional clan obligations. Corruption and conflicts of interest were of particular concern in extractive industries, most notably the logging sector, and in government procurement. In January, the parliamentary leadership tribunal dismissed two allegations against the member of parliament for Abau district, Sir Puka Temu. Temu allegedly improperly awarded contracts for the reconstruction of government offices while serving as a minister. He was suspended in November 2021 after the charges were referred to the public prosecutor in late 2020. The tribunal ruled that the evidence provided by the Ombudsman Commission did not have a factual or legal basis and reinstated Temu.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights

cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman Commission is responsible under the leadership code 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. Staffing constraints often caused delays in investigations and thus in the completion and release of reports.

Section 6. Discrimination and Societal Abuses

Women

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

According to Human Rights Watch, in 2020 approximately 15,000 cases of domestic violence were reported, but only 300 individuals were prosecuted and 100 convicted. Police officials admitted that police could not keep women and children safe and lacked resources for thorough investigations.

Most informed observers believed that a substantial majority of women experienced rape or sexual assault during their lives. According to Amnesty International, approximately two-thirds of women had been beaten by their partners. Due to stigma, fear of retribution, and limited trust in authorities, most women did not report rape or domestic violence to authorities. Moreover, most communities viewed intimate-partner violence as a private matter, further discouraging survivors from reporting the crime or pressing charges.

Those convicted of rape received prison sentences, but authorities apprehended and

prosecuted few rapists. The legal system allows village chiefs to negotiate the payment of compensation to survivors in lieu of trials for rapists. Anecdotal evidence suggested that survivors and their families pursued tribal remedies, including compensation, in preference to procedures in official courts. Village and district courts often hesitated to escalate domestic matters. Village courts regularly ordered payment of compensation to an abused spouse's family in cases of domestic abuse rather than issuing an order to detain and potentially charge the alleged offender.

In May the body of Imelda Tupi Tiamanda, age 31, was found wrapped in tarpaulin in her husband's vehicle at a police checkpoint in Southern Highlands Province. Police arrested and charged three men, including her husband. In September, the three were released from prison and the magistrate dismissed the charges, citing a lack of evidence.

Police committed sexual violence. In April, a policeman, age 54, was charged with six counts of raping a girl, age 13, in 2020. The trial was underway as of November.

There were family and sexual violence units in 18 of 22 provincial police headquarters across the country to provide survivors with protection, assistance through the judicial process, and medical care. Police leadership in some provinces improved services for survivors of gender-based violence, but this was largely a matter of the local leadership's personal interest in addressing these abuses. Comprehensive services for survivors of domestic and sexual violence were lacking in most of the country. This lack of services, along with societal and family pressure, often forced women back into violent and abusive homes.

As of September, there were nine shelters for abused women in the National Capital District and neighboring provinces. Outside the capital area, small community organizations or individuals with little access to funds and counseling resources maintained some shelters.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, authorities charged many women with murdering another of their husband's wives. Independent

observers indicated that approximately 90 percent of women in prison were convicted for attacking or killing their husband or another woman.

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

Sexual Harassment: Sexual harassment is not illegal and was a widespread and severe problem. Women frequently experienced harassment in public locations and the workplace. In Port Moresby the government and UN Women, the UN office that promotes gender equality, worked together to provide women-only public buses to reduce sexual harassment on public transportation.

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

Cultural barriers that impeded access to contraception included low educational and literacy levels among women; religious beliefs; risk of gender-based violence; the belief that younger women, women not in a union, or unmarried women who had not given birth to a child should not use contraceptives; lack of training among health-care workers; and community gossip and discrimination. There was limited or no access to reproductive health-care services for vulnerable populations in rural areas. The National Department of Health worked to strengthen Family Support Centers that provided counseling and support to survivors of gender-based violence and their families; emergency contraception was provided to those survivors who wanted it on a case-by-case basis following counseling services. Access to menstrual health care was constrained culturally in most rural areas, causing many girls in rural areas to leave school, and was a financial challenge to girls in urban centers.

According to the World Health Organization, the maternal mortality ratio in 2021 was 145 deaths per 100,000 live births due to factors including minimal access to maternal health services, the lack of health facilities and supplies, unmet needs for family planning and contraception, unsupervised deliveries, and sensitivities

surrounding sexual and reproductive health. Twenty-six percent of married women had an unmet need for family planning, seeking to stop or delay childbearing but not using any method of contraception. Sixty-five percent of married women used modern contraceptive methods.

Discrimination: The law provides the same legal status and rights for women as for men, including under family, religious, personal status and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The government, however, did not enforce the law effectively. Women continued to face severe inequalities in all aspects of social, cultural, economic, and political life.

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

Systemic Racial or Ethnic Violence and Discrimination

Under the Human Rights Act, every person in the country enjoys “the Right to Life, Freedom from Inhumane Treatment and the Right to Protection of the Law” regardless of nationality, race, color, creed, or gender. Although the laws provide for protection of members of racial and ethnic minority groups from discrimination; the government did not enforce them effectively. There were concerns about discrimination against certain ethnic groups, including Asian workers and entrepreneurs (see section 7.d.). The constitution provides that all persons are entitled to the fundamental rights and freedoms of the individual, regardless of their race, tribe, place of origin, political opinion, color, creed, or sex.

Children

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

Education: Education is not compulsory. There were many complaints the

government did not adequately fund education, leading to overcrowded classrooms and too few teachers. Some schools did not receive promised government education subsidies and reportedly closed as a result. Many schools charged fees despite the official free education policy. Only one-third of children completed primary school. Primary and secondary education completion rates tended to be slightly higher for boys than for girls. Recent reports, including a May UN report, confirmed that girls were at high risk of sexual harassment in schools, which, in addition to girls' generally high risk of sexual violence and harassment, commercial exploitation, and HIV infection, posed serious threats to their education. Families of pregnant secondary school-age girls discouraged them from continuing their education until they gave birth; afterward, to avoid social stigma and discrimination, the new mothers often did not return to school and pursued odd jobs to support their child.

Child Abuse: The laws against child abuse were rarely enforced. Initiatives such as the opening of Family Sexual and Violence Units within the police force remained limited.

In June 2021, the NGO Save the Children published a series of small-scale studies showing that 70 percent of children suffered physical abuse and 50 percent faced family violence.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for boys and 16 for girls. There are younger legal marriage ages (16 for boys and 14 for girls) with parental and court consent. In 2018 (the most recent data available), UNICEF reported that 27 percent of girls in country were married before the age of 15.

Customary and traditional practices allow marriage of children as young as age 12, and early marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse, and there were no government prevention or mitigation efforts.

Sexual Exploitation of Children: The law prohibits the commercial sexual

exploitation, sale, grooming, and sex trafficking of children. The law also prohibits using, procuring, and offering a child for pornographic performances; penalties range from five to 15 years' imprisonment. The minimum age for consensual sex is 16. The maximum penalty for child rape is 25 years' imprisonment or, if the victim is younger than age 12, life imprisonment. Enforcement of the laws remained a problem.

There were cases of sex trafficking of children in urban areas, including of minors working in bars and nightclubs. In August, a Port Moresby woman, age 23, was arrested for allegedly offering her niece, age 16, to an older man in exchange for money. As of October, the case was before the Waigani Committal Court pending prosecution. There were also reports of exploitation of children in the production of pornography and of sex trafficking involving both local and foreign children.

NGOs reported continued prevalence of child sex trafficking.

Antisemitism

There is a very small Jewish community in Port Moresby. There were no known reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual relations and acts of "gross indecency" between men are illegal. The maximum penalty for same-sex sexual relations is 14 years' imprisonment, and for misdemeanor acts of "gross indecency" between male persons, three years' imprisonment. The trial of two men for having sexual relations began in November. Criminalization reinforced negative societal views of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons and made them vulnerable to physical abuse and

discrimination. Additionally, according to Human Rights Watch, officials and employers sometime used the law as a pretext to harass or extort money from gay and lesbian individuals, including gay and lesbian refugees.

Violence against LGBTQI+ Persons: There were reports of societal violence against LGBTQI+ persons, which police were disinclined to investigate, and of discrimination against them. Their vulnerability to societal stigmatization or violent retaliation may have led to underreporting.

Discrimination: No antidiscrimination law protects LGBTQI+ individuals. There were no government reports of discrimination due to LGBTQI+ status, but the scope of discrimination was difficult to measure due to LGBTQI+ individuals' fear of revealing sexual characteristics. Discrimination against LGBTQI+ persons, especially transgender individuals, remained widespread in health care, housing, personal safety, employment, education, family, and access to other social services. Societal discrimination against LGBTQI+ individuals indirectly prevented them from freely accessing health-care services.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There are no laws prohibiting or limiting so-called conversion therapy practices. Australia-based NGO Many Coloured Sky reported that so-called conversation therapy practices targeting LGBTQI+ individuals occurred, including by some religious organizations. There were no efforts to condemn such practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Although there were no formal restrictions in place, societal norms prevented transgender or nonbinary individuals from publicly discussing or expressing their gender identity.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities. Nevertheless, persons with disabilities faced discrimination in

employment; education; and access to health care, transportation, and other state services. Most buildings and public infrastructure remained inaccessible for persons with disabilities. Children with disabilities attended school in disproportionately low numbers. Those with certain types of disabilities, such as amputees, attended school with children without disabilities, while those who were blind or deaf attended specialized schools. The government endorsed the use of sign language to communicate information about all government programs, although access to interpreters was limited. Public addresses by government officials had simultaneous sign language interpretation, as did all local broadcast news programs.

The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. Most persons with disabilities did not find training or work outside the family (see section 7.d.).

Other Societal Violence or Discrimination

Press reported vigilante killings across the country, in many cases related to alleged involvement in sorcery and witchcraft and typically targeting vulnerable persons, including young women, widows without sons, and the elderly.

Church leaders and policy makers observed that the number of persons reportedly tortured and killed for alleged sorcery increased. Many believed perpetrators used claims of sorcery to mask inheritance disputes within or between clans and criminal violence (e.g., theft or revenge) against vulnerable members of the community. Reliable data on the matter remained elusive with estimates ranging from 30 to 500 fatal attacks per year. Between May and July, 13 women were attacked and 10 killed following sorcery accusations in Enga Province. Although police apparently knew the identity of some of the attackers, no arrests were reported.

Long-standing animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of law enforcement were factors underlying frequent violent tribal conflict in highland areas. During the year, tribal fighting continued in Highlands provinces. The number of deaths and internally

displaced persons resulting from such conflicts continued to rise due to the increased availability of modern weapons.

There were conflicts between tribes or groups of tribes and the government and foreign investors over the development of mines and other extractive industries on traditional tribal lands. On July 20, 24 civilians were attacked and killed in Porgera during a conflict over land and revenue from illegal gold mining.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government has limited influence over trade union formation and registration. The law requires unions to register with the Department of Labor and Industrial Relations (Labor Department). An unregistered union has no legal standing and thus cannot operate effectively.

Although the law provides for the right to strike, the government may, and often did, intervene in labor disputes, forcing arbitration before workers could legally strike or refusing to grant permission for a secret ballot vote on strike action. Some union leaders complained that the Labor Department's refusal to allow for votes on strike action constituted undue government influence. By law the government has discretionary power to intervene in collective bargaining by canceling arbitration awards or declaring wage agreements void when deemed contrary to government policy.

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

The Labor Department is responsible for enforcing the law but did not do so

effectively. Penalties were commensurate with those for other analogous violations. With two labor inspectors allocated per province and inadequate resources, inspectors usually monitored and enforced the law on an ad hoc basis. The Labor Department did not always act to prevent retaliation against strikers or protect workers from antiunion discrimination, which remained widespread in the logging sector and in state-owned enterprises. Observers attributed its ineffectiveness to insufficient manpower and resources. It was not reported if penalties were regularly applied against violators of laws protecting freedom of association and collective bargaining.

Unions were generally independent of both the government and political parties, whose influence diminished from previous years. Employees of some government-owned enterprises went on strike on several occasions, primarily to protest privatization policies, terminations, and appointments of managers or board members, or in pay disputes. After the appointment of a provincial administrator workers claimed was unqualified, Madang provincial public employees went on strike in June, demanding that authorities explain his selection. The government threatened to punish workers participating in the action. As of October, the strike reportedly was affecting some government functions, including issuance of business licenses.

b. Prohibition of Forced or Compulsory Labor

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

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

Foreign and local men and boys seeking work on fishing vessels went into debt to pay recruitment fees, which vessel owners and senior crew leveraged to compel them to continue working indefinitely. Officials may, with a court order, return foreign crewmembers to their fishing boats, which observers said could prevent them from escaping forced labor or other abuse.

There were reports that foreign and local women and children were subjected to forced labor in the tourism sector or as domestic servants, beggars, or street vendors (see section 7.c.). Foreign and local men were subjected to forced labor, including through debt bondage, in the logging, mining, and fishing sectors. There also were reports of foreign workers, particularly from the People's Republic of China and Pacific countries, who entered the country with fraudulent documents and were subjected to forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination with Respect to Employment and Occupation

The constitution bars discrimination based on disability, and the law bans discrimination based on gender in employment and wages. The law nonetheless explicitly precludes women from employment in certain occupations. It also designates certain civil service positions as open only to men or open only to women and discriminates by gender in eligibility for certain job-related allowances. No law prohibits discrimination in employment or occupation on the grounds of race, language, sexual orientation, gender identity, HIV or other communicable disease status, religion, national origin, color, ethnicity, disability, or refugee or stateless status.

The government did not effectively enforce the law. Penalties were commensurate with those for similar violations but were not applied in all sectors. These penalties were sometimes applied against violators. Discrimination occurred against women and persons with disabilities in hiring and access to the workplace. Women had limited access to credit, loans, and land, especially in rural areas where traditional biases about women's roles and lack of government oversight were prevalent. Migrant workers were vulnerable to discrimination; the International Labor Organization noted there were concerns about discrimination

against certain ethnic groups, including Asian workers and entrepreneurs.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage for all sectors, which was above the official estimate for the poverty income level. The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime work. The law limits the work week 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.

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) standards and is required by law to inspect work sites on a regular basis. The law does not specify protection for employees who seek to remove themselves from conditions they deem hazardous. In the case of a second or subsequent violation of wage or safety and health law, the employer is liable to a fine for each day or part of each day for which the offense continued. When an employer fails to obey an order, direction, or requirement, the court may order imprisonment of the offender until the directive is obeyed. It was not reported if OSH experts actively identified unsafe conditions.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH law. Penalties were not commensurate with those for similar crimes, such as fraud or negligence. Penalties were rarely applied against violators. The Labor Department is responsible for enforcing minimum wage, work hours, and OSH laws. The number of labor inspectors was likely insufficient to enforce compliance. Inspectors have the authority to make unannounced visits and levy sanctions, but the number of OSH and industrial relations inspectors was insufficient to enforce compliance. Violations of wage, overtime, and OSH law and regulations were common in the logging, mining, agricultural, and construction sectors due to the government's lack of enforcement capacity. The logging industry in particular was known for extremely low wages and poor working conditions, including cramped and unhygienic worker housing. Workers in the mining sector were also subjected to hazardous and exploitative conditions, including exposure to toxic metals such as mercury.

Informal Sector: An estimated 80 percent of the country's workers labored in the unregulated informal sector, primarily in subsistence agriculture and informal sales of betel nut, cigars, basic groceries, arts and crafts, and garments. Informal sector workers are not covered by wage, hour, OSH, and other labor laws and inspections.