

# Prevention of Sexual Exploitation and Abuse (PSEA)

Country Mapping of Known Context, Legislation, Reporting and Referral Pathways — Papua New Guinea

An initiative  
of ACFID's  
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# Prevention of Sexual Exploitation and Abuse (PSEA) – PNG

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

## OVERVIEW OF PSEA ISSUES

Demographics	Papua New Guinea (PNG) is the largest and most populous Pacific Island Country, although overall density outside of the capital of Port Moresby is low - 87% of the population live in rural and often very remote communities. <sup>1</sup> The trend toward urbanization accelerated in the 1990s, bringing in its wake squatter settlements, unemployment, and attendant social problems – almost 40% of the country lives in poverty. Almost two-thirds of the population is Christian. PNG has an estimated population of 7.6 million, of which nearly half (49%) are children between the ages of 0 and 18 years. <sup>2</sup> PNG is linguistically and culturally one of the most diverse countries in the world, with over 1,000 tribes and 800 languages.
Disability	There are an estimated 975,000 people with a disability in PNG, of which only 2% have access to adequate services. Around 15% of PNGs total population have some form of disability. Women and girls with disabilities are among the most marginalised and vulnerable, facing discrimination on the basis of both gender and disability.
Education	Approximately 27% of 6 to 16-year-olds are out of school. An average of 16.2% (15.9% of boys and 16.5% of girls) of students in primary schools are of the appropriate age for their grade level. Enrolment of over-age children is an issue in all grades but especially in primary school, leading to a gross enrolment ratio more than 172% in primary schools. 53% of schools are run by government and 46% by faith-based organisations. <sup>3</sup>
Gender and Sexuality	Regional data shows that adolescent birth rates are rising, while contraceptive prevalence remains under 30%. Adolescent girls have a high proportion of unintended pregnancies, and international research indicates that up to 50% of unplanned pregnancies in young people are a result of reproductive coercion. <sup>4</sup>  PNG has the highest incidence and prevalence of HIV in the Pacific, <sup>5</sup> and the relationship between intimate partner violence and HIV echoes global findings <sup>6</sup> around direct transmission due to forced sex, reduced ability to negotiate sex due to intimate partner violence, sexual relationships at earlier ages, and increased vulnerability to sex work among victims of child sexual abuse. Women, transgender people, men who have sex with men, and women engaging in transactional sex are afraid to test, disclose results, access services or adhere to treatment due to real and perceived stigma, discrimination and violence from police, clients and others in their communities.  The PNG Criminal Code <sup>7</sup> outlaws sex “against the order of nature,” which has been interpreted

1 World Bank, 2016. [Rural Population Report](#)  
 2 Department of Community Development and Religion, 2017. [National Child Protection Policy 2017-2027](#)  
 3 UNICEF, 2017. [Papua New Guinea Annual Report 2017](#)  
 4 DFAT, 2018. [Ending Violence Against Women and Girls](#)  
 5 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)  
 6 FHI360, 2018. [Strengthening HIV/AIDS Services for Key Populations in Papua New Guinea](#)  
 7 [Criminal Code](#) (1974)

to apply to consensual same-sex acts, and is punishable by up to 14 years imprisonment. While there is little information on actual convictions, the law is sometimes used pretext by officials and employers to harass or extort money from gay and lesbian people in PNG, including gay refugees.

Poverty	In 2017, 37.5% of the population lived below the national poverty line. <sup>8</sup> Poverty is most severe in the West, especially in East and West Sepik provinces and the Highlands.
Public Attitudes	Only seven women have ever been elected to Parliament in 40 years, and after the 2017 national election there are currently no women in Parliament. Cultural and systemic obstacles prevent women from participating in political life and holding office. Other decision-making structures including customary, religious, and private spheres are also male dominated. Deeply rooted traditional practices like bride price (whereby the female is considered the property of the husband and his entire family) and polygamy exacerbate the issue and perpetuate structural discrimination. <sup>9</sup>
Trafficking	Papua New Guinea is a source, destination and transit country for women and children trafficked for forced labour and sexual exploitation. Approximately 30% of sex trafficking victims are children under the age of 18, with some as young as 10 years old. <sup>10</sup>
Violence	PNG is one of the most dangerous places in the world to be female. More than 75% of females experience rape or sexual assault once or more in their lifetime, and girls rather than women are more likely to be victims. Perpetrators of sexual violence against children are most often adult males categorised as ‘blood relatives.’  Family and domestic violence is brutal and severe, often includes torture and murder, and is most often perpetrated by adult males. <sup>11, 12</sup> Some studies have shown that 80% of men have perpetrated physical and/or sexual violence against a partner, 85% of men beat their child, and 29% of children were beaten at least once a week by male family members in 2013. <sup>13</sup> In 2011, up to 74% of domestic violence survivors attending Family Support Centres are children. <sup>14</sup>  Concerningly, women with some form of disability were more likely to agree that a woman should tolerate beatings in order to keep her family together and was more likely to experience sexual violence within marriage. <sup>15</sup> This may also be due to a lack of options to leave a marriage, and a lack of access to support services and networks.  While such acts have long been criminalized and domestic violence was specifically proscribed under the 2013 Family Protection Act, few perpetrators are brought to justice. <sup>16</sup> Officials often neglect survivors’ needs for safety, services, and justice. <sup>17</sup> Police and prosecutors are very rarely prepared to pursue investigations or criminal charges against people who commit family violence—even in cases of attempted murder, serious injury, or repeated rape—and instead prefer to resolve them through mediation and/or the payment of compensation. Police also often demand money from victims before taking action, or simply ignore cases that occur in rural areas. There is also a severe lack of services for people requiring assistance after having suffered family violence, such as safe houses, qualified counsellors, case management, financial support, or legal aid. <sup>18</sup>
Women's Empowerment	The 2020 Global Gender Gap Report ranked Papua New Guinea 127 out of 153 countries in terms of the Global Gender Gap Index, <sup>19</sup> which measures gender disparity across four broad areas including economic participation and opportunity, educational attainment, political empowerment, and health and survival. When bride price is paid in marriage, a woman is considered the property of her husband and to his entire family. <sup>20</sup>

8 Asian Development Bank, 2019. [Poverty in Papua New Guinea](#)  
 9 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)  
 10 USA State Department, 2020. [Trafficking in Persons Report](#)  
 11 Human Rights Watch, 2020. [World Report](#)  
 12 Australia National University, 2015. [The Spread of Sorcery Killing and its Social Implications](#)  
 13 UNDP and Autonomous Bougainville Government, 2015. [Family Health and Safety Study](#)  
 14 Medecins Sans Frontieres, 2011. [Hidden and Neglected: The Medical and Emotional Needs of Survivors of Family and Sexual Violence in Papua New Guinea](#)  
 15 FHI360 2019. [Survey and Family Wellbeing in Western Highlands and West Sepik Provinces](#)  
 16 Human Rights Watch, 2016. [Papua New Guinea](#)  
 17 Human Rights Watch, 2015. [Bashed Up: Family Violence in Papua New Guinea](#)  
 18 Human Rights Watch, 2016. [Papua New Guinea](#)  
 19 World Economic Forum, 2020. [Global Gender Gap Report](#)  
 20 AusAid, 2008. [Violence Against Women in Melanesia and East Timor](#)

## RELEVANT PSEA LEGISLATION

International Instruments	<p>The <b>Convention on the Political Rights of Women</b> ratified in 1982 codifies a basic international standard for women's political rights. The <b>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</b> ratified in 1995 acts as an international bill of rights for women.</p> <p>The <b>Convention on the Rights of the Child (CRC)</b> ratified in 1993 is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. While there are examples of domestic courts willing to cite the CRC within decisions, domestic law supersedes.</p> <p>Additional general rights instruments ratified in 2008 include the <b>International Covenant on Economic, Social and Cultural Rights (ICESCR)</b> to ensure the enjoyment of economic, social and cultural rights, including the right to education; and the <b>International Covenant on Civil and Political Rights (ICCPR)</b> enables people to enjoy a wide range of human rights, including those relating to freedom from torture and other cruel, inhuman or degrading treatment or punishment.</p> <p>The <b>Pacific Leaders' Gender Equality Declaration (2012)</b><sup>21</sup> saw Pacific leaders commit their governments to implement specific national policy actions to progress gender equality in gender-responsive government programs and policies, decision making, economic empowerment, ending violence against women, health and education.</p>
Legal Framework	<p>The <b>Criminal Code Act (1974)</b><sup>22</sup> establishes 16 as the age of sexual consent, and indecent acts directed at children under 16 years is an offence. The <b>Lukautim Pikinini Act (2015)</b> establishes the minimum age for marriage is 18, and the <b>Adultery and Enticement Act (1988)</b><sup>23</sup> interprets voluntary extra-marital sexual affairs as a sexual offence.</p> <p>The <b>Constitution of the Independent State of Papua New Guinea (1975)</b><sup>24</sup> includes a number of rights provisions that apply including the right to freedom from inhuman treatment, punishment that is cruel or inhumane, or is inconsistent with the inherent dignity of the human person.</p> <p>The <b>Family Protection Act (2013)</b><sup>25</sup> exists to prevent domestic violence and economic abuse and maximise safety of victims. The underlying principles include every person's right to freedom from violence, and that violence in marriage is not a private matter but a social problem of public concern. The Act makes it a criminal offence to assault, psychologically abuse, harass, intimidate, or sexually abuse a family member (whether or not there is evidence of physical injury), does not recognise customary payment as a defence, provides for family protection orders, and outlines conditions relating to protection orders.</p> <p>The <b>Village Courts Act (1989)</b><sup>26</sup> addresses offences relating to fights or violence directed at a person and the property of a person. The Act enables Village Courts to issue IPOs, which make them an important agent in the dispensing of justice addressing family sexual violence at the community-level.</p>

21 Independent State of PNG. *National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025*  
22 *Criminal Code Act (1974)*  
23 *Adultery and Enticement Act (1988)*  
24 *Constitution of the Independent State of Papua New Guinea (1975)*  
25 *Family Protection Act (2013)*  
26 *Village Courts Act (1989)*

The **HIV/AIDS Management and Prevention Act (2003)**<sup>27</sup> provides protection from harassment, discrimination and intimidation for persons living with HIV and AIDS. The **Criminal Code Act (1974)** emphasises intentional or attempted transmission of HIV is an assault or attempted assault, occasioning bodily harm. If death has occurred, the perpetrator is to be charged with homicide.

**Lukautim Pikinini (Child Protection) Act (2015)**<sup>28</sup> is based on the Convention on the Rights of a Child and guarantees protection of rights, respect and dignity of all children. A person who believes, on reasonable grounds, that a child is a child in need of protection, may notify the Office for Child and Family Services. That person should also take 'whatever steps necessary' to assist the child. A person who performs 'professional duties' with respect to a child, or who in the course of their professional, official or community duties, has reason to believe that a child is in need of protection, must immediately report the matter to the Office for Child and Family Services. A person who fails to do so may be civilly liable.

**Criminal Code Act (1974)** was revised in 2002 to update and enhance provisions relating to rape and other sexual offences against both children and adults. It establishes 16 as the age of consent to engage in sexual activity and includes a set of specific crimes relating to sexual abuse and exploitation of children. In line with international standards, it criminalizes all penetrative and non-penetrative sexual acts, child prostitution and child pornography. In 2013, the Criminal Code was amended to criminalize domestic and international trafficking of men, women and children for the purpose of both forced labour and sexual exploitation. The offence allows for tougher penalties if the victim is a child it contains provisions for victim assistance and protection. However, the definition of trafficking in children is not fully in line with the Palermo Protocol because it requires an element of force, threat or deception. However, the Criminal Code still criminalises sex work which puts sex workers, including those who have been trafficked or forced to work, at increased risk of violence. Work on this is ongoing using CEDAW.

The **Cybercrime Code Act (2016)**<sup>29</sup> addresses child online grooming, child sex abuse material, and cyber harassment.

The **Censorship Act (2016)**<sup>30</sup> addresses solicitation of children for sexual purposes, including grooming, enticement, and extortion.

The **Sorcery Act (1971)** was repealed in 2013, and the government approved the Sorcery Accusation-Related Violence National Action Plan in 2015. The Action Plan covers five key areas: legal and protection, health, advocacy and communication, care and counselling, and research. Children, especially girls directly affected by sorcery accusation related violence, or whose caregivers are affected, are among the most vulnerable populations in PNG.<sup>31</sup>

27 *HIV/AIDS Management and Prevention Act (2003)*  
28 *Lukautim Pikinini Act (2015)*  
29 *Cybercrime Code Act (2016)*  
30 *Censorship Act (2016)*  
31 Spotlight Initiative, 2019. *Country Programme Document: Papua New Guinea*

Government Agencies and Civil Society

In addition to legislation, PNG have a number of Action Plans relevant to addressing SGBV, such as the **Medium-Term Development Plan**<sup>32</sup> which sets out to achieve zero tolerance of GBV by 2030.

**Vision 2050**<sup>33</sup> recognizes the huge imbalance and inequity in PNG, which favours males and marginalises the equitable participation of females in every aspect of life, and the **Development Strategic Plan**<sup>34</sup> is the long-term action plan for achieving Vision 2050. Strategic focal areas include gender empowerment; addressing violence against women and children (family violence); and equal access to literacy, higher education, and paid employment. The need to increase capacity and effectiveness of enforcing agencies and institutions to protect the victims of SGBV is recognized by the Sustainable Development Program.

The **National Strategy to Prevent and Respond to GBV 2016-2025**<sup>35</sup> aims to develop a functioning GBV governance and reporting system; standardize institutional data; coordinate referrals and responses; and raise awareness.

The **National Policy on Social Protection 2015-2020**<sup>36</sup> recognises women and girls, including victims of GBV, must be recognized and require full protection and adequate assistance to improve their health, livelihood and wellbeing.

The **National Policy on Disability 2015-2025**<sup>37</sup> addresses the needs of persons with disabilities, including the needs of women and girls, in accessing services and development opportunities.

Goal Four of the **National Youth Policy 2007-2017** to promote healthy lifestyles acknowledges young people need protection from violence and sexual abuse.<sup>38</sup>

The **Child Health Policy and Plan 2009-2020**<sup>39</sup> states domestic violence against mothers and physical and sexual abuse against children destroys families and the psychological, emotional, spiritual and physical developments necessary in childhood and adolescence. Health workers, teachers, community groups and neighbours need to identify and report child abuse and domestic violence.

The **National Health Plan 2010-2020**<sup>40</sup> recognizes the need to improve the health sector response to prevent injuries, trauma and violence that impact families and community, including via increased roll out of Family Support Centres.

The **Spotlight Initiative**<sup>41</sup> to eliminate violence against women and girls is charged with coordinating and implementing the Gender Based Violence Strategy. It's a partnership between UN agencies and program partners, World Bank, PNG Business Council, and governments of PNG, Australia, New Zealand.

32 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)  
 33 Independent State of PNG, 2008. [Papua New Guinea Vision 2050](#)  
 34 Independent State of PNG, 2010. [Development Strategic Plan 2010-2030](#)  
 35 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)  
 36 Independent State of PNG, 2015. [National Policy on Social Protection 2015-2020](#)  
 37 Independent State of PNG, 2015. [National Policy on Disability 2015-2025](#)  
 38 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)  
 39 Independent State of PNG, 2009. [Child Health Policy and Plan 2009-2020](#)  
 40 Independent State of PNG, 2009. [National Health Plan 2010-2020](#)  
 41 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)

## REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

Service Name	Description	Coverage	Contact
<b>Law Enforcement Agencies</b>			
Police	Including Family and Sexual Violence Units (FSVU) <sup>42</sup>	National Weekday 8-4pm	<b>Emergency 112</b>
<b>Statutory Protection Agencies/Unit</b>			
1-Tok Kaunselim Helpim Lain	Counselling line operated by Child Fund for persons affected by family and sexual violence.		T 7150 8000 (toll free) Comprehensive Service Provider Directory – Family and SGBV Services
<b>Local Health and Medical Services</b>			
Ambulance			<b>Emergency 110</b>
Meri Toksave	A Police and Healthcare service provider directory, healthcare referral information, and information on other local organisations and hotlines. Last updated in 2015.		Police and Healthcare Directory and Service Provider List
<b>Support Agencies</b>			
Femili PNG	Case management services to survivors of family and sexual violence. Works at safe houses, courts, police stations, welfare offices, hospitals and other agencies as well as in the home and with transport and relocation services.	Lae and Port Moresby  Weekday 9:30 – 5pm	<b>Lae</b> T 7091 4027 T 472 8904  <b>Port Moresby</b> Bel Isi T 7055 4401 Other T 7916 9063  General <a href="mailto:info@femilipng.org">info@femilipng.org</a>  Chairperson <a href="mailto:stephen.howes@anu.edu.au">stephen.howes@anu.edu.au</a>
<b>Key Advocacy Services, Networks, and Agencies</b>			
Department of Health	GBV Survivor Services	National	T 301 3634
UNDP	Providing support to the Royal PNG Constabulary FSVU units through prevention, operational support and community outreach on issues of gender-based violence	National	T 321 2877 (via UN reception) <a href="mailto:registry.pg@undp.org">registry.pg@undp.org</a>
Child Fund PNG	Advocacy organisation supporting long-term community development. Operates 1-Tok Kaunselim Helpim Lain	National	T 323 2544 Digicell (+675) 7030 0297
National Department of Health	GBV Survivor Services	National	(+675) 301 3634
<b>Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)</b>			
Australian Federal Police	Report instances of child abuse by Australians	National	T (+61) 261 313 000 After Hours (+61) 261 267 777 <a href="http://www.afp.gov.au/en/policing/child-protection-operations.aspx">www.afp.gov.au/en/policing/child-protection-operations.aspx</a>
Australian High Commission in Port Moresby	Consular advice and services	National	T 325 9333 Godwit Road, Waigani NCD, Port Moresby

42 FSVUs investigate reports of family and sexual violence, ensure reports are dealt with in a timely manner, assist complainants in applying for Interim Protection Orders, provide relevant support to complainants during the court processes; and liaise and make referrals to the Sexual Offences Squad.







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