

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

PAPUA NEW GUINEA

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INTRODUCTION

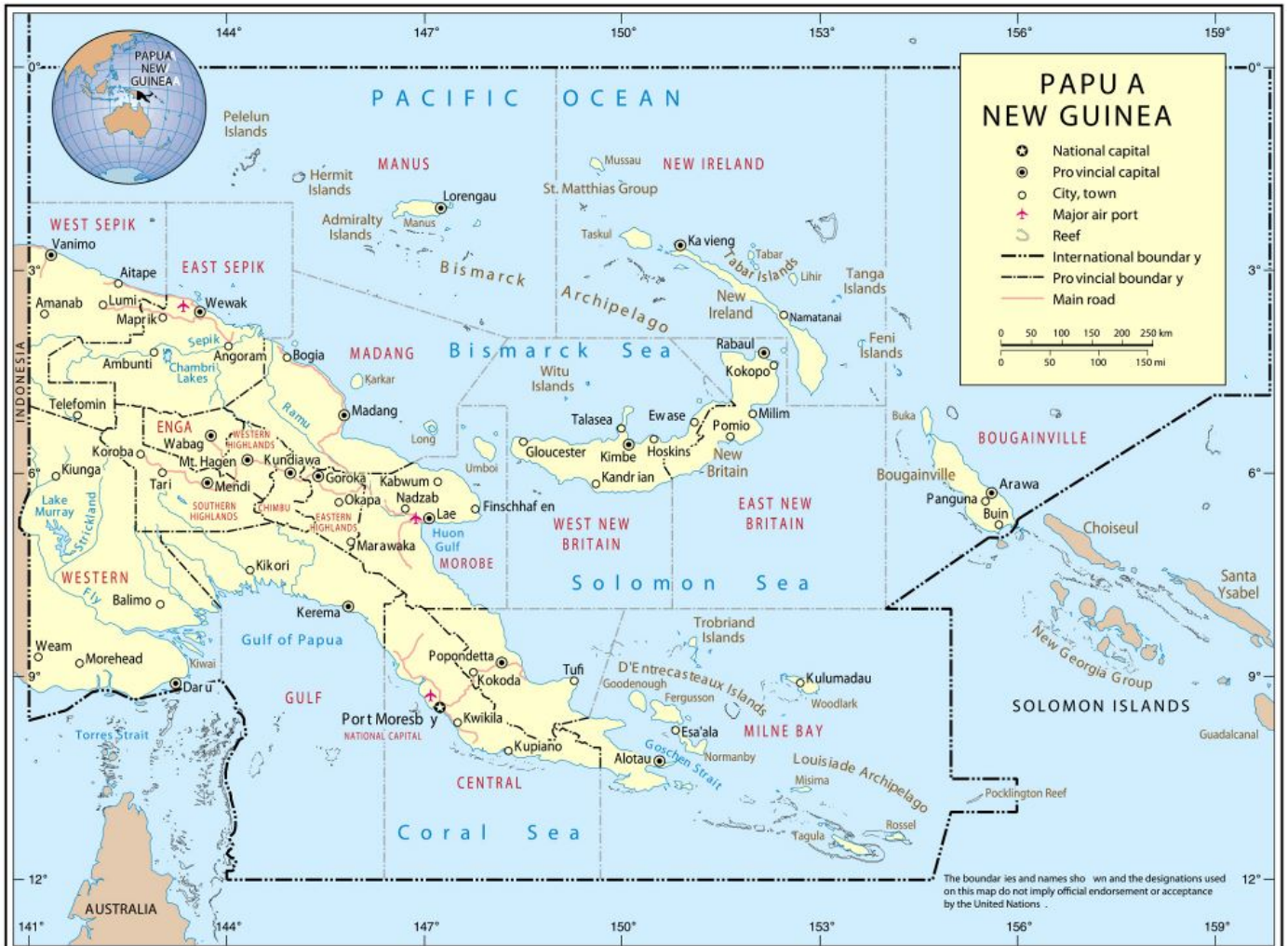
Atrocity crimes are a serious threat to human life as well as to national and international peace and security. Therefore, measures taken to prevent atrocity crimes are of great importance and also serve to reinforce state sovereignty by reducing the need for more intrusive forms of response from the international community. In 2014 the United Nations Special Advisers on the Prevention of Genocide and the Responsibility to Protect presented an updated [Framework of Analysis](#) for Atrocity Prevention to assist with assessing the risks of genocide, ethnic cleansing, war crimes, and crimes against humanity (hence-forth referred to as ‘the Framework’). The Framework serves as a working tool to identify those countries most at risk in order to support the prevention of atrocity crimes.

The following risk assessment for Papua New Guinea (PNG) utilises the risk factors and indicators as presented in the Framework. This report only includes those risk factors currently relevant to the situation in Papua New Guinea. Note that there is often overlap between separate risk factors and indicators, and where possible these have been identified with a note on where else in the report these risks factors have been identified. Additionally, it is necessary to underscore that, as per the Framework, the presence or absence of risks factors does not guarantee that atrocity crimes will or will not occur. Rather, the assessment identifies where a higher risk of atrocity crimes is present. Only by examining risk factors in their numerous and appropriate contexts is it possible to more fully identify the strengths and weaknesses of Papua New Guinea’s current atrocity risk factors, and in doing so support the government’s responsibility to uphold human rights and prevent the potential for atrocity crimes to arise in the future. This Framework, therefore, is a tool for prevention.

Papua New Guinea is a diverse country in relation to ethnicity, culture and geography and some data used in this report relates to the situation in specific provinces or regions, and is not necessarily representative of the whole country. Further, due to the remoteness and near inaccessibility of some areas of the highlands, information on these areas may not be definitive.

This assessment finds that the current overall risk of atrocity crimes in Papua New Guinea is moderate. Within Papua New Guinea at least two indicators are met in all of the Common Risk Factors outlined by the Framework. Those of highest prevalence include: Risk Factor 1 (situations of armed conflict or instability); Risk Factor 2 (record of violations of international human rights); and Risk Factor 3 (weakness of state structures), with the majority of sub-indicators within each Risk Factor being met. There is a moderate presence of Risk Factors 4, 6 and 8, and lower incidences of Risk Factors 5 and 7. Particular issues of note in PNG that contribute to the risk of atrocity crimes include: widespread violence, including sexual and gender-based violence; poverty and economic asymmetry; weak State structures which inhibit social services and human development; corruption and impunity, which feeds political, economic and social instability; and inequality. Of particular concern is the level of endemic violence against women, and the prevalence of inter-tribal violence, both of which meet indicators within the Specific Risk Factors for crimes against humanity. With these findings in mind, the report concludes by offering recommendations to address the underlying causes of the political, economic and social instability and inequality, and direct policies of prevention. These relate to implementing and enforcing legislation, improving gender equality and reducing violence against women, and addressing the culture of corruption and impunity.

MAP PAPUA NEW GUINEA



Map No. 4104 Rev. 1 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

FRAMEWORK OF ANALYSIS

Framework of Analysis consists of fourteen (14) Risk Factors of atrocity crimes, with each Risk Factor accompanied by a suite of 6 to 18 specific Indicators that are used to help to determine the degree of risk present. Combined, these Risk Factors and associated Indicators guide the collection and analysis of data to determine the degree and kinds of atrocity crime risk present in a given country. This assessment deals only with the Risk Factors considered most relevant to the Papua New Guinean context; hence, some Risk Factors are not included (the absence of a Risk Factor or Indicator does not indicate they are not important or may not be a risk in the future, simply that they are presently of minimal concern).

The Risk Factors are delineated into two different groups: Common Risk Factors, which are the conditions that increase the probability of atrocity crimes occurring; and, Specific Risk Factors, which are divided into the risks associated with genocide, crimes against humanity, and war crimes (ethnic cleansing is incorporated into the other atrocity crimes). A greater number of Risk Factors and Indicators denote an enhanced risk of atrocity crimes. The Risk Factors are not ranked by importance. In some cases, the Risk Factors assessed in this report relate to events and conditions that occurred decades ago. Nevertheless, how such events are being dealt with today can contribute to the likelihood of other types of atrocity crimes arising in the future.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes Against Humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found by visiting the UN website at www.un.org.

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

The first Common Risk Factor concerns “situations that place a State under stress and generate an environment conducive to atrocity crimes”. Although atrocity crimes generally take place within the context of armed conflict, a State’s propensity to commit atrocity crimes can also be influenced by other forms of acute instability, such as a humanitarian crisis or political, economic and/or social volatility.

PNG is one of the most ethnically and culturally diverse countries in the world, with over 850 different languages spoken. Its geography includes over 600 islands and highly mountainous terrain. Population statistics are difficult to ascertain, with a 2022 study by the United Nations Population Fund suggesting that its population may be far above the government’s estimate of 9.4 million. A census was due to be held in 2021 but was delayed due to the pandemic.¹ The majority of the population lives in rural or remote areas. Of the 11 Indicators under Risk Factor 1, 9 have been identified as most pertinent to the Papua New Guinean context.

Armed Conflict

Indicator 1.1 refers to “international or non-international armed conflict”. PNG is no longer considered to be in a state of international or non-international armed conflict. Previously, PNG suffered a civil war on the island province of Bougainville, which has long sought independence.² This led to more than nine years of violence and an estimated 20,000 casualties, with even more people displaced (see further **indicators 4.8** and **4.9**).³ In 1998, a ceasefire was brokered and a United Nations Observer Mission was established.⁴ In 2001, the Bougainville Peace Agreement was signed, establishing the Autonomous Bougainville Government, and included a provision for an independence referendum between 2015 and 2020 (see **indicators 8.4** and **8.8**). The referendum was held in November 2019 and resulted in 97.7 per cent in favour of independence.⁵ However, the path ahead for Bougainville remains complicated. In May 2021, President of the Autonomous Bougainville Government Ishmael Toroamo called for a clear timeline for independence with Bougainville becoming self-governing by 2022 and reaching complete independence by 2025. The PNG Government however, has pushed that back to between 2025-2027 for a ‘political settlement’.⁶ In addition, consultations are slow to be rolled out and there is yet to be a clear roadmap.⁷

Armed conflict in PNG in the form of inter-tribal conflict is prevalent, and while violence is a traditional customary dispute resolution mechanism for land conflicts and other community disputes, it has been exacerbated and made more deadly by the availability of deadly weapons, a lack of police presence, and issues around the extractive industry and access to natural resources.⁸ These conflicts often involve property destruction; assault and murder, and frequently sexual and gender-based violence (SGBV) against women and children. They also can lead to displacement.

A massacre was committed in July 2019 as a result of inter-tribal conflict. More than 20 people were killed, including children and pregnant women, during two incidents in the villages of Peta and Karida, Hela in the southern highlands. The situation was further complicated by the use of firearms in the attacks.⁹ Since then, four massacres have taken place in Hela and Enga. In January 2021, a land dispute between relatives in Hela resulted in the death of 21 people, including two teenage girls and their mother.¹⁰ Despite government assurances of increases in police resources, the risk of tribal violence remains high.¹¹

Armed conflict in neighbouring countries

Indicator 1.2 refers to “security crisis caused by ... armed conflict in neighbouring countries”. PNG is neighboured by Indonesia to the East and Australia to the South. Since 1962 there has been conflict in the Indonesian provinces of Papua and West Papua between Indonesian security forces and local non-state actors seeking to establish West Papua’s independence. Human rights abuses by Indonesian forces have been well established (see **indicator 8.2**).¹²

Insecurity from Natural Disasters and Epidemics

Indicator 1.3 refers to “humanitarian crisis or emergency, including those caused by natural disasters or epidemics”. In PNG, 85 percent of the population relies on subsistence farming.¹³ Due to environmental degradation from the

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

over-exploitation of natural resources, climate change, unsustainable fishing practices and land use, and a lack of capacity in disaster risk management, PNG's vulnerability to natural disasters has increased.¹⁴ In December 2021, PNG saw flooding from unusually high tides that affected the residents of coastal areas, causing over 53,000 people to be displaced.¹⁵ PNG is also prone to volcanic eruptions,¹⁶ and to severe earthquakes, aftershocks and landslides, especially in the highlands.¹⁷ In September 2022, an earthquake that hit Markham Valley in Morobe killed 7 people, with the damage being exacerbated by landslides.¹⁸ Frequent natural disasters, an a cycle of humanitarian crisis along with limited aid relief, can lead to conflict and violence.

Of 189 countries, PNG is ranked 156 on the Human Development Index (HDI).¹⁹ The healthcare services in PNG are inadequate and the country has experienced various disease outbreaks including cholera, measles and polio.²⁰ While the government has introduced a free primary healthcare policy, quality services and adequate supplies remain a concern, and access to healthcare in rural and remote areas is a significant challenge.²¹

There is a history of distrust in government, exacerbated by the spread of conspiracy theories among the population around diseases such as HIV/AIDS and more recently, Covid-19.²² PNG recorded its first case in March 2020 and the Prime Minister warned of the fragile nature of the country's healthcare system with only 500 doctors available for a country of 9 million people.²³ Vaccine hesitancy and misinformation about Covid-19, including religious beliefs and sorcery accusations, provided a barrier to population protection. The vaccination rate of PNG is only 3.3 percent.²⁴ Covid-related deaths are likely substantially underreported.²⁵ The pandemic also impacted food systems in PNG, resulting in the closure of fish and fresh produce markets which negatively affected mainly women sellers and urban consumers, especially during lockdowns.²⁶

Political Instability

Indicator 1.4 and **indicator 1.5** refer to political instability caused by "abrupt or irregular regime change or transfer of power" and "disputes over power or growing nationalist, armed or radical opposition movements", respectively. PNG's political culture has a history of instability, with frequent votes of no confidence in parliament, and other disputes.

PNG elections frequently face significant issues of legitimacy, including fake ballots being included in the count, names being intentionally removed from the electoral roll, MPs bribing voters to vote for them, and hijacking of full ballot boxes. All of these issues were present in the 2017 election,²⁷ and indeed in the 2022 elections, held in July. Violence was rife and severe, spreading from the Highlands to Port Moresby. Attacks against civilians increased in the lead up to the election and continued throughout and into the vote counting period. The Armed Conflict Location & Event Data Project (ACLED) has mapped the violence, including the killing of 18 civilians by clan militia in Enga province in July.²⁸ Public buildings including schools were burnt down, and there are reports of rape, kidnapping and sorcery accusation-related violence.²⁹

The violence has led to mass displacement. Since May, 90,000 people have been displaced, many of whom are women, children, the elderly and people with disabilities. The population of Porgera has been affected by not only election violence, but also tribal clashes and the closure of the local mine. Health centres have also been closed, restricting access to health care and trauma support for survivors of violence.³⁰ Displaced people are particularly vulnerable to further violence, including SGBV.

The election result saw PM James Marape returned to government, and 64% of contesting MPs winning back their seat.³¹ A Papua New Guinea Parliamentary Election Committee was established to examine the election problems, with East Sepik Governor Allan Bird appointed Chair. A separate independent report was issued by Transparency International PNG (TIPNG), identifying a number of issues, including: frequent instances of roll inaccuracy; lack of action against people committing election offences, non-compliance with constitutional requirements, disturbances in ballot counting, confusion on the declaration of seats; widespread election-related violence, and a lack of reliable and consistent communications to the public.³² Inadequate police numbers have also been noted as a factor,³³ as have vote-buying and online electoral conspiracies.³⁴ PNG ranks 124th out of 180 countries on the Corruption Perceptions Index, and distrust of the government is widespread.³⁵

Two women were elected to PNG's Parliament, Rufina Peter and Kessy Sawang, the first in five years. Over 50 years, only seven women have been voted into parliament. The lack of representation of women in leadership remains a strong factor for overall gender inequality in the country, as well as high rates of SGBV.

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Economic Instability

Indicator 1.7 and **indicator 1.8** refer to economic instability caused by “scarcity of resources or disputes over their use or exploitation” and “severe crisis in the national economy” respectively. PNG is a resource rich country that has experienced sustained growth for much of the past decade due to the extractive industries boom.³⁶ The economy relies heavily on mining and energy, which account for the majority of GDP and export earnings, while the agriculture, fishing and forestry sectors account for the majority of the labour force (mostly informally).³⁷ The extractive sector is the main driver of GDP growth in PNG with mining being central.³⁸ This reliance on extractive industries means that PNG’s economy is constantly vulnerable to changes in global commodity prices and global uncertainty. Falling global commodity prices regularly affect PNG, especially with existing pandemic-related global commodity issues being exacerbated by the Russia-Ukraine war in 2022.³⁹ Since 2020, the cost of living has increased substantially, and inflation has been driven by the rise in food prices, especially produce.⁴⁰ Businesses have also been affected by pandemic related restrictions and uncertainty.⁴¹ The World Bank estimates that PNG’s economy contracted by 3.5 percent in 2020 and the real income per capita fell by 5.7 percent.⁴²

PNG has been working towards economic recovery post-Covid however political instability, corruption and natural disasters continue to have adverse impacts on the economy and overall living conditions. An underlying factor for conflict remains that much of the profit from extractive industries goes to foreign companies with insufficient royalties paid to traditional landowners, along with disputes over land ownership and environmental degradation.

Poverty and Inequality

Indicator 1.9 refers to “economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities”. PNG has one of the highest levels of income inequality in the Asia Pacific with 94% of PNG’s poor living in rural locations where high cost of transport have significantly held back development.⁴³ Despite being a country rich in resources, 40% of the population in PNG lives in poverty, with those in rural areas suffering most acutely.⁴⁴ Human development is low with little change over the years; PNG is currently ranked at 156 out of 189 states on the Human Development Index.⁴⁵ Progress on the Millennium Development Goals is limited, and there are serious health challenges such as child malnutrition, infant mortality, maternal mortality and sanitation.⁴⁶ As of 2020, for every 1000 births, 44 children die before the age of five years.⁴⁷ Access to education is also lacking, and while there has been a gradual increase in attendance due to a government policy offering free education up to Grade 9, the average amount of schooling remains at four to five years.⁴⁸ In addition, there is a lack of infrastructure and quality services, with only 13% of the country having access to grid-connected electricity.⁴⁹ Those in rural and remote areas face additional challenges in accessing services, while natural disasters over the past five years have disrupted the schooling of many children in PNG.

In 2021, PNG ranked 169 out of the 188 states on the Gender Inequality Index, its position having decreased since 2018, when it was already historically low.⁵⁰ Violence against women is pervasive (see Risk Factor 2). Gender inequality is also evident with respect to women’s ability to access education, their life expectancy, workloads, and representation in government. In the 2022 National General Election, there were 159 female candidates with 64 of them being endorsed by 14 different political parties, yet only two were elected.⁵¹

Social Instability

Indicator 1.10 relates to “social instability caused by resistance to or mass protests against State authority or policies”. 2020 and 2021 saw a wave of protests in Port Moresby and Lae opposing COVID-19 regulations.⁵² Angry crowds targeted a vaccination station in Goroka in November 2021,⁵³ and nurses have also repeatedly protested against low pay and poor work conditions.⁵⁴ Election related violence as discussed above was severe in 2022. Disputes surrounding mining operations have also been a feature of social unrest in PNG.

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Risk Factor 2 concerns past or current serious violations of international human rights and humanitarian law that may have not been prevented, punished or adequately addressed and, as a result, can create a risk of further violations. Of the eight indicators under Risk Factor 2, three are considered most pertinent to the Papua New Guinean context.

Past and Present Violations of International Human Rights

PNG has a long history of violence. **Indicator 2.1** refers to “past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals”. While ongoing inter-tribal conflict and the past Bougainville civil war are two relevant examples (see **indicator 1.1**), there are a number of further human rights issues that demand specific attention.

Endemic Violence Against Women

SGBV is a serious and widespread problem in Papua New Guinea; indeed, PNG is widely reported as one of the most dangerous places in the world to be a woman.⁵⁵ 70 percent of women in PNG have experienced violence of a physical or sexual nature and 80 percent of men surveyed admitted to harming their partner.⁵⁶ More than two thirds of women in PNG are victims of domestic violence.⁵⁷ In 2020, 15,444 cases of domestic violence were reported but fewer than 100 people were convicted.⁵⁸

Rates of sexual and gender-based violence are amongst the highest in the world outside a conflict zone,⁵⁹ and persist despite the introduction of legislation like the Child Welfare Act 2015 and the Family Protection Act 2013, due to a lack of enforcement and a general culture of impunity.⁶⁰ In 2021, a 31-year-old woman was found at a police checkpoint wrapped in tarpaulin in the back of her husband’s car and he was arrested along with two other men, however, charges were dismissed due to a supposed lack of evidence.⁶¹ Further to this, 71 percent of men in that survey stated that their actions arose from a feeling of entitlement.⁶² In 2021, female students of the University of Papua New Guinea protested the persistent sexual harassment that occurs on the Waigani campus.⁶³ In response, a mob of angry male students attacked the media in an attempt to prevent the reporting of the protests.⁶⁴ The pandemic also saw a rise in gender-based violence in PNG due to economic stressors, lockdowns and increased alcohol consumption at home.⁶⁵

In 2021, a woman was beaten every 30 seconds in PNG.⁶⁶ Although the Family Protection Act 2013 criminalised domestic violence, the issue is still largely viewed as a private matter, leading to a lack of reporting and prosecution.⁶⁷ Furthermore, women become extremely vulnerable to tribal fighting which often results in women becoming widows left to fend for themselves and their children. Tribal fighting also involves revenge acts like kidnapping and raping women, forcing women to flee to other areas to seek protection.⁶⁸ In July of 2019, a massacre in Karida resulted in the death of 20 people which included women and children.⁶⁹

A recent UN Women report found that PNG’s homicide rates are among the highest in the region, but also that data gaps make accurate figures difficult to determine.⁷⁰ Sorcery accusation related violence (SARV) remains a serious concern, with victims often subjected to torture, sexual violence and murder, and with incidents spreading to areas previously unaffected.⁷¹ The PNG government developed the SARV National Action Plan in 2015 to combat attacks of this nature, but they continue to occur and with increasing brutality.⁷² In 2022, nine women in Enga province were accused of eating a deceased man and were burned alive.⁷³ Five other women were publicly tortured.⁷⁴

Women are also at risk due to an informal system of reciprocity whereby members of the community contribute sums of money to the community on the basis that ‘what goes around comes around’.⁷⁵ This system, known as the wantok system, fills the gap left by the weaknesses of PNG’s state structures, but often has negative ramifications for women who “owe” a debt to the community.⁷⁶

Excessive Force by Police

In September 2020, Police Minister Bryan Kramer acknowledged that there was a serious problem of a police culture of excessive force and brutality.⁷⁷ The PNG police force is severely underfunded and there is a shortage of police officers with only one officer per 1,145 people.⁷⁸ Police are also often without uniform or marked police cars.

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

In August of 2020, police officers killed eleven prisoners at Buimo prison and although investigations into this were promised, there is no evidence that they ever commenced.⁷⁹

Mines and Forced Displacement

The extractive industry in PNG has contributed to displacement of communities. The oil, metal and minerals extracted accounts for 61% of PNG's export and the wealth generated also largely ends up in other countries.⁸⁰ An example of this is Panguna. The mine was owned by Rio Tinto and was abandoned in 1989 due to conditions being 'unsafe for staff'.⁸¹ Upon its abandonment, the environmental damage has never been repaired and until today, the land is uninhabitable.⁸² In addition to that, PNG only saw 1% of the profits from this mine.⁸³ There is a current plan to establish a mine on PNG's longest river, the Sepik River. However, doing so could wipe out entire villages in the likely case that there is a natural disaster.⁸⁴ There are people who live in villages near the river and the mine plans would take up 12,000 hectares. An appeal was made in May 2020 by the United Nations Special Rapporteurs on Toxics and the Rights of Indigenous People claiming that the 78,000 people living near the Sepik River would be in harm's way and the mining project disregards human rights.⁸⁵ Despite this, plans to establish these mines remain underway.

Manus Regional Processing Centre

In October 2021, Australia stated that it would end offshore processing in PNG and transfer all remaining refugees to Nauru by December 2021.⁸⁶ As of 31 December 2021, there were 105 refugees still in PNG.⁸⁷ Since this date, the Australian Department of Home has stopped publishing data on refugees in PNG.⁸⁸ In April 2021, fifteen asylum seekers were robbed and assaulted at gunpoint in PNG.⁸⁹

Practice of Impunity

The above issues are all exacerbated by a culture of impunity in PNG. **Indicator 2.3** refers to a "policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement" whilst **indicator 2.4** refers to "inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement". Violence, whether committed by citizens or police, is often met with little accountability and existing laws are infrequently enforced.⁹⁰ Historical impunity for election related violence likely played a role in the violence surrounding the 2022 election.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Risk Factor 3 concerns “Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes”. There are numerous indicators pertinent to the current PNG context. These primarily relate to judicial matters (e.g. weak domestic implementation of international legal instruments); a paucity of resources, capacity and training to sustain strong and accountable institutions (e.g. lack of awareness and mainstreaming of human rights norms in the justice and security sector); and high levels of corruption or poor governance.

National Legal Framework

Indicator 3.1 refers to a “national legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties”. PNG has a hybrid legal system that consists of both formal courts and traditional Village courts, which can be effective in keeping peace and harmony in communities but can also lead to inadequate justice, particularly for victims of SGBV.⁹¹

A number of laws have not been implemented in their entirety. For example, while the Family Protection Act 2013 criminalised domestic violence, and there has been an increase in reporting to police, the change in prosecutions has not been significant.⁹² In 2021-22 a special parliamentary committee on gender-based violence within the national parliament of PNG conducted public hearings in order to gather evidence surrounding the nature of the problem and how to tackle it.⁹³ The final report was submitted in April 2022, and included a number of recommendations, from making the Committee on GBV permanent and resourcing a National Gender-Based Violence Secretariat, to supporting Provincial action on GBV and measures to improve access to justice.⁹⁴

The Primero Protection Management system for social welfare workforce was launched in May 2021 as a step towards implementation of the Child Welfare Act 2015.⁹⁵ This is an online and offline case and information management system designed to protect survivors of domestic violence by supporting the social welfare workforce with data management.

Lack of Resources

PNG lacks sufficient resources to mitigate inequality and instability and adequately address the issues outlined in Risk Factors 1 and 2. This concern refers to **indicator 3.2** (“national institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training”), **indicator 3.6** (“absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims”), **indicator 3.7** (“lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors”) and **indicator 3.10** (“insufficient resources to implement overall measures aimed at protecting populations”).

A shortage of trained judicial personnel has led to delays in trials.⁹⁶ There is a ratio of one judge per 217,000 people which is insufficient, given that 1,318 Supreme Court cases and 24,680 National Court cases were brought in 2021 alone.⁹⁷ The court process is also not digitalised.⁹⁸ The excessive use of force by police (see Risk Factors 1 and 2) reflects a low awareness of, and lack of training in, human rights. While the need for training for the police force has been acknowledged and some progress made, more work remains.⁹⁹

In relation to violence against women, the Family and Sexual Violence Units (FSVUs) in police stations and Family Support Centres in hospitals that were established under the Family Protection Act 2013 remain under-resourced, and rely on donations from UN agencies.¹⁰⁰

Corruption

Indicator 3.5 refers to “high levels of corruption or poor governance.” As mentioned previously, corruption in PNG is pervasive, ranking 124th out of 180 countries on the Transparency International’s Corruption Perceptions Index.¹⁰¹

Community distrust of the government is high. In 2020, a study undertaken to understand how people in PNG respond to corruption found that 99 per cent of respondents believed that corruption was problematic in the public service and 67 per cent of respondents believed that most public servants have received bribes or informal exchanges. 52 per cent believed that politicians have been bribed for political favours by businesses.¹⁰²

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk Factor 4 concerns “Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.” There are three (of nine) indicators that are applicable to the situation in PNG.

Economic Interests

“Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources” are included in **indicator 4.2**. This indicator is met in PNG, particularly in regard to the capture of capital associated with the prime economic driver in PNG – extractive resource industries. There are reports of disputed or insufficient royalty payments to traditional landowners, illegal forced displacements, human rights and environmental impacts being ignored, in order to control and protect elite and commercial (often transnational) interests (see further **indicators 1.7, 2.1 and 2.2**). Although the mines generate money, they also often result in displacement, loss of life and significant environmental destruction to the point where United Nations officials have declared that these projects disregard human rights.¹⁰³ Despite this, the mining industry continues to grow with Papua New Guinea’s largest mine yet proposed in the world’s third largest rainforest, by the Sepik river.¹⁰⁴

Past Grievances

Indicator 4.8 refers to the “politicization of past grievances, tensions or impunity” whilst **indicator 4.9** refers to “social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge”. There are number of past events that place PNG at risk of future conflict if not addressed adequately. In particular, the Bougainville independence process following the referendum needs to be advanced in a timely and consultative manner.

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

Risk Factor 5 deals with “Conditions that indicate the ability of relevant actors to commit atrocity crimes.” This Risk Factor recognises that atrocity crimes require a degree of resources and/or support to commit such crimes. Of the eight indicators subsumed under this Risk Factor, just two are potentially applicable to the PNG context.

Potential Threat of Armed Actors

Indicator 5.1 refers to “availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement” and **indicator 5.2** “capacity to transport and deploy personnel and to transport and distribute arms and ammunition”. There are various armed paramilitary groups specifically hired by private mining companies and the PNG government for security purposes and some have been involved in violence in the past.¹⁰⁵ The availability of weapons in remote areas exacerbates the risk and severity of tribal violence. Restorative justice processes among local communities have become more deadly, with increasing massacres and murders of civilians.

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Risk Factor 6 concerns the “Absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals”. Such elements, either internal or external, are important considerations in terms of early warning. Of the 11 Indicators subsumed under Risk Factor 6, four are deemed relevant to the PNG context: limited opportunities for empowerment by minority groups; absence of a strong civil society sector; limited political or economic relations with other States or organizations; and, limited cooperation of the State with international and regional human rights mechanisms.

Lack of Awareness and Empowerment

Indicator 6.1 concerns “limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves”. While a lack of resources is outlined above in Risk Factors 2 and 3, this indicator underscores the connection between resources,

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

capacity, and human protection, especially among protected groups. Enhanced resources and capacity could help prevent or mitigate the impact of violence. For example, a victim of domestic violence who does not have access to local judicial processes for redress or wider social support services (e.g. shelter for protection), may be forced to return home and face repeat patterns of violence.¹⁰⁶ Further, the lack of empowerment processes for women leads to continued financial dependence on a partner, and could see victims unable to seek justice.¹⁰⁷ Underlying gender inequality, as seen for example in the lack of women's representation in parliament, is also closely linked.

Civil Society and Media

Indicator 6.2 refers to a “lack of a strong, organized and representative national civil society and of a free, diverse and independent national media”. PNG's media has faced increased restrictions in recent times, with journalists reportedly facing intimidation, threats, censorship, lawsuits and bribery attempts, and the Prime Minister criticising journalists for creating a “bad perception of this government”.¹⁰⁸

Freedom House's 2022 report notes that with respect to press freedom, journalists face harassment by the political opposition as they cover electoral news.¹⁰⁹ This occurred during the 2022 elections with journalists attacked by supporters of Peter O'Neill.¹¹⁰ There are also reports of reprisals by police. In April 2020, a police minister called for the firing of two journalists on the basis that they had “misleadingly” covered the COVID-19 pandemic.¹¹¹ Further, in September 2022, PM Marape stated that he would no longer be accepting direct communication with journalists.¹¹² This may have the potential to disrupt press freedom as it limits the unfettered access journalists should have to government proceedings.¹¹³ Journalists do not have access to official government documents and there is no legislation permitting access.¹¹⁴ As of 2022, PNG was ranked 62nd out of 180 countries on the Reporters Without Borders World Press Freedom Index.¹¹⁵ This is a drop of 15 places compared to its ranking at 47th place in 2021.

Relations with Other States and International Organisations

Indicator 6.7 is related to “limited cooperation of the State with international and regional human rights mechanisms”. PNG has signed and ratified six international treaties relating to human rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). However, reporting on human rights remains poor, with no reports being submitted for some of the treaties, or no follow up reports provided.¹¹⁶ Additionally, there is as yet no National Human Rights Institution (NHRI) in PNG, as advocated by the Paris Principles relating to the status of national institutions, despite assurances in 2016 that the government would establish one.¹¹⁷ In 2020, the government did establish the Independent Commission Against Corruption in order to protect government systems and provide a complaints mechanism, however, this commission is yet to be in operation and as of April 2022, its preparation was still in the works with UNODC.¹¹⁸

RISK FACTOR 8: TRIGGERING FACTORS

Risk Factor 8 refers to “events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset”. There are four indicators that partially or potentially relate to this Risk Factor.

Spill over from Neighbouring Countries

Indicator 8.2 concerns “spill over of armed conflicts or serious tensions in neighbouring countries”. As mentioned under **Indicator 1.2**, widespread human rights violations and ongoing conflict that sometimes erupts in violence are occurring in West Papua. This enduring conflict has the potential to spill over into PNG, where some West Papuans seek refuge in displacement camps.

Elections and Bougainville Independence

Indicator 8.4 refers to “abrupt or irregular regime changes, transfers of power, or changes in political power of groups” and **indicator 8.8** refers to “census, elections, pivotal activities related to those processes, or measures that destabilize them”. The 2022 election was considered the most violent in PNG, and should this not be addressed, future elections may experience the same. **Indicator 8.11** refers to “commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of

RISK FACTOR 8: TRIGGERING FACTORS

atrocities”. Although the Bougainville referendum was held in November 2019 and saw 97.7 per cent of people voting in favour of independence for Bougainville from PNG, the process is slow and unclear.¹¹⁹ Despite President of the Autonomous Bougainville Government Ishmael Toroamo calling for a clear timeline in May 2021 that would outline the roadmap for how Bougainville may become self-governing by 2022 and completely independent by 2025, this has been pushed back by the PNG government.¹²⁰

Potential Economic Crisis

Both **indicator 8.9** – “sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics” – and **indicator 8.10** – “discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations” – have the potential to apply to PNG.

Economic insecurity and a reliance on extractive industries, compounded by weak governance and, corruption (**indicator 3.5 and 5.2**), make PNG vulnerable.¹²¹ An annual population growth of 1.9 per cent,¹²² ongoing poverty and development challenges, poor governance, and agricultural vulnerability are all latent factors that can trigger an economic crisis.

SPECIFIC RISK FACTORS

The Framework of Analysis notes that common risk factors help to identify the probability of atrocity crimes overall, without necessarily identifying the type of crime. However, specific risk factors refer to the fact that each crime has elements and precursors that are not common to all three atrocity crimes: genocide, crimes against humanity, and war crimes. Sexual and gender-based violence can constitute an atrocity crime, and the extremely high rates of SGBV in PNG are a major risk factor for gender-based atrocity crimes. Where systematic and widespread, such as in the context of tribal violence that targets women and girls, SGBV may itself constitute a crime against humanity.

CRIMES AGAINST HUMANITY RISK FACTOR 11:

SIGNS OF WIDESPREAD OR SYSTEMATIC ATTACK AGAINST ANY CIVILIAN POPULATION

Risk Factor 11 refers to “Signs of violent conduct including, but not limited to, attacks involving the use of force, against any civilian population and that suggest massive, large-scale and frequent violence (widespread), or violence with patterns of periodicity, similitude and organization (systematic)”.

Patterns of Violence Against Civilian Populations

Indicator 11.1 which refers to ‘signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols’, and **11.2** and **11.3** (“increase in the level of organization or coordination of violent acts and weapons used against a civilian population”) may be relevant to inter-tribal violence, especially over recent years when it has become more deadly, and more targeted against civilians including women and children.¹²³

RISK FACTOR 12 :SIGNS OF A PLAN OR POLICY TO ATTACK ANY CIVILIAN POPULATION

Risk Factor 12 relates to “Facts or evidence suggestive of a State or organizational policy, even if not explicitly stipulated or formally adopted, to commit serious acts of violence directed against any civilian population”.

Widespread or Systematic Violence Against Civilian Populations Indicator 12.9 refers to “widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations”. Again this indicator is met due to the prevalence of SGBV within PNG (see further Risk Factor 2). Ongoing impunity aligns with **indicator 12.8** (“facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts”).

CONCLUSION AND RECOMMENDATIONS

The above risk assessment finds that the current overall risk of atrocity crimes in Papua New Guinea is **moderate**.

Within PNG, at least one indicator is met in all of the **Common Risk Factors**. Those of highest prevalence include **Risk Factors 1** (situations of armed conflict or instability), **2** (record of violations of international human rights) and **3** (weakness of State structures), with the majority of indicators being met. There is a moderate presence of **Risk Factors 4, 6 and 8**, and a lower incidence of **Risk Factors 5 and 7**. There is no indication of active plans or policies to commit or incite violence against the population; rather, there are conditions that create an environment which is conducive to atrocity crimes. The risk factors currently met are those that already place the state under stress, create risk of further human rights violations, and negatively affect the capacity of the state to prevent atrocity crimes (e.g. **Risk Factors 1, 2, 3, 6 and 8**). These particular issues of note include widespread violence, especially sexual and gender-based violence and inter-tribal violence exacerbated by access to modern weapons, poverty and economic inequality, weak inhibitors, corruption and impunity, and climate change. Preparatory action, incentives and the capacity to commit atrocity crimes are partly present (e.g. **Risk Factors 4, 5 and 7**).

In relation to SGBV, two indicators (**11.1** and **12.9**) within the **Specific Risk Factors of Crimes Against Humanity** are met. The endemic violence constitutes a grave human rights violation, and may in some cases also constitute widespread and systematic patterns of violence against civilian populations. Rather than a reduction, SGBV rates have increased over recent years. While only two indicators have been met, the issue is exacerbated by widespread impunity, underlying gender inequality, and a lack of complete implementation of protection laws.

Additionally, the prevalence of inter-tribal violence meets **indicator 1.1** of the **Common Risk Factors**, as well as **indicators 11.1, 11.2 and 11.3** of the **Specific Risk Factors of Crimes Against Humanity**. Inter-tribal violence, and the resulting humanitarian consequences, are becoming increasingly prevalent in PNG, especially with access to modern weapons and a lack of policing and justice in remote areas. Civilian populations including women and children continue to be targeted in tribal conflict.

Due to the assessment of PNG as a moderate risk situation for atrocity crimes, recommendations must focus on protecting civilians, and preventing the escalation of violence and development of additional factors that are conducive to atrocity crimes. Underlying root causes of political, economic and social instability and inequality must also be addressed, especially in context of Covid-19 recovery.

CONCLUSION AND RECOMMENDATIONS

THE GOVERNMENT OF PAPUA NEW GUINEA SHOULD:

1	<p>Urgently address the endemic levels of gender based violence in the country and work towards gender equality across society and in the political sphere, including by:</p> <ul style="list-style-type: none"> • Working towards institutional change within the police force and judicial system; • Fully implementing existing legislation and reviewing gaps; • Providing access to medical, psychological, legal and financial resources for survivors • Increasing police presence in violence hotspots; • Working with civil society, faith-based institutions and local communities to address underlying gender stereotypes and discrimination via community education campaigns and other policy solutions; • Addressing the problem of sorcery accusation related violence through education and accountability.
2	<p>Review and improve the fairness, transparency and safety of election processes, including by:</p> <ul style="list-style-type: none"> • Holding perpetrators of violence during the election accountable; • Considering recommendations raised by independent observers and the appointed Committee regarding governance, transparency and voting irregularities; • Working to build trust with PNG's citizens and reducing corruption, for example via a fully resourced Independent Commission Against Corruption and freedom of the media; • Ensuring sufficient funding for the security sector in general, and for election periods in particular.
3	<p>Facilitate the provision of humanitarian support to those displaced by election violence and take action to facilitate their safe return, and ensure that students affected by the destruction of schools have other options to continue their education.</p>
4	<p>Consult with communities about proposed extractive projects and develop risk assessment procedures to mitigate harm caused by mining projects to both the environment and community wellbeing.</p>
5	<p>Work with remote communities to address tribal violence by addressing underlying issues, ensuring more police resources, and curbing the flow of small arms and light weapons which exacerbate gender-based atrocity crimes.</p>
6	<p>Address issues within the security sector including a history of excessive force, impunity, human rights violations and sexual violence, including by facilitating training for the police force and creating a culture where perpetrators of abuse are held to account.</p>
7	<p>In consultation with Bougainville leaders, develop and implement clear timelines and processes for advancing the referendum outcome on independence.</p>

THE INTERNATIONAL COMMUNITY, INCLUDING UN BODIES, THE AUSTRALIAN AND OTHER GOVERNMENTS, AND REGIONAL AGENCIES SHOULD:

1	<p>Continue to provide assistance, especially in election periods, natural disasters and other crises;</p>
2	<p>Provide urgent humanitarian support for those displaced by election violence;</p>
3	<p>Encourage PNG to adopt anti-corruption practices and improve transparency;</p>
4	<p>Encourage PNG to hold perpetrators of election violence accountable;</p>
5	<p>Provide capacity building training to the security sector on human rights and atrocity prevention;</p>
6	<p>Encourage PNG to adopt policies, legislation and practices to reduce the rates of SGBV and ensure adequate protection and access to services for survivors;</p>
7	<p>Emphasise the importance of controlling the proliferation of arms, and of providing adequate security in remote areas, and provide access to mediators and gender specialists to work with the government;</p>
8	<p>Ensure PNG continues to move forward with plans for Bougainville independence and assist in implementation if requested.</p>

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