



SUBMISSION TO THE PNG SPECIAL
PARLIAMENTARY COMMITTEE ON GENDER BASED
VIOLENCE

CIMC Family and Sexual Violence Action
Committee

OVERVIEW

This Submission to the PNG Special Parliamentary Committee on Gender Based Violence is provided by CIMC Family and Sexual Violence Action Committee.

The Submission responds to paragraph (c) of the Committee's Terms of Reference: 'Inquire into the level and impact of coordination and accountability for services and policy responses across government departments, the Royal PNG Constabulary and related enforcement and prosecution services, the courts, provincial and local governments, non-government and community-based organisations and the private sector'.



FAMILY AND SEXUAL VIOLENCE ACTION COMMITTEE

BACKGROUND

The Family and Sexual Violence Action Committee (FSVAC) is a Sectoral Committee of the **Consultative Implementation and Monitoring Council (CIMC)**. The CIMC is a semi-government organisation established by an NEC decision in 1998. The goal of the CIMC is to ensure that dialogue, through ongoing consultative processes, is sustained between government, private sector and the community and, that recommendations made to government are implemented.

CIMC- Family and Sexual Violence Action Committee (FSVAC) was established as one of the sectoral committees of the CIMC in 2000. CIMC-FSVAC's role is to:

- **Promote and advocate** for government and civil society action to address family and sexual violence
- Coordinate and **build capacity of key institutions and individuals** working to prevent and respond to family and sexual violence

WHAT WE DO

CIMC-FSVAC provides **co-ordination, networking, advocacy and capacity building services** to our network partners. CIMC-FSVAC has over 80 network partners including representatives from government, public and private sector service providers, non-government organisations, community advocates, churches and donors.

As a government-mandated organisation, CIMC-FSVAC works with:

- government agencies to **mainstream FSV prevention and response initiatives** in their core business;
- provincial administrations in the **development and coordination of local referral pathways**; and,
- service providers and community advocates in the FSVAC network to develop their **knowledge, understanding and skills to prevent and respond to family and sexual violence** in their communities.

KEY POINTS

Survivors of family and sexual violence have **multiple and complex needs**. These include medical care, safe accommodation, psychosocial counselling, police protection, legal assistance and livelihood opportunities.

An effective response to family and sexual violence requires a **set of coordinated services** across a range of different sectors and levels of government. This set of coordinated services is referred to as the '**Referral Pathway**'.

The 'Referral Pathway' is a coordinated response involving **health, police, judicial and legal services, shelters and protection services, religious and civil society** to ensure survivors of violence, their children and other dependents receive the comprehensive support they need in a timely and sensitive manner.

KEY CHALLENGES

Leadership

- **Political will** to address the issue of family and sexual violence (FSV) in PNG has declined in the last decade. There are **limited instances** of Members of Parliament **advocating for government action** to address family and sexual violence.
- This has created a **leadership vacuum** that has led to most of the work addressing family and sexual violence being **shaped by bilateral and multilateral donor agendas** and priorities.
- **Bureaucratic Leadership**: need leadership from the public service – a coordinated government effort is lacking. Lead agencies to drive the agenda.
- There is **no overarching government policy** that takes an **integrated approach** to addressing family and sexual violence in PNG.
- There are two primary pieces of legislation focusing on family and sexual violence: Family Protection Act (FPA) is the primary FSV legislation and the Lukautim Pikinini Act (LPA) focuses on child protection.
- The **lack of a coherent government policy framework** hinders collaboration and efforts between government departments/agencies and all other stakeholders to integrate work on these two complex issues.

Accountability

- The **National Strategy** to Prevent and Respond to Gender Based Violence 2016-2025 endorsed by Government in 2015 has **yet to be implemented**.
- The Department of Community Development and Religion (DoCDR), the state agency in an administrative position to drive the national prevention and response agenda is in serious decline and undertaking almost no policy implementation work.
- There is consistent anecdotal evidence of **failures at every level of enforcement agencies** to diligently and effectively prosecute criminal behaviour – see sidebar.

Facebook Post

By Lilly BeSoer, Voice for Change

“A RAPIST HAS BEEN RELEASED BY THE ARRESTING POLICE OFFICER TODAY* AT [REDACTED] POLICE STATION.

The victim was a 3 year old child. The community leaders negotiated with the arresting police officer to pay compensation to the family of the girl child for the crime he committed and he was released.

Voice for Change as a Women Human Rights Organization on the ground working tirelessly to see an end to such criminal acts, we **DEMAND** the suspect be rearrested and prosecuted. We also **DEMAND** that those leaders who have participated in the release of the rapist **be held accountable** for the obstruction of the course of justice.

The arresting officer shouldn't have released the Rapist due solely to the fact that it is a criminal offence in one of it's worst forms.

The question is **why are Police Officers releasing criminals** who have been **charged under the Criminal Code Act**? Have they followed the process in arresting them and charging them? If so, then **it becomes a Police matter and should proceed to the courts** to have perpetrators prosecuted.

Once a Criminal matter is reported it becomes a **matter for the state to deal with** and perpetrators are to be prosecuted.

Where is Justice and when will Justice be seen to be done when our police continue to entertain people who come in saying compensation will be paid and under that assumption, release Perpetrators back on to the streets?”

**Posted on FaceBook, 29th June 2021.*

Budget Support

- PNG National Government provides little funding for family and sexual violence prevention and response initiatives.
- In recognition of the human, development and economic consequences of family and sexual violence, international development partners have over the last few years prioritised supporting PNG to address family and sexual violence.
- There is very heavy reliance on donor funding for family and sexual violence work, which influences the approach taken and the sustainability of efforts.

Availability of Services

- Port Moresby and Lae have more services available to survivors and their families than other provinces. Beyond these two main centres, the nature and quality of available services differs significantly from one district and province to the next; this is a challenge for both survivors and service providers.
- The limited social services available to survivors outside of the main centres is provided through pastoral work of local churches and committed individuals in their own communities. These services are under-funded and under-supported and unregulated.
- The geographic remoteness of many communities, makes access to quality services and support for survivors extremely difficult.

Services for People with Disability

- Person with Disability (PWD) are people who go through certain barriers that hinder their effective and full participation in society. 5 main types of impairment: hearing, speech, vision, physical and intellectual disability.
- Women with disability are 3 -4 times more likely to face family and sexual violence and are more vulnerable due to previous experiences of violence or institutional violence, and are often targeted.
- Accessibility - eg. For the town court house is on a hill and not friendly for wheel chairs. Or, some police stations /rooms are too dark that its hard to see and feels unsafe.
- There is critical need to have qualified sign language interpreter to be available throughout referral pathway (police,courts,safe houses) to assist PWD survivors.

Social Norms

- Misunderstanding and corruption of some traditional practices, such as bride price, polygamy, and sorcery perpetuate structural discrimination and contribute to family and sexual violence. Abuse of such traditional practices is common in many communities and severely disadvantages women and girls.
- Bride price is often used as a justification for violence against women and children, and sorcery accusation related violence affects women and girls disproportionately.
- In some communities there is a general acceptance that violence is an acceptable response to conflict or disagreement.
- Jealousy is often used as a justification for violent behaviour.

KEY RECOMMENDATIONS

Elected Parliamentarians

- Ensure budget allocation through PSIP and DSIP for local prevention and response initiatives, in particular the provision of safe accommodation for survivors and their children at immediate risk of harm.
- Engage with provincial/district administrators and planners to encourage inclusion of FSV programming in provincial planning, budgeting and implementation systems
- Build coalitions with the people in your district addressing violence in their communities and promote locally-based methods of prevention and survivor support
- Work with ward councillors, local businesses, community and church organisations to develop community based violence protection services and prevention initiatives
- Take responsibility for monitoring, mediating and resolving community conflicts in your District, particularly sorcery-related accusations and tribal conflict.
- Hold other Elected Members responsible for responding and managing community conflict in their own Districts.
- Speak out when cultural practices are misused and harm vulnerable people and the community.

Ministers and Government Agencies

Policy implementation

- Fund the establishment and on-going operations of the National GBV Secretariat
- Prioritise the gazettal and training Child Protection Officers in all districts
- The Family Protection Act allows the district court to mandate counselling for those appearing before the court. Government must provide funding to implement this aspect of the FPA.
- GESI policy has minimal reference to Disability. The GESI desk in DPM must have a dedicated Disability section.
- Sign language is the official fourth language of PNG. Government must fund the training and registration of qualified sign language interpreters.

Coordination and service delivery

- Strengthen the delivery and coordination of legal, health, protection and psychosocial services for survivors of family and sexual violence by allocating resources through the national budget.
- Fund specialised family and sexual violence training for healthcare workers, police and prosecutors, educators and child protection officers.
- Fund counselling training for community advocates.
- Increase skills of law and justice sector agencies to communicate with sign language. Make it a compulsory course in UPNG/LTI school of Law.

Access to justice

- Village Courts:
 - Define and establish functioning village court jurisdictions in all districts
 - Ensure the gazetted inclusion of at least one woman on each court
 - Fund the gazettal and training of local village court officials

- Magisterial Services:
 - Ensure district courts provide effective oversight of village court decisions.
 - Consider hearing 'victim impact statements' for family court matters preferably in the first hearing to comprehend better and make appropriate rulings.
 - Create/increase paid position for court interpreters. A lot of cases for disabled get lost or delayed due to issue of communication.

- Legal Aid:
 - Fund the Office of Public Solicitor to extend legal aid support to civil matters. The majority of issues affecting women and their children are civil matters.

Provincial and District Administrations

- Provincial budget commitment: ensure inclusion of FSV programming in provincial planning, budgeting and implementation systems
- Provincial and district budget commitment: allocate resources for PVCO and DVCOs to conduct quarterly patrols of all district court locations.
- Ensure budget allocation for local prevention and response initiatives, in particular the provision of safe accommodation for survivors and their children at immediate risk of harm.
- Facilitate the development of coordinated inter-agency responses to family and sexual violence by establishing/supporting a local FSV Action Committees and providing skills-based training to committee members and service providers.
- Nominate a senior public officer of the Administration as a member of the local Family and Sexual Violence Action Committee
- Support the rollout of skills-based training for active and interested individuals, churches, businesses and community/village networks

Provincial Health Administrations

- Invest in Family Support Centres at both the provincial and district level, ensuring they are integrated and coordinated with all other clinical services offered. FSCs should be equipped to provide the five essential services required by survivors.
- Ensure hospitals do not charge survivors for medical treatment.