**Submission to Special Parliamentary Committee on Gender-Based Violence Inquiry**

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Author: Anonymous

**RPNGC investigations and response to GBV**.

The FSVU’s (Family and Sexual Violence Unit) main role is respond to and investigate domestic violence complaints (26 units around the country and over 20 FSV Desks). The main function of the Sexual Offences Squad (SOS) is to investigate sexual offences (based only in Boroko and Lae). In other provinces sexual offences are investigated by Criminal Investigation Division (CID) officers.

The RPNGC has its Gender and FSV curriculum for General Constabulary, FSVU Officers and Supervisors. This curriculum is being taught by police trainers and senior FSVU officers to cadets and existing RPNGC officers. The curriculum is currently being updated and will include stronger components on GBV, policing procedures and SARV components.

Key problems with police response to GBV are:

1. Limited officers placed within the FSVUs and the SOS. Additional officers to be placed into these units permanently is required. Additional officers provided to these units **must demonstrate** an increase in the number of perpetrators charged for domestic violence and breach of orders under the Family Protection Act (FPA), assault provisions provided for in the Criminal Code Act (CCA) and sexual offences provided for the CCA.
2. The FSVUs have been operating for the past 10 years without being formalized into the RPNGC structure. Immediate formalization into the RPNGC structure is required. FSVU have been requested to provide a budget.
3. Limited resources for FSVU and SOS (and CID who investigate sexual offences and violence against women). Increased resourcing of vehicles, fuel allocation, printers and printing materials for these units across PNG is required.
4. Conflicting attitudes on and varied levels of confidence in arresting perpetrators of GBV, including SARV. This requires ongoing training to challenge mindsets by police trainers and senior FSVU officers using the existing RPNG Gender and FSV curriculum. This also requires the RPNGC to demonstrate how it is holding officers accountable for failure to respond to respond to GBV and SARV cases through Internal Affairs. This includes officers who perpetrate GBV and assist and collude with other perpetrators of GBV/SARV.
5. High rates of GBV within the police. Any GBV committed by an officer must be investigated immediately with severe consequences. The RPNGC cannot be an effective fighting force against FSV if it is allowing, or not punishing, its own members who perpetrate GBV. This requires ongoing training to challenge mindsets and for the RPNGC to demonstrate how it is holding officers accountable, outlined above.
6. General officers throughout the RPNGC having limited knowledge and skills on arrest and investigation procedures. Specific training and expertise to be supported to the RPNGC on investigation GBV/SARV. Technical support from partner agencies and development programs must be scrutinized and vented, as there have been a number of instances of previous technical support provided to the RPNGC with limited impacted. Expertise working with the RPNGC must be recognized as experts and highly technically skilled on GBV investigation and prosecution.

There are existing bi-lateral programs which have been supporting the RPNGC to strengthen their response to GBV over the last decade. Committee to seek clarification on training/activities and technical support provided by partners such as Justice Services and Stability for Development (JSS4D) and (PNG -Australia Policing Program (PNG APP) are specific to GBV investigation to build on and align to these interventions and ensure there is not duplication or conflicting interventions.

**Prosecution of GBV**

Key problems with prosecution of GBV are:

1. High strike out of cases at committal hearings. Police Prosecutors (and investigators) to receive specialized training on how to litigate violence against women cases at committal level. This should include collaboration and shared learnings with the Office of the Public Prosecution (OPP) Family and Sexual Offences Unit (FASOU). There is existing training that is being implemented by RPNGC and OPP which can be scaled up. The outcome of these trainings **must demonstrate** an increase in the number of perpetrators prosecuted for domestic violence and breach of orders under the FPA, assault provisions provided for in the CCA in the District Court. It should also **show increased number of cases that are** **successfully committed to the National Court** which include serious assault provisions in the CCA and sexual offences provided for the CCA. This should include data at provincial level, not only Port Moresby and Lae.
2. Committee to request that Police Prosecutions present current data for the number of cases successfully committed to the National Court which include serious assault provisions in the CCA and sexual offences provided for the CCA.
3. There is no existing accessible public mechanism for complaints for ineffective investigation and prosecutions on FSV. Establishing a complaints mechanism for the public to make complaints against officers about their failure to act on reports of FSV or perpetration of FSV is required. RPNGC Internal Affairs should report on how it is responding to complaints and allegations related to FSV. This should be reported periodically to police leadership and to relevant government committees. RPNGC Internal Affairs to receive training on Gender and FSV.
4. RPNGC Crimes Division, which includes CID and Police Prosecutions and the FSVU to present and make available to the police leadership and the Parliamentary Committee police prosecutions data on GVB every fourth months beginning from September – December 2021. This should include data at provincial level, not only Port Moresby and Lae.
5. Limited skill and confidence of prosecutors on GBV cases. Ongoing training/activities supported by partners such as JSS4D and PNG APP that are specific to GBV prosecution is required.

**Court response to domestic violence**

1. There were multiple experiences shared from women that indicated how Family Protection Orders, in particular Interim Protection Orders were not being issues on the same day and that the waiting process made them give up. Magisterial services to present to the committee in August, evidence/data to show how it is issuing orders and within how many days of the application. This should include data at provincial level, not only Port Moresby and Lae.
2. In addition to this the Committee, should establish a complaints mechanism to allow victims to provide feedback about the promptness of the courts in issuing her orders and other areas of concern.
3. Magisterial Services mentioned in their statement that any magistrate can issue interim protection orders. Magisterial Services to be requested to provide verification to the Committee how all its Courts are open and issuing protection orders. This should include evidence of actual issuing of protection order by courts from a range of locations across the country. Contrary to this, it is recommended that all Districts Courts should be accessible to victims applying for protection orders, when Courts are open.
4. Many victims feel intimidated by court process and perpetrators when they are in court. Safety of victim’s are of paramount concern. Magisterial Services has a Family Safe Court Approach in Madang. Recommended that the Family Safe Court approach can be replicated in other provinces, in accordance with global best practice and guidelines.
5. Lack of sentences that deter offenders and fail to send a clear message to the PNG public that domestic violence will not be tolerated. Magisterial services requested to present evidence of sentences on DV offence, breach of orders and other forms of GBV and justification of sentences.
6. Some men who are perpetrators are using orders or applying to for orders to get a protection order against the wife/partner. This is contrary to the intention of the Act. Magisterial Services to be requested to provided processes it has in place to mitigate how perpetrators, in particular men, use their positions, influence, and resources to apply for protection orders against women who are in fact - victims.
7. Several concerns from victims that magistrates lacked the sensitivity towards victims and limited understanding of domestic violence and GBV. It is recommended that magistrates receive specialized training on gender, gender relations, power and control, domestic violence, GBV and historical context of changing and development of GBV laws.