Submission to the Special Parliamentary Committee on Gender Based Violence

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30 June 2021

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CRICOS Provider No. 00120C

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# Introduction

This submission addresses select terms of reference of the inquiry, in accordance with authors’ areas of knowledge and expertise. The submission is based on research undertaken in the past four years on domestic, family and sexual violence in PNG. Many local researchers and a number of academics in PNG were involved in this work, but the submission represents the views of academics in the Department of Pacific Affairs (DPA), at the Australian National University. The two key research projects that underpin this submission related to firstly, family protection orders, and secondly, family and sexual violence offences.

# Key messages

The key messages of this submission are as follows:

1. There are three key pillars which can support prevention of gender based violence and behavioural change: Immediate assistance for victims, holding perpetrators to account and awareness of rights.
2. The results from a young adults’ survey underline the need to tailor community education and awareness activities for different groups in different settings, including young adults.
3. The majority of women (81%) who we interviewed, who had an interim protection order (IPO) issued, did feel safer as a result.
4. Although IPOs are becoming more well known, longer term protection orders (POs) are not as well understood. For behavioural change to occur, it is important to increase awareness and understanding of POs, and the process by which they can be obtained.
5. Targeted resourcing can improve access to family protection orders (both IPOs and POs), with for example, the employment of more District Court magistrates and IPO clerks.
6. The principal critiques of the criminal justice system relate to lack of enforcement, and few successful prosecutions of FSV offences. Increasing penalties will not make a difference – they are available already.
7. PNG’s formal justice sector requires significant investment to successfully deliver justice.
8. The response from frontline police requires improvement.
9. District Courts need to be more specialised, with dedicated listings or specialist courts for family law, and civil and criminal FSV matters.
10. Family protection orders should be issued while courts deal with FSV criminal matters, for example, when the case is adjourned or at sentencing.
11. More magistrates and National Court judges need to be appointed to reduce the backlog in cases and reduce the pressure on existing officials.
12. Specialist non-government organisations provide vital support to victims of gender based violence.
13. The government, through the formal justice sector, can play a larger role in victim support, which will make it more likely that witnesses and victims stay engaged in the process. Victim support needs to also include legal literacy for victims and their families.
14. Having victim liaison positions attached to District Courts will help tracking, and improve accountability and communication, as cases progress through the justice system.
15. Village courts will be able to better support victims of gender based violence with: a) amendments to the Village Court Act; b) greater and reliable funding; c) more female Village Court Magistrates; and d) accessible guidance notes explicitly for Village Court officials.
16. There is varying knowledge and attitudes toward gender based violence among senior police and magistrates across PNG. More needs to be done to assess the performance of these key actors, and to reward those that demonstrate commitment to timely, impartial and compassionate justice.
17. The benefits of good record keeping and the routine collection of statistics need to be better understood by those who are responsible for record making and keeping. Investment should be in low cost, simple systems that can be implemented and maintained across the country.
18. There is a need for improved communication flows about the progress of cases and their outcomes, within police, between criminal justice agencies and with NGO service providers.
19. PNG needs a criminal histories database.

# Addressing select Terms of Reference

## Term of Reference B

**(b) identify the immediate and long-term measures to prevent gender based violence, with the focus on behavioural change for future generations**

There are three key pillars which can support prevention of gender based violence and behavioural change: **Immediate assistance for victims** relies on having well-resourced and dedicated police (and wherever possible, a police run emergency toll-free telephone line (Putt et al 2020)), and access to safe houses. **Holding perpetrators to account** by ensuring that matters are pursued through the formal justice sector is at the heart of efforts to bring about behavioural change. The other pillar of change is **prevention, and activities that promote awareness** and understanding of individual and collective rights, the law, justice, and protection. Below is a list of findings that can contribute to the three-pillared approach.

### Awareness and attitudes

There are many factors that can contribute to behavioural change, and it is notoriously difficult to assess the impact of public awareness and community education campaigns. Certainly, efforts to communicate the message that domestic violence is a crime was strengthened by the passing of the Family Protection Act, which clearly defines and creates the specific offence of domestic violence[[1]](#footnote-1), and the dissemination of information by multiple stakeholders. Conducted in 2019-20, a survey of young adults in Lae and Port Moresby indicates that the majority (92%) knew there was a crime called a domestic violence offence, that both men and women agree on the type of behaviours that constitute domestic violence, and that a significant number of respondents thought family protection orders only applied to women and children (Putt, Milli and Essacu 2021). Importantly, given what our research shows about the effectiveness of family protection orders (see below), 33% knew about interim protection orders (IPOs). The results from the young adults’ survey do underline the need to tailor community education and awareness activities for different groups in different settings, including young adults.

Based on previous large scale surveys conducted on law and justice topics in 2015 and 2018, there is now more public awareness of IPOs, with approximately one-fifth of the population having heard of IPOs in 2018.

### Civil protection orders

The advantage of family protection orders is that they can be issued promptly, upon application from the victim and that conditions can be sought that suit the circumstances of the applicant. Our research shows a high degree of compliance of the orders (in 70% of cases, according to women we interviewed), and that perpetrators behaviour did change in the short term with the issuing of an interim protection order (IPO). The majority of women (81%) who had an IPO issued, did feel safer as a result. However, not many of the women we interviewed, and some justice practitioners, were not aware that longer-term protection orders (POs) of up to two years can be issued by the District Court. For behavioural change to occur, it is important to increase awareness and understanding of the POs, and the process by which they can be obtained. We also argue for targeted resourcing to improve access to FPOs, with for example, the employment of more District Court magistrates and IPO clerks.

### Criminal justice response

Specialist family and sexual violence (FSV) units have been introduced in PNG into key justice sectors. It is a great advantage to have such expertise and sensitivity to the plight of the victim, but can result in FSV being marginalised and viewed as largely the purview of female police officers and court officials. Data collected from a range of the specialist police units – the Family and Sexual Violence Units (FSVUs) – indicate that only 10% of cases result in arrests being made by FSVU officers.

Although there were indications that police were increasingly likely in some locations to charge using the domestic violence offence, its use remains low and we rarely encountered charges of breaches of family protection orders (IPOs or POs) being laid.

It is critical to acknowledge, however that other violent offences such as assault or threatening behaviour, may involve domestic and/or family violence (see Appendix A for a list of offences that may include or relate to domestic, family or sexual violence). Arrest rates by police are not high (approximately 50% in 2012) across a range of offences.

A study undertaken in the Boroko District Court showed that at least half of new listings related to domestic violence. However, the study found poor outcomes due to police failing to execute bench warrants of arrest, and defendants and complainants failing to appear (Ganaii et al. 2021).

In the National Court, where there is a specialist FSV office, the Family and Sexual Offences office (FASO) in the Office of Public Prosecutor, there are better outcomes than what might be found without the FASO. Having said this, we estimated that approximately 6% of sexual offences reported to police were successfully prosecuted through the courts in Port Moresby. Even though globally the rates of prosecution and conviction for sexual offences are low, this estimate suggests the situation is especially dire in PNG.

The principal critiques of the criminal justice system relate to lack of enforcement, few successful prosecutions of FSV offences, and lack of access for many, particularly in rural areas. Increasing penalties will not make a difference – they are available already. Instead, our research would indicate that the key areas that need to be addressed, in addition to a significant investment in the formal justice sector, relate to:

* Improving responses from frontline police, including by continuing to use the training workshop model employed by DJAG and JSS4D that involved all stakeholder groups in a local areas
* Incorporating FSVUs in the RPNGC structure (which has recently occurred) and monitor to see what changes occur as a result
* Specialisation in the District Court, with dedicated listings or specialist courts for family law, and civil and criminal FSV matters.
* Encouraging the issuing of FPOs when FSV criminal matters are being dealt with, for example, when the case is adjourned or at sentencing.
* Appointing more magistrates and National Court judges to reduce the backlog in cases and reduce the pressure on existing officials
* Recognising and supporting the critical role of victim support – work currently done by the NGO sector. It appears, in the whole country, there is only two government sector victim support and liaison officers in the formal justice sector, who are employed by the FASO office in public prosecutions. Much more could be done to support victims, which makes it more likely that witnesses and victim will continue to appear and stay engaged in the formal justice process.

### Local justice

The formal justice sector has a limited presence in rural and remote areas, and even that typically consists of police posts with very limited resources. The Village Courts remain the most significant formal justice institution in such areas. In recognition of this, the FPA authorised the Village Courts to issue IPOs. However, our research indicates few Village Courts are issuing IPOs, as preventative orders issued under the Village Courts Act are viewed as more powerful (can be issued for longer periods and can be enforced locally). Old statistics would suggest Village Courts often deal with cases of domestic and family violence, but there is no current, publicly available, data on what offences (under Village Court Act) are heard and on the outcomes from such cases. Research on more informal justice processes such as law and justice committees suggest women are often more sceptical than men that a fair process and determination will occur when a case relates to DFV.

Our research results highlight the importance of Village Courts. To enable them to use and adopt consistent approaches to IPOs across the country involves a) amendments to the Village Court Act to enable the courts to issue and enforce IPOs of a longer duration than that provided in the FPA b) greater and reliable funding c) more female Village Court Magistrates, and d) accessible guidance notes explicitly for Village Court officials

## Term of Reference C

**c) inquire into the level and impact of coordination and accountability for services and policy responses across the government departments, the Royal PNG Constabulary and related enforcement and prosecution services, the Courts, provincial and local government governments, non-government and community based organisations and the private sector.**

Where a provincial Family and Sexual Violence Action Committee is functioning well it can improve coordination, by bringing together key stakeholders at regular intervals. Our research revealed considerable variability by location in how well local justice actors were responding to reports of domestic, family and sexual violence. Some of the variability is explained by differences in resources and equipment, but it also related to the attitudes of senior police and magistrates in an area. More could be done to assess the performance of people in such positions, and to reward those that demonstrate commitment to timely, impartial and compassionate justice.

In terms of accountability, our research underlined how vital NGO services are, and the local networks that are supported by such services. The client advocacy and local knowledge of specialist FSV services such as Femili PNG, Voice for Change, and the Nazareth Centre for Rehabilitation increases the likelihood of access to justice and positive outcomes for the victims, who are primarily women. These services share their resources where they can – for example, Femili PNG assists local justice partners with practical but vital supplies such as paper and ink.

These services also follow up on what is happening with particular cases. This is essential as there was very little evidence of communication within departments or between different justice agencies. A matter or case is ‘referred’ and for many, that is the end of the matter. Having victim liaison positions attached to District Courts will help tracking and therefore improve accountability and communication as cases progress through (or more probably languish in) the justice system.

## Term of Reference D

**d) inquire into the adequacy of the evidence and prevalence data of gender based violence and how to overcome limitations in the collection of nationally consistent and timely data including, but not limited to court, police and hospitals**

To build a national picture of gender based violence requires robust data from surveys, and from administrative records kept by key government services and in the non-government sector. Prevalence data from surveys, although important to estimate the nature and extent of the FSV, and to track changes over time, are very costly and do not provide timely information. This is where administrative or client data, from the police, courts, family support centres, and specialist NGO services can be useful if kept well and extracted and analysed at regular intervals. For the project on family and sexual offences, we found that records were often kept but poorly and not consistently. We argue that the benefits of good record keeping and the routine collection of statistics need to be better understood by those who are responsible for record making and keeping., as well as by key decision-makers and policy makers throughout the criminal justice system. Costly technology based solutions supported by donor finance are not the answer, instead the investment should be in low cost, simple systems that can be implemented and maintained.

The appendix to our main report on FSV offences includes the tables and graphs of data we were able to obtain in our study sites or from national agencies (Putt and Dinnen 2020c). The executive summary lists the key findings based on this data (See Appendix B). The report’s recommendations were:

The system as a whole continues to struggle with demand and diminished and intermittent resources. The majority of challenges raised by stakeholders applied to all kinds of crime and not just FSV offences. Based on our consultations, the data and previous research undertaken at the Boroko District Court in Port Moresby (Ganaii, Putt and Dinnen 2021), several key themes most pertinent to FSV offences were identified.

Recommendations are made under three themes.

Improving the efficiency and effectiveness of the criminal justice system. Broadly defined, to improve the effectiveness and efficiency of criminal justice responses to FSV offences it is recommended that future efforts focus on:

* Continued training in and awareness raising about FSV offences, but that further thought be given to coordination with agencies that sponsor similar activities and ‘train the trainer’ models.
* Improving communication flows about the progress of cases and their outcomes, within police, between criminal justice agencies and with NGO service providers.
* Contributing to key areas of police capacity, namely the mainstreaming of FSVUs within the RPNGC, and a criminal histories database.
* Exploring ways to fast-track or prioritise FSV offences within court systems, and the introduction of dedicated listings and specialist magistrates.
* Fostering and supporting FSV champions and peer mentoring within criminal justice agencies.

Victim support, advocacy and protection to reduce attrition at each stage of the system. It is recommended that activities and programs be developed that improve the support, advocacy and protection for FSV victims within the criminal justice system to assist in reducing rates of withdrawal and dismissals. Complementary or integral to these programs and activities there should be more education on legal literacy, and on the criminal justice system, provided for FSV victims and their families.

Record keeping and collating statistics to assist with monitoring and review. Further work should be undertaken on designing and implementing a crime and justice statistical collection that is affordable, sustainable and feasible. Integral to this will be clearly articulating the purpose for and practical approaches to enable consistent and reliable record keeping and the storage of data. This work should align with the aims of the National Strategy to Prevent and Respond to Gender Based Violence 2016–2025, and promote the sharing of uniform and useful information (Putt and Dinnen 2020b: p12-13).

# Relevant DPA reports, papers and other material

## Family and sexual violence offences

Ganaii T, Putt J and Dinnen S 2021 ‘Domestic Violence in Papua New Guinea: A Case Study from Boroko District Court, Port Moresby’, ***In Brief*** 2021/15 [IB 2021/15 Domestic Violence in Papua New Guinea: A Case Study from Boroko District Court, Port Moresby | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/8035/ib-202115-domestic-violence-papua-new-guinea-case-study)

Putt J 2021 Helping Family and Sexual Violence Survivors in Papua New Guinea: Evaluation of Femili PNG, Lae Operations 2014-2020, ***Research Report***, [Helping Family and Sexual Violence Survivors in Papua New Guinea: Evaluation of Femili PNG, Lae Operations 2014-2020 | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/8047/helping-family-and-sexual-violence-survivors-papua-new-guinea)

Putt and Dinnen 2020a ‘Sexual Violence Against Children in Papua New Guinea: What the Criminal Justice Data Tells Us’, ***In Brief*** 2020/23 [IB 2020/23 Sexual Violence Against Children in Papua New Guinea: What the Criminal Justice Data Tells Us | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7751/ib-202023-sexual-violence-against-children-papua-new-guinea)

Putt J and Dinnen S 2020b Reporting, Investigating and Prosecuting Family and Sexual Violence Offences in Papua New Guinea, ***Research Report***, [Reporting, Investigating and Prosecuting Family and Sexual Violence Offences in Papua New Guinea | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7648/reporting-investigating-and-prosecuting-family-and-sexual)

Putt J and Dinnen S 2020c Additional data - Reporting, Investigating and Prosecuting Family and Sexual Violence Offences in Papua New Guinea, ***Research paper***, [dpa\_fsv\_report\_2020\_additional\_data\_final\_25\_june\_no\_bleed\_smallfile.pdf (anu.edu.au)](http://dpa.bellschool.anu.edu.au/sites/default/files/publications/attachments/2020-06/dpa_fsv_report_2020_additional_data_final_25_june_no_bleed_smallfile.pdf)

Watson AHA and Putt J 2020 ‘Emergency Toll-Free Telephone Services Part 1: Challenging Contexts’ ***In Brief*** 2020/08 [IB 2020/08 Emergency Toll-Free Telephone Services Part 1: Challenging Contexts | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7532/ib-202008-emergency-toll-free-telephone-services-part-1)

Putt J, Mararang D and Watson AHA 2020 ‘Emergency Toll-Free Telephone Services Part 2: A Police Line in Papua New Guinea’ ***In Brief*** 2020/09, [IB 2020/09 Emergency Toll-Free Telephone Services Part 2: A Police Line in Papua New Guinea | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7533/ib-202009-emergency-toll-free-telephone-services-part-2)

### Blogs

Putt J and Dinnen S [Sexual violence against children in Papua New Guinea: what the criminal justice data tells us - Devpolicy Blog from the Development Policy Centre](https://devpolicy.org/sexual-violence-against-children-in-papua-new-guinea-what-the-criminal-justice-data-tells-us-20201030-1/) DevPolicy Blog, 30/10/20

Putt J, Mararang D, and Watson AHA, [Emergency phone services, part two: the police in Papua New Guinea - Devpolicy Blog from the Development Policy Centre](https://devpolicy.org/emergency-phone-services-part-two-the-police-in-papua-new-guinea-20201013/), DevPolicy Blog, 13/10/20

Watson AHA and Putt J, [Emergency phone services, part one: challenging contexts - Devpolicy Blog from the Development Policy Centre](https://devpolicy.org/emergency-telephone-services-part-one-challenging-contexts-20201009/), DevPolicy Blog 9/10/20

## Family protection orders

Putt J, and Kanan L 2021 Family Protection Orders in Papua New Guinea, ***Research Report***,[Family Protection Orders in Papua New Guinea - Main Report | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7977/family-protection-orders-papua-new-guinea-main-report)

Putt J, and Kanan L 2021 Family Protection Orders in Papua New Guinea, ***Summary Report***,[Family Protection Orders in Papua New Guinea: Summary Report | Department of Pacific Affairs (anu.edu.au)](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7978/family-protection-orders-papua-new-guinea-summary-report)

Kanan L and Putt J 2021 [Family Protection Orders: Court Processes in Papua New Guinea](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7973/family-protection-orders-court-processes-papua-new-guinea), ***Issue paper***

Kanan L and Putt J 2021 [Domestic Violence and Family Law in Papua New Guinea](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7974/domestic-violence-and-family-law-papua-new-guinea), ***Issue paper***

Putt J, Milli G and Essacu F 2021 [Domestic Violence, the Law and Related Services in Papua New Guinea: A Survey of Young Adults in Port Moresby and Lae](http://dpa.bellschool.anu.edu.au/experts-publications/publications/7975/domestic-violence-law-and-related-services-papua-new-guinea), ***Research paper***

Putt J,Phillips T, Thomas D and Kanan L 2019 *Family protection orders: a key response to domestic and family violence. A pilot study in Lae, Papua New Guinea,* ***Research Report***, Department of Pacific Affairs, Australian National University <http://dpa.bellschool.anu.edu.au/experts-publications/publications/6711/family-protection-orders-png-research-report-pilot-study-lae>

Putt J,Phillips T, Thomas D and Kanan L 2019a ‘Family Protection Orders in Lae, Papua New Guinea: Part 3 Factors Affecting the Accessibility and Effectiveness of the Orders’, ***In Brief*** 2019/04 <http://dpa.bellschool.anu.edu.au/experts-publications/publications/6708/ib-201904-family-protection-orders-lae-papua-new-guinea-part>

Putt J,Phillips T, Thomas D and Kanan L 2019b ‘Family Protection Orders in Lae, Papua New Guinea: Part 2 Improving Safety’, ***In Brief*** 2019/03 <http://dpa.bellschool.anu.edu.au/experts-publications/publications/6707/ib-201903-family-protection-orders-lae-papua-new-guinea-part>

Putt J,Phillips T, Thomas D and Kanan L 2019c’ Family Protection Orders in Lae, Papua New Guinea: Part 1 Accessing Justice’, ***In Brief*** 2019/02 <http://dpa.bellschool.anu.edu.au/experts-publications/publications/6706/ib-201902-family-protection-orders-lae-papua-new-guinea-part>

### Blogs

Putt J and Kanan L [Do protection orders make PNG women safer? - Devpolicy Blog from the Development Policy Centre](https://devpolicy.org/do-protection-orders-make-png-women-safer-20210309/), DevPolicy Blog, 3/3/21

Kanan L and Putt J [Family protection orders in Lae: some positive signs - Devpolicy Blog from the Development Policy Centre](https://devpolicy.org/family-protection-orders-in-lae-positive-signs-20181122/), DevPolicy blog 23/11/18

Ganaii T, Putt J and Dinnen S [Domestic violence and the need for criminal justice reform in PNG - Policy Forum](https://www.policyforum.net/domestic-violence-and-the-need-for-criminal-justice-reform-in-png/), 18/6/21

Putt J and Kanan L [Protecting domestic violence survivors in PNG - Policy Forum](https://www.policyforum.net/protecting-domestic-violence-survivors-in-png/), 23/4/21

### Videos

Five short videos, including two that explain family protection orders in Tok Pisin and in English [PNG Family Protection Order Project - YouTube](https://www.youtube.com/playlist?list=PLV6RuTP9szr-vudxdICls_oAB8FAL25bc)

One minute video on family protection orders shown on EmTV (most viewed PNG television network), as a community announcement, at peak viewing times from the 21st of June to the 30th June 2021.

# APPENDIX A

## Criminal offences that may relate to or are defined as domestic, family or sexual violence (Putt and Dinnen 2020b: p.5)

|  |  |  |  |
| --- | --- | --- | --- |
| **Category** | **Common name** | **Act and section(s)** | **Max imprisonment (in years) or penalty** |
| Indictable offences  (i.e. punishable by imprisonment for more than 12 months) | Rape | CC s. 347 | 15 |
| Sexual assault | CC s. 349 | 5 |
| Sexual penetration of child under 16 | CC s. 299A | 25 |
| Sexual penetration of child under 12 | CC s. 299A | life |
| Sexual penetration or touching aged 16 to 18 years where relationship of trust, authority or dependency | CC s. 299E | 15 |
| Sexual touching | CC s. 299B | 7 |
| Indecent act child under 16 | CC s. 299C | 5 |
| Indecent act child under 12 | CC s. 299C | 7 |
| Persistent sexual abuse of child | CC s. 299D | 15 |
| Incest | CC s. 223 | 7 |
| Unnatural offences | CC s. 210 | 14 |
|  |  |  |
| Murder (and attempted murder) | CC ss. 299, 300, 304 | Death; life |
| Manslaughter | CC s. 302 | life |
| Wounding and similar acts | CC s. 322 | 3 |
| Intent to commit grievous bodily harm | CC s. 315 | life |
| Commits grievous bodily harm | CC s. 319 | 7 |
| Assault occasioning bodily harm | CC s. 340 | 3 |
| Serious assault | CC s. 341 | 3 |
| Domestic violence offence | FPA s. 6 | 2 |
| Breach of a family protection order | FPA 2.20 | 3 |
| Indictable offences that may be tried summarily by a Principal Magistrate (see s. 420 CC Schedule 2 and under Pt V11 of the DCA) | Defilement of girls under 16 and idiots | CC s. 216 |  |
| Indecent assault on males | CC s. 337 | 3 |
|  |  |  |
| Wounding and similar acts | CC s. 322 | 3 |
| Common assault | CC s. 335 | 1 |
| Assault occasioning bodily harm | CC s. 340 | 3 |
| Serious assault | CC s. 341 | 3 |
|  |  |  |
| Summary offences, tried in the district court | Common assault | CC s. 343 | 6 months |
| Aggravated assault | CC s. 344 | 12 months |
| Assault | SOA s. 6 | 2 |
| Fighting | SOA s. 10 | 3 |
|  |  |  |
| Offences affecting village life (r. 3 of the VCR under s. 41 of the VCA) may be tried by the VCR | Striking another person without reasonable cause | VCR r. 3(b) |  |

\*Sexual offences are shaded in the table.

# APPENDIX B

## Summary of key findings from the FSV offences research project, from the report’s executive summary (Putt and Dinnen 2020).

To quote:

Obtaining statistical data was extremely challenging, and there are major gaps in the picture that emerges. It is impossible to say, based on the available evidence, whether rates of successful prosecution, the length of time cases take, and court outcomes have changed in the past five years. However, the data does give some insights into:

**Trends in the past five years and current volume of FSV cases**

» An increase in reporting to police of FSV offences, including an increase in indictable FSV offences, notably in DFV offences.

» A slight increase in reported sexual offences with a slight decline in the average age of victims.

» A significant proportion of matters reported to frontline police (via the counter, by phone or otherwise) involves domestic or family violence.

» An increasing number of sexual offences that occurred over an extended period of time, and not recently, are being reported to the Sexual Offences Squad (SOS).

» Summary offences involving DFV are very common in the District Court, estimated to be at least half of new listings. Sexual offences are a more dominant category in the National Court, and the Family and Sexual Offences (FASO) office statistics suggest domestic, rather than family, relationships are more common with serious violent offences such as homicide.

**Characteristics of incidents, victims and defendants**

» Based on police, public prosecutors’ and NGO services’ data, more than three-quarters of FSV victims are females. With sexual offences, girls rather than women are more likely to be victims, with almost three-quarters of victims who report to the SOS being aged under 18, and for all victims, with an average age of 15 to 16 years. With DFV, adult women victims are most likely to be in the 25 to under 35 age category.

» The majority of alleged offenders are adult males for both DFV and sexual offences. » In terms of more serious (indictable) offences, most sexual offences were committed by those close to the children, including what are referred to by the FASO office as ‘blood relatives’.

» With serious DFV offences, an estimated 90% are believed by the FASO office to involve alcohol.

**Outcomes in the past year**

» Between 22% and 47% of cases recorded by five selected Family and Sexual Violence Units (FSVUs) are civil matters, with about one-third being the average, and therefore do not have a criminal justice outcome.

» Between 10% and 30% of cases recorded by five selected FSVUs are referred to what is categorised as ‘welfare’.

» Fewer than 10% of FSVU cases result in an arrest by a FSVU officer.

» The Criminal Investigation Division (CID) has a higher arrest rate, with the SOS making an arrest in at least one-third of cases.

» With all agencies involved in the criminal justice system, the outcome of cases is often unknown, as the outcomes are recorded as pending or active, with FSVUs varying between 6% and 17% of cases, the FASO office at 33% and with National Court violence-related offences in selected locations at 42%.

**Variability in focus and practices**

» Available data showed considerable variability in the volume of cases, and to some extent trends, dealt with by FSVUs and National Courts in the selected locations, and by District Courts across PNG. Key stakeholders were positive about a range of changes that they had witnessed during the past five years in the three locations. These included:

» Greater sensitisation to FSV and improved treatment of survivors by justice personnel

» Better referral networks, improved provision of medical statements for court cases

» Enhanced knowledge and skills among key justice professionals such as senior police investigators and public prosecutors.

1. Domestic violence was not a discrete crime prior to this, but the perpetrator could and still can be charged with a range of generic violence offences such as assault and murder. [↑](#footnote-ref-1)