



Special Parliamentary Committee on Gender-Based Violence PUBLIC HEARINGS

**24 - 25 May 2021
APEC Haus, Port Moresby**



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1. Introduction

Papua New Guinea's Special Parliamentary Committee on Gender-Based Violence (GBV) held the country's first-ever public hearings on gender-based violence on Monday 24 May and Tuesday 25 May 2021. The public hearings were held at APEC Haus, as COVID-19 restrictions regarding use of committee rooms within the National Parliamentary Precinct were in place.

The public hearings were part of a broader inquiry into gender-based violence launched by the Committee on 3 May 2021. Members of the public are invited to make written submissions to the Committee until 30 June 2021, sent to ParliamentGBVCommittee@gmail.com. After this time, the Committee will review all submissions and produce a report, which the Committee will seek to table at the next parliamentary session, likely to be held in August 2021.

This Report provides a summary of the public hearings. The Parliamentary Secretariat is also producing a transcript of the public hearings which will be made available on the Committee's webpage at <https://www.unitedforequalitypng.com/gbv-parl-committee>.

This Report does not include any recommendations from the Committee. Once the Committee has had time to consider the information provided during the hearings, as well as the information provided through written submissions, the Committee will meet to discuss and produce a final report, which will include recommendations based on the information received. This will be tabled in the National Parliament and published online.

2. Purpose of Public Hearings

The public hearings organised on 24 and 25 May are part of a longer-term inquiry, which seeks to understand the challenges currently impacting the national effort to address gender-based violence, in order to identify concrete recommendations for improvement. In advance of the public hearings, the Committee agreed that their focus would be on:

- (1) Examining the amount and use of funding provided by the Government to address GBV;
- (2) Understanding the delay in establishing the National GBV Secretariat and how to activate that body to be more effective;
- (3) Identifying the challenges with investigating and prosecuting GBV cases across the country and how to address them; and
- (4) Clarifying the Government of Papua New Guinea's current proposals to implement women's reserved seats, as part of a broader commitment to ensure women can co-lead the national GBV response

3. Participants in the Public Hearings

The public hearings were presided over by Chair Hon Charles Abel, Member for Alotau. Four other members from the seven member Committee also participated: Deputy Chair Governor Allan Bird, Governor Powes Parkop, Hon Aiye Tambua and Hon Allan Marat.

An inclusive and broad list of leaders, experts and relevant departmental Ministers and heads were considered and vetted by the Parliamentary Committee to speak at the hearing. The Committee took into account that the proceedings and outcomes statements from the National GBV Summit held in November 2020 included the voices of more than 700 civil society leaders and experts from across the country and that the Summit report – and many of the questions that came out of the report – provided a foundation on which the public hearings could build. It was agreed by Committee

members that given the power of the Committee to question critical stakeholder agencies, the focus should lean towards interviewing people who could offer answers that would help shed light on the inadequacy of the various Government responses to GBV over many years. The Committee recognized that Government inaction, most particularly in properly funding response and prevention mechanisms, as well as ensuring prosecution and the enforcement of the laws of the country, was chiefly responsible for the exponential growth in numbers and savagery of GBV cases.

The Committee decided to hold the public hearings over two days. During first half of Day 1, the Committee called on frontline workers from around the country to share their experiences to support survivors of GBV at the local level. During the second half of Day 1, the Minister for Community Development, Youth and Religion and his team, and the Minister for Police and RPNGC Police Commissioner came before the Committee. On Day 2, officials from the Department of the Prime Minister's and the National Executive Council (PMNEC) and the Ministry of Justice (MOJ) met with the Committee, as well as the Treasurer, Minister for Corrective Services and Corrections Commissions and the Minister for Communications.

Due to time constraints, some civil society representatives, as well as officials representing the Ministry for Health and HIV/AIDS and provincial level GBV officials were not able to be interviewed by the Committee, despite being scheduled to speak and in attendance. The Committee apologises for being unable to hear from these important contributors and looks forward to hearing from them if/when subsequent public hearings are held. They have been encouraged to make written submissions to the Committee.

4. Summary of Findings

From the testimonies, information and discussions held over the two-days hearing, the Committee took note of the following issues, in respect of each of the four key areas of the inquiry.

1. Examining the amount and use of funding provided by the Government to address GBV

- There has been insufficient funding provided by the Government of PNG to support GBV, despite the National GBV Strategy proposing a budget of approximately PGK 57 million. This is due partly to the GOPNG not allocating resources to the Department of Community Development and Religion (which is responsible for the National GBV Strategy) but also a lack of proper budget paperwork being provided by DfCDR to unlock Government resources.
- NGOs have filled the gap in Government funding for GBV by providing a range of GBV support services across the country, including crisis response, safe house, counselling, legal advice and other support to GBV survivors. NGOs work with very limited resources, often raised from donors, and would benefit from more sustainable funding support.
- There is poor coordination on the collection and availability of data on cases of GBV. Some key institutions (eg. RPNGC, DJAG) appear to collect some data, but there is currently no central coordinated agency responsible for GBV data management and coordination.

2. The delay in establishing the National GBV Secretariat and how to activate that body to become effective

- The establishment of the National Gender-Based Violence Secretariat (NGBVS) was gazetted in 2016 but to date, the NGBVS has not been in operation.
- The NGBVS has not received sufficient funding to discharge its mandate, but the Treasurer noted that they also need to provide more complete budget documentation.

- The NGBVS has an organisational structure which has been approved but not finalised. The DfCDR committed to finalising staff position descriptions as a priority and recruiting staff into the Secretariat by the end of 2021.

3. *Challenges with investigating and prosecuting GBV cases across the country and how to address them.*

- The laws in place to deal with GBV are generally quite good, but are not being properly implemented to protect women and children.
- There is a need to amend the Sorcery Act to make the role of '*glassman/meri*' and their practices illegal. The work of '*glassman/meri*' is criminal in nature as they are profiting from barbaric crimes they contribute to.
- GBV victims have to wait a long time for their cases to be investigated and prosecuted, with many cases not coming to a conclusion at all. Last year, the RPNGC registered approximately 15,000 cases, but only 300 were prosecuted and there were only 100 convictions.
- Both the RPNGC, Office of Public Prosecutions and Magistrates Service all reported severe human resources constraints, which impact their ability to investigate, prosecute and adjudicate GBV cases. They also need more training on GBV issues specifically.
 - The RPNGC Family and Sexual Violence Unit needs to be formalized and provided with more staff, funding and equipment.
 - The OPP needs to be able to employ more prosecutors, who need to be located at the provincial level, with some prosecutors at that level specialized in GBV.
 - The Magistrates Service needs support to fill a gap of almost 1/3 of all magistrates' positions; to attract good officers they need to review the remuneration provided and build houses for the new magistrates who are recruited.
- Village Courts are responsible for processing Interim Protection Orders (IPOs). The IPOs should be processed for free, but women are often being charged for them. It needs to be made clear to Village Court officials and to the public that IPOs are free.

4. *How women's reserved seats can be progressed as strategy for ensuring women can co-lead the National GBV response.*

- The Government proposal to reserve 5 regional seats for women is a work in progress. The policy has been approved by Cabinet in principle, but the details of the legislative process still need to be determined and another paper taken to Cabinet for approval.
- It is not clear whether the 5 reserved seats will be legislated in time to be implemented at the 2022 national election.
- With no women in the 10th National Parliament, reserving seats for women now appears to be the most viable option ensuring that women are included in the next Parliament. This will ensure that women's voices can be heard within Parliament regarding addressing GBV.

5. Summary of Public Hearings: Day 1

10.00am, 24 May

Opening of Committee hearing by Chairman, Hon. Charles Abel

The hearing was opened by Chairperson Honourable Charles Abel, who highlighted the historic nature of the public hearings – the first of their kind in PNG's 45 years since independence. He expressed his appreciation to Prime Minister Marape and the Government for supporting such parliament processes. He also acknowledged the important contribution being made by the Coalition of Parliamentarians to End GBV, which is co-chaired by two Committee members, Hon Parkop and Hon Bird.

Hon Abel made a strong statement calling for all partners to address GBV as a priority. He stressed that PNG is a Christian community, and that people should reflect their Christian values when dealing with each other. He highlighted that Parliamentary committees play an important role in holding government officials to account and that he and the Committee were committed to using their powers and position to elevate the GBV agenda. Committee members are deeply concerned that not enough is done for the survivors of violence and that not enough perpetrators are held accountable. The hearings would be used to identify why this was the case.

10.25am, 24 May

Testimony from Ms Hennah Joku, GBV Survivor

Compelling testimony was given by Ms Hennah Joku, a survivor of gender-based violence herself and an experience media producer. Ms Joku shared her story with the Committee, noting the complex personal issues that had resulted in her partner violently abusing her. As Ms Joku noted: *"My story is not different to many other women in this country ... we continue to suffer at the hands of men we continue to love"*.

She discussed the challenges she has faced trying to access justice as a survivor of violence. Ms Joku advised that she lodged her complaint with the Police in September 2018 and had the perpetrator arrested, but he was released, and nothing has happened since that time that she is aware of. Ms Joku told the Committee of her concerns that if a woman like herself, who is educated and understands the justice system, still struggles to access justice, then she was worried about how women in rural areas with no knowledge about court processes or the justice system could access justice.

11.00am, 24 May

Dr Fiona Hukula, Gender Advisor, Pacific Islands Forum Secretariat (formerly at the PNG National Research Institute)

Dr Hukula made an initial introductory statement summarising some of the research undertaken in PNG on GBV issues. In response to a specific question regarding GBV data, Dr Hukula noted that there is still no coordinated GBV data management system to inform the national GBV response. Sets of data are collected by different agencies and service providers, but there is no centralised data management system which they all feed into.

In terms of collecting specific prevalence data, smaller research studies have been done but not yet a comprehensive study. The WHO Violence Against Women and Girls Prevalence Study that has been done in the Solomon Islands is useful but would be quite expensive to roll out in PNG. The recent Demographic and Health Survey undertaken in PNG showed that half of those interviewed experienced violence.

In response to a question on sorcery accusations and related violence (SARV), Dr Hukula noted their research shows that in the Highlands, where SARV is very prevalent, the victims are mainly women and girls, but in Bougainville they found the victims are mostly men. The slow process of accessing justice often leads to SARV victims dropping cases along the way.

Dr Hukula raised her concerns that the prevalence of GBV is not decreasing in PNG, despite attempts to take action since the 1990s. She noted that behaviour change cannot only come from the education system because when children go back into violent families, this has a major influence on their behaviours. She noted that enforcement alone also does not work. Rather, what is needed is a holistic approach, including mental health support.

11.30am, 24 May

Mr GT Bustin, PNG Tribal Foundation

Mrs Ruth Kissam Jewel, PNG Tribal Foundation (by Zoom)

Two representatives from the PNG Tribal Foundation – Ms Ruth Kissam Jewel and Mr GT Bustin presented to the Committee on sorcery accusation related violence (SARV). The Tribal Foundation has an advocacy programme ‘Senisim Pasin’ that runs in 17 provinces focusing on gender appreciation. Their work focuses on addressing SARV, by providing support to victims/survivors as well as trying to help them access justice. They have set up a ‘*village of hope*’ that provides refuge for SARV victims and families for up to six months.

They raised concerns that not only are women (and some men) being attacked, but SARV is now being directed towards the children of those who have been accused. COVID-19 has also exacerbated the problem; women and girls are now accused of sorcery for COVID-19 related deaths. Mr Bustin told the Committee: “*Violence is a soft word, what is done to these women is brutal and barbaric. It’s like one animal doing it on other human. It involves burning them, cooking them, shoving hot iron into their breast and private parts - its inhumane*”.

They raised specific concerns about the role of *glassmeri* in encouraging villagers to commit SARV offences. They called for the law to be reviewed to ensure that there are offences that can specifically deal with wrongdoing by *glassmeri* and these people need to be prosecuted wherever possible.

They also raised concerns about the almost non-existent prosecution rate for SARV cases. Successful prosecution is important to send a strong message to perpetrators. Currently, no one is being held accountable for Sorcery related crimes. Police need to be resourced to attend to cases. Ms Kissam noted: “*Police are outnumbered, to save a victim of SARV, you must have 20 to 30 policemen to arrest since it’s a community sanction activity*”. Lack of successful trials is the biggest challenge and a great contributing factor to more SARV cases.

They also noted that there is no witness protection programme in PNG which makes it very difficult for victims to proceed with a case, because they are worried about the impact on their families.

12.00pm, 24 May

- **Sister Lorena Jenal, Catholic House of Hope, Southern Highlands (by Zoom)**
- **Mr Dickson Tanda, Caritas SARV Coordinator, Enga**
- **Mr Anton Lutz, SARV, Enga**
- **Denga Illave, Operations Manager Femili PNG**

The Committee heard from a panel of civil society GBV workers who provide crisis response services to survivors. Sister Lorena Jenal gave a short intervention online about the Catholic Church services to help survivors of SARV. The Catholic House of Hope is currently serving 120 survivors through the Mendi and Simbu Safe Houses. They are also working closely with the United Church to integrate families safely back into the community.

Mr. Anton Lutz and Mr. Dickson Tanda made reinforcing interventions about the challenges being faced by GBV and SARV survivors. They stressed that SARV is a national issue and with the fear of being accused of sorcery impedes development because it is fundamentally impacting on people's basic rights. They called on SARV to be taken up as an issue by the Government; Government needs to take ownership, not just faith-based organisations, CSOs or development partners. Mr Lutz noted: "*Wok i mas gat papa* [SARV work must have a father]."

Mr Lutz noted that the problem is being exacerbated by misinformation; young people in the villages are now believing what they see on television, including that vampires were real. They called for better education to make very clear that sorcery is not real and violence on that basis is absolutely unacceptable.

Both Mr Lutz and Mr Tanda called for basic standards for police and health workers on how they respond to SARV:

- *How quickly do the police need to come to a village?*
- *What should they do when sorcery related violence is alleged?*
- *What services should accused people be receiving from health service providers and police officers?*

They have stories of health services turning down SARV victims because they are worried about what might happen to them if they help. They also noted that the police often do not provide a proper response, taking many hours or even days to help victims. Part of the problem possibly relates to resources, with FSV Units often having insufficient fuel or manpower to respond properly to cases. They called for SOPs for how health and police official in particular should engage with SARV victims, to ensure that officials knew their minimum duties. They also highlighted the need for more refuge centres or safe houses for SARV survivors, including more services for children who are victims of SARV.

Ms Denga Illave shared the experiences of Bel Isi Case Management Centre in Port Moresby, where she has been working for 7 years. She raised a very specific challenge with the Committee, namely the concern of many survivors and GBV workers that alleged GBV perpetrators who have money are manipulating the system for their benefit. The Committee responded strongly to this concern and voiced their support for survivors against these powerful men. She called on the Committee to ensure that arrests are made because that will send a strong message to the public. She advised that she knows stories where a woman survivor is locked in a cell overnight at the police station for her own safety, but once she is put in a safe house, she may stay there for six months because the police haven't arrested the alleged perpetrator. Survivors need justice.

Ms Illave called on the Committee and the Government to focus on strengthening agencies which are responsible for providing access to justice. Only a few NGOs and the private sector are supporting case management; she stressed that the Government needs to take ownership. She also made a specific recommendation that child protection officers and juvenile justice officers needed to be integrated into the police structure and that more magistrates need to staff the district courts. She also supported a '*one-stop-shop*' model to providing GBV services, to be established in all provinces/districts.

12.30pm, 24 May

- **Ms Lilly Be Soer, Voice for Change**
- **Sister Lorraine Garasu, from the Nazareth Centre for Rehabilitation (by Zoom)**

Due to previous sessions taking longer than anticipated, the Committee decided to cut back on some speakers to ensure that sufficient time was still available to hold to account government officials who would be participating in later sessions. Ms Mary Kini, Founder, Kup Women For Peace, and coordinator HRWHRDM and Mr Pat Niuni, Restorative Justice Initiative Enga, were available to speak in this session but were not called upon.

Ms Lilly Be Soer from Voice for Change drew on the experiences learned from her organisation which has supported over 4,000 women and children who have experienced GBV. She noted that the *Lukautim Pikinini Act* is a good law, but it needs to be properly implemented and resourced to support children experiencing GBV. Ms Be Soer raised an issue that she said was a major problem for women in Jiwaka, namely, widespread polygamy and adultery. She noted that men and women engaging in extra-marital affairs that seriously impact the physical and psychological health of mothers and children. Many abused women present with their children each week. Most perpetrators are professional men - police, teachers, health professionals and men working in the mining sector – and they are often fathers that are neglecting their parental responsibilities. Financial disagreements also cause serious conflict, with mothers often left with all of the responsibility to produce food and raise the children, while the husband takes a new partner and often leaving his formal family with no house, no food, no access to education. Children witness their father's violence and neglect and grow up thinking it is normal, but they are angry, and this results in inter-generational conflict.

Ms Be Soer also noted that the Committee has heard from well-educated urban women, who still cannot access justice even though they have phones, transport, and more accessible services. Access to justice is so much more difficult for rural women. VFC has supported women to access 83 IPOs and served six summons for SARV perpetrators; they are doing what they can to make the justice system work. But the reality is that NGOs working to end GBV need their own lawyers if they want to make progress. Most women will go first to the Village Courts, but the system urgently needs an overhaul. Village court magistrates are mostly men. The provision for one token woman per Village Court is not enough. She recommended a 50/50 split of Village Court officials, all of whom need to be trained to be gender sensitive and fair. Currently, money buys justice. Women must pay K20 for a Village Court sitting and K50 to go to the district court to appeal a Village Court decision. Most women do not have ready access to such funds. VFC has assisted women to appeal unfair decisions made by the village courts.

Ms Be Soer concluded by noting that law enforcement needs committed local leadership and people's participation. VFC has worked with communities to develop their own by-laws to end GBV, aligned with the national GBV laws. This has helped improve ownership of the law. She believes that when people feel ownership there is greater accountability to then abide by the law. She encouraged other communities to be supported to come up with '*Community by laws*' on ending GBV.

Sister Lorraine Garasu, from the Nazareth Centre for Rehabilitation in the Autonomous Region of Bougainville, dialed in by Zoom and was able to share some basic information about the valuable services her church-based organisation is offering to GBV survivors. She highlighted that violence is learned behaviours; there is a need to create systems within schools and communities where children can learn positive behaviours and move away from "*cultures of violence*". They have a school programme which focuses on teaching young people in Grades 7 and 8 how to build healthy and respectful relationships.

12.45pm, 24 May

- **Marcia Kalinoe, Director, National Family and Sexual Violence Action Committee**

The National Family and Sexual Violence Action Committee (FSVAC) sits within the Consultative Implementation and Monitoring Council, which is itself a quasi-government organisation. They focus on an integrated, human rights based, multi-sectoral approach to GBV, with a focus on coordinated referral pathways. Unfortunately, while PNG has good laws and policies, there is still a major lack of coordinated implementation. Resourcing is also a major problem; key service providers do not even have paper and ink. The formalisation of the police FSVUs is still lacking which means that they cannot attract the government resources they need. GBV is not only happening in Port Moresby; provinces and districts also need to take control of this issue. There needs to be a proper budget from Government whether for health responses, policing, justice, or safe houses. Churches and CSOs are doing their best to fill these gaps with their own resources, but there really needs to be more Government resources – and leadership. In response to the commentary on provincial level responses, Governor Bird gave an example of the extra resources his Provincial Government has directed towards GBV in his province, but then asked who should be taking the lead at that level to ensure better outcomes as leadership at that level still remains confused.

2.05pm, 24 May

- **Dannielle Winfrey, Programme Manager, Bel Isi Foundation, Oil Search Ltd**

The Committee had a chance to learn more about the public/private partnership on GBV being supported by the Bel Isi programme, which is supported by Oil Search Ltd. Ms Winfrey highlighted the limited funds, lack of resources for service providers, and bottlenecks that impede GBV responses. She noted that the Bel Isi Foundation is attempting to help, but that the Government needs to improve its responses to ensure the GBV crisis and justice response is sustainable.

Bel Isi supports case management services and safe houses, but also works directly with private sector companies and business leaders to build their own capacities to address GBV. She noted that there was a study of the economic cost of GBV done by the UK Overseas Development Institute Report) which found that staff lose on average 11 days of work per year due to the impact of GBV.¹ This lost time amounts to lost money for companies; one firm estimated that almost 3 million kina had been lost to GBV. She noted that their program costs only 39 million Kina over five years, but much more money was being lost because of GBV. She asked about what money the Government is actually spending to address GBV and the impact it is having, noting that a proper response would save money – and lives – in the longer term.

Ms Winfrey reflected that there are good laws to address GBV in place, but then there are problems with drafting and implementing the supporting regulations and services. She advised that the *Lukautim Pikinini Act* was a good framework, but some regulations still needed to be officially recorded and published. In her opinion, there are a lot of child abuse cases around the country, but not enough certified CPOs to protect the thousands of children experiencing violence every year.

In response to questioning from the Committee about the private sectors role in addressing GBV, Ms Winfrey noted that there is still no standard response amongst the private sector about what a 'zero tolerance' approach to GBV would actually look like. Each company makes human resources and staff

¹ <https://cdn.odi.org/media/documents/9886.pdf>

discipline decisions based on their own company policies. Some companies do have their own support services available for survivors (E.g., Trophy Haus supports a full case management process) and some have codes of conduct to guide how to deal with GBV allegations. Governor Parkop specifically noted in response that the PNG Government needs to hold public service staff accountable through their own code of conduct; perpetrators should be disciplined or sacked.

2.30pm, 24 May

- **Hon Wake Goi, Minister for Community Development and Religion**
- **Mr. Jerry Ubase, Acting Secretary, Ministry of Community Development and Religion**
- **Ms Maryline Kajoi, Acting Coordinator, Interim National GBV Secretariat**
- **Mr Simon Yanis, Director, Child Welfare**
- **Ms. Anna Solomon, former Secretary, Department of Community Development**

The Committee welcomed the Minister and posed a number of questions focused on understanding why there has been such a lack of progress in: (1) implementing the GBV Strategy after six years have already passed, and (2) establishing the National GBV Secretariat (NGBVS).

Governor Bird noted that 1.4 million women and children suffer from GBV each year in PNG - women are beaten every 30 seconds – but almost no progress has been made to address that over many years. There is no clarity on what human, financial and other resources had been applied to addressing GBV and what has been achieved.

Minister Goi advised that there have been budgets allocated before, but the funds often did not reach the NGBVS. In 2018, two million Kina was redirected to bring women from all the provinces to participate in APEC. In that same year, PGK1 million was allocated, and while PGK 200,000 was used on male advocacy the remaining PGK 800,000 was taken back by the government for APEC. The Committee asked about what donor funding had been provided for GBV as well

Acting Secretary Jerry Ubase (who has been in the role since February 2021) accepted that progress had been slow and noted that upon starting in his role he immediately pulled his team together to address delays. A strategy meeting was planned for the following week to work through their issues, but he accepted that it has taken too long to make progress.

Interim NGBVS Coordinator noted that there are 11 different departments within the Ministry of Community Development and Religion and they were only one of many requiring more resources for their work. It was noted that an Interim GBV Secretariat has been established, but while 10 staff positions have been approved, only four have been filled so far, The UN has offered to provide support to develop the remaining position descriptions, after which it is anticipated those slots will be filled in the second half of 2021; at that time, implementation would proceed more efficiently.

The Committee expressed their frustration at such slow progress after so many years. Hon Charles Abel made clear his unhappiness at the lack of progress setting up the NGBVS and implementing the GBV Strategy and called on the Ministry to produce the proper budget and planning paperwork needed to unlock resources and move forward with implementation. Governor Parkop queried what will realistically change to ensure that by 2022 things get tangibly better for women and children? He wanted to know what the Ministry practically plans to do to ensure they get the budget, staffing and other support they need, that they never got before. Multiple Committee members also queried what donor money had been provided and what had been done with that funding, even if Government funding had been insufficient.

Committee Chair Abel officially requested the Ministry to provide the Committee with their latest plans and budgets within 24 hours. *[Note: The documents were provided on Tuesday 25 May and are attached at Annex 2.]* Hon Abel noted raised the idea that perhaps one of the reasons there has been so little progress has been insufficient attention being given to the status of the NGBVS and that perhaps that could be address by making the NGBVS a stand-alone Secretariat rather than being one of 11 departments within the Ministry.

Former Secretary of DfCDR, Ms Anna Solomon, provided some information on what had been done to address GBV during her many years at the Department. The Department for Religion developed a database of NGO and faith-based service providers, including in relation to GBV, but she noted it could go further and cover more CSOs. They have already engaged in funding agreements with churches, based on their mapping. She also highlighted the importance of DfCDR extending itself into the provinces and districts. CPOs already work at that level, but DfCDR still needs to get their services closer to the people. She also noted that the Government had not sufficiently taken the lead to address GBV, and development partners had been filling the funding gap for many years. She advised that a number of funding proposals had been submitted to Government, with GBV falling under their human rights work stream, but there had been little progress.

Governor Bird stressed that DfCDR needed to focus more on partnerships with CSOs and churches who are already working across the country. Currently, the DfCDR strategic approach is too inward looking; focused on their own government structures. He queried why the DfCDR was trying to do everything themselves, rather than working better with other organisations to make the most of their resources. He queried: for the money that the Government is giving the DfCDR what is actually being delivered? Will there just be more workshops and conferences, or will people actually see results.

The Director for National Office for Child and Family Services Welfare, Mr Simon Yanis, was the final speaker for the Ministry. He heads a new office which has had stand-alone status for the last two years. Dame Carol Kidu in 2006 saw the need for reform in the sector and they have made considerable progress over the last years. His unit is responsible for overseeing implementation of the *Lukautim Pikinin Act* (LPA) and its supporting regulations. They have also developed a Child Protection Policy. They have two streams of Child Protection Officers (CPO): Government CPOs and volunteer CPOs, which are supported by NGOs. With PGK1 million funding from the National Planning Office they have trained all of their CPOs within structures that go right down to the provincial and district levels. They have gazetted 54 of their Government CPOs already.

Mr Yanis noted that there can be challenges regarding how the *Family Protection Act* (FPA) (which is implemented primarily by the Police) works alongside the LPA (which is implemented through a network of child protection partners). The interaction between the two laws can be difficult when POs designed to protect a mother affect the children; the interactions between the different protection services of the police and CPOs need to be better understood and managed for the benefit of women and children together. They are now trying to create a system which will enable the LPA to be more effectively implemented by provincial partners, to take the LPA right down into communities. The National Council of Child Protection has been established, but they want to establish similar structure for child and family services at provincial level. He believes it will take 2-3 years to rollout their plans, depending on the funding they receive. They have PGK2 million in 2021, but they will make a bid for larger PIP funding this year to establish the new provincial structures.

2.30pm, 24 May

- **Hon William Onglo, Minister for Police**
- **Mr David Manning, Police Commissioner**

The Committee expressed their appreciation that both the Minister for Police and the Police Commissioner attended the hearing but noted that they all had a strong interest in ensuring access to justice for GBV survivors and that the police have a critical role to play. Hon Abel, Governor Bird and Governor Parkop all raised their serious concerns that police investigations into GBV and SARV allegations are not proceeding with sufficient timeliness or effectiveness. As Governor Bird noted, the Committee heard that there are 1.4 million cases of GBV in PNG every year, which is a huge caseload for the RPNGC to investigate. They do not have enough staff to respond, but there are also concerns that even where perpetrators are identified, high profile people still do not face prosecutions. The Committee also specifically asked the Police Commissioner about how sorcery related violence cases are being handled because they are concerned about the suggestions from NGOs on Day 1 of the hearings that there have been no successful prosecutions.

Both the Minister for Police and Police Commissioner gave remarks which reiterated the commitment of the RPNGC to investigate GBV crimes and bring perpetrators to justice, but both noted that there is clearly considerably more work to be done. Police Minister advised that there were 15,444 cases of domestic violence reported last year, with only 250 people prosecuted and less than 100 people convicted. They have a challenge with victims not wanting to come forward, and once they do, not wanting to proceed with taking their case through the whole court process. There are only 150 staff in the Family and Sexual Violence Units that are located across the country.

Committee members asked both the Minister and Commissioner whether they can guarantee the safety of women who come to the FSVUs and come to police stations for protection. Minister Onglo advised: "*No, we do not have the resources or facilities yet*" and Commissioner Manning replied, "*No. We are not at that particular stage yet.*" The noted that they currently rely heavily on partnerships with other NGO service providers who help fill the gaps in their services to GBV survivors right now.

Both the Minister and Commissioner accepted that the RPNGC does now have enough resources to give GBV survivors the support they need and to ensure proper investigations actually take place. They both said that the RPNGC needs more funding to address GBV. Police Commissioner Manning advised that that he would like to build up a specific GBV specialist stream within the RPNGC which would be responsible for driving the response to GBV.

The Committee also heard that more human resources need to be applied to change mindsets from people across the country to make clear that GBV is simply not acceptable. Issues like compensation for GBV at the community level also need to be dealt with. At the moment, it is difficult to investigate and prosecute because compensation for GBV crimes is not specifically illegal. There needs to be much more awareness-raising and advocacy with communities that compensation is not to be paid in response to GBV cases.

In response to the call for more funding, the Committee asked the Minister and Commissioner to provide the Committee with a written briefing making very clear what more resources they needed, to implement what specific activities and processes and how that would help GBV victims. *[Note: The RPNGC subsequently emailed the Committee with a copy of the FSVU forward budget estimates on 25 May 2021 which is attached at Annex 3.]*

The Director of the RPNCG Family Sexual Violence, Superintendent Delilah Sandeka also spoke briefly to the Committee. She noted that the FSVU is the RPNCG's response to GBV, but the FSVU's are not yet formally part of the RPNCG structures. They try to support survivors to obtain IPOs and to hold perpetrators to account, but they receive limited funding of currently. She also noted that UNDP is supporting the development of a new Integrated Data Management System which will be useful in helping the RPNCG with more effective GBV data management and reporting.

6. Summary of Public Hearings: Day 2

10.05am, 25 May

- **Hon Allan Bird, Deputy Chairperson & Governor of East Sepik Province**

Deputy Chair Governor Allan Bird made the opening remarks for the Committee on Day 2 of the hearings. He uses his speech to explain to the public the role of a parliamentary committee, pointing out that although the Committee was comprised of both Government and Opposition MPs, they were working together to address GBV in their role as parliamentary leaders.

Reflecting on his own experiences growing up, he stated: *"What we should worry about as leaders is that if 1.4 million sons are watching violence at home, those sons will think that this is how we solve problems. Imagine what future kind of future we are creating. Every 30 seconds, 1 woman is beaten. It is unacceptable that we should allow this to happen"*. He stressed that the Committee was not about victimising men and making them the enemy. But that it was important as men that they recognised there was a big problem in this country. He called upon men to protect women and children. Governor Bird stated: *"I call upon the men if you have disagreement, don't use violence. Find a better way... if you feel violence is the way, leave the house, walk away, cool down. Stop using violence to settle issues... this is not the way."*

10.25am, 25 May

- **Ambassador Ivan Pomaleu, Secretary, Department of PM & NEC**

Ambassador Ivan Pomaleu gave a strong opening statement, noting that GBV in PNG is a pandemic with so many unnecessary deaths, making PNG very unsafe. He commended the establishment of the GBV parliamentary committee as a great step forward. He acknowledged that there has been a lack of coordination, a lack of national ownership over the GBV agenda and an over-reliance on donors.

In response to a question from Governor Bird regarding who should be leading the push to end GBV, Ambassador Pomaleu advised that while he understands the Ministry of Community Development and Religion currently has the mandate to drive the National GBV Strategy, he has heard suggestions that perhaps the National GBV Secretariat should be placed under the DPMNEC to demonstrate the seriousness of the Government's commitment and to improve coordination. However, he noted that he has not consulted on that proposal at all and that it was only an idea at this stage.

Ambassador Pomaleu highlighted key legislative and international frameworks promoting gender equality to which the PNG Government had signed up. In response to a comment from Governor Parkop that despite those many commitments, little had been done in practice, Ambassador Pomaleu agreed: *"Yes I have no qualms agreeing with that statement. We have not done much. We need to fund it. We need to support it."* He agreed that the National GBV secretariat needed more resources

and funding from the Government. He noted that he relies on advice from his Ministry heads and will try to support budget requests relating to GBV when they come to him. He can put a stronger focus on finding the resources to tackle GBV seriously if it is decided that this work sits under the PM's office.

Hon Tambua asked Ambassador Polaleu about what the Government is planning to do to support more women in leadership. Specifically, he noted that the Committee has been advised that the Government is proposing reserved seats for women and asked for an update. Ambassador Pomaleu confirmed that there have been discussions within the Cabinet to create five regional seats in the National Parliament reserved for women. He noted that at this stage, he cannot confirm whether the Government will enact legislation in time for the 2022 elections. The proposal has been put into a Cabinet discussion paper and the outcome was for more work to be done and to bring the proposal back to Cabinet. He stated: *"Me no gat clear visibility of where this is going, but yes, we will have a formal discussion in Cabinet on this."*

Hon Abel has strong support for temporary special measures for women in advance of the 2022 elections. He stated: *"There are challenges to women getting into Parliament. How do we know? Because there are no women in Parliament. We need these special measures now. Only 7 women have ever been elected to the PNG National Parliament ever. We are one of only 12 countries globally with no women MPs. We have to urgently take action - we simply can't have zero women after the 2022 elections."*

11.00am, 25 May

- **Ms Miriam Kias, Deputy Secretary, Department of Justice and the Attorney General (DJAG)**
- **Mr Joe Saferius, PNG Village Courts Secretariat**
- **Ms Miriam Daudo, Coordinator, PNG Village Courts Secretariat**
- **Mr Collin Sakap, Director of Juvenile Justice**
- **Mr Pondros Kaluwin, Director, Office of the Public Prosecutor (OPP)**
- **Ms Mercy Tamate, Director, Family and Sexual Violence Unit, OPP**
- **Mr Leslie Mamu, Director, Office of the Public Solicitor**

The Department of Justice and the Attorney General (DJAG) was represented by Deputy Secretary Ms Miriam Kias because the Attorney General who is the head of DJAG was unable to attend for family reasons. Ms Kias reiterated that DJAG's mandate is supporting access to justice. They have responsibility for setting the legal and policy framework (including in relation to GBV), and then provide advocacy and training in support of implementation of the law, which they do in collaboration with other agencies. They then learn from implementation and take action where reform is needed.

The Committee pressed the Acting Secretary for information regarding GBV prosecutions as well as processing of GBV cases in the village courts. These questions were deferred to the Directors of the Office of Public Prosecutions and the Village Courts Secretariat. Ms Kias also briefly discussed the role of DJAG in supporting village court officials. She stressed that DJAG is heavily focusing on ensuring better access to justice at the village court levels. They want to get down to the people on the ground and have focused more on that under Secretary Kwa since 2019. They are doing more training for frontline workers at that level to ensure there is capacity and infrastructure at that level. Village court officials need to understand processes, for example how an interim protection order works in a village setting. They need to do more work on that; they are engaging in more partnerships to that end.

Governor Bird noted for DJAG's information what they heard from the Police Commissioner on Day 1: there are 1.4 million cases of GBV every year in PNG, of that the RPNGC registered 15,000 cases last

year, but only 300 were prosecuted and of those only 100 convictions were achieved. He wanted to know what needed to be done improve the prosecutions and final justice outcomes for GBV cases across this country. Ms Kipas noted that there is a glaring need for capacity development across all levels, not just in law enforcement but also judiciary officers at the Village Court level, Magistrates, and the higher judiciary. There needs to be more understanding of the laws that are available and how they work.

Following up on the issue of staff and how they track the outputs of those staff, Governor Bird asked whether DJAG is collecting and disseminating meaningful statistics which will help assess the effectiveness of their current capacities, including how many GBV cases prosecutors and judges are processing and how long it takes. She clarified that the judiciary is independent and DJAG does not oversight judges or magistrates (though DJAG does provide secretariat support to the Judicial and Legal Services Commission). Ms Kias advised that they report their performance through a sector mechanism that applies to the police, DJAG and courts known as the National Coordination Mechanism (NCM). There is no departmental monitoring arrangement. The Committee asked whether DJAG or SLAW performance reports are made public, but they have not been presented to Parliament to date and they are not made public. The Acting Deputy Secretary agreed that such a performance report would be useful to produce.

In response to questions from the Committee regarding how to improve access to justice outcomes for GBV, Ms Kias advised that staffing capacity was a major problem. She noted that they are being told that they cannot expand their staff, but they need more people, not only in DJAG but in supporting pathway agencies such as the police and courts. In respect of prosecutions, she noted that there was an insufficient number of prosecutors working in the system, but until the DPM increased the ceiling for staffing they could not address this deficiency. She called for the staff ceiling to be raised so that they could recruit and retain good lawyers in proper numbers to respond to need.

The Committee asked about whether DJAG had a comprehensive plan to address GBV. Ms Kias noted that there is a National Action Plan on SARV, which was endorsed in 2014. In terms of coordination, she also supported the idea of a specific body mandated to bring sectors together to ensure coordinated responses. Otherwise, she reiterated her recommendation that there needs to be more GBV investigators, more GBV prosecutors and a dedicated GBV Village Court process. She was clear that there simply needs to be more capacity. She also supported the idea of a separate court stream to handle GBV cases.

The Committee moved on to Mr Joe Saferius, from the PNG Village Courts Secretariat, and asked for information about how they work to address GBV. Mr Saferius explained how IPOs work, but in response to questioning he admitted that they often cannot address the reality of GBV survivors and perpetrators living in the same house. Villages do not have specific infrastructures that enable them to separate women and men in these situations. When IPOs are breached, that is a criminal matter which the Village Courts are supposed to deal with.

Mr Saferius advised that there are 18,480 Village Court officials, 1,500 are women. The *Village Court Policy 2001* requires that in every court area there must be at least one woman per Village Court.

The Committee specifically raised testimony they heard on Day 1 regarding women reporting that they are being asked to pay fees for IPOs. Mr Saferius advised that any fees collected are supposed to go to the local level government (LLG) basket of funds, but often this is not done, and the money collected at that level is used for administration or salaries. The Committee again noted that women are reporting that they are being asked to pay fees. Ms Miriam Doudo, Village Courts Coordinator

clarified that village court access should be free. The only money collected should be fines. Otherwise, IPOs at the Village Courts should be free. She admitted that many Village Court officials may not know that they are not supposed to charge fees. This needs to be made clear to officials and to the public.

Governor Bird asked about what oversight mechanisms were in place to ensure Village Court officials were actually discharging their mandates properly. He wanted to know what information was available to help Governors like him track the performance of courts in his province. Mr Saferius noted that Village Courts were decentralised, with provinces having roles in supporting them to deliver their services. There is now a DJAG *'Crime Prevention Through Revitalised Village Courts Strategy'* which provides guidance. Key Result Area 7 looks at the building of village court houses, which will be done with Provincial Governments. This infrastructure can be used by village courts but also other government service providers. In terms of monitoring their officers, they have an audit mechanism to conduct inspections of the services being provided, but it is dependent on the funding they receive. Ms Daudo advised that they have done audits in July 2020 of Enga, Jiwaka, Eastern Highlands and Southern Highlands, and in early 2021 of East New Britain, Bougainville and NCD. She advised that the inspection function was transferred to the provinces. They have 22 Village Court officers based in every province, but they were not supported to do these audits. Coordination with provinces is important.

In response to a question from Chairman Abel about Village Court Mediators, it was noted that they only deal with land matters. They are trained court officials but do not mediate GBV cases.

The Committee moved to Mr Collin Sakap, Director of Juvenile Justice in DJAG. He called for more to be done to help rehabilitate young people. He noted that many of the youth they work with are young men who have committed violent acts, but his team want to help them grow into better, non-violent people. He wants to provide structured rehabilitation programmes to change the mindset of young people so they will not commit such offences. They need help to *"unlearn"* those behaviours. There are court and law enforcement processes in place, but rehabilitation and reintegration is a challenge. DJAG is working with local organisations (including Hera Boys Town in Lae, Wewak Boys Town, Marbery Juvenile Rehabilitation, and two in the Northern province). They only have one Government rehabilitation centre; the others are all church based. They need more resources.

The Committee moved on to the Office of Public Prosecutions, heading by the Director of OPP, Mr Pondros Kaluwin. He noted that OPP has 44 lawyers working in their team, of whom 22 are women. They have a Family and Sexual Offences Unit, headed by Ms Mercy Tamate, a senior lawyer, but that Unit is only based in Waigani. In some provinces, they have only one lawyer stationed there, and they will be responsible for all cases, not just GBV. When asked by the Committee for recommendations on how to improve their GBV prosecution outputs, he noted that he would propose stationing five lawyers in every major provincial centre, with perhaps three prosecutors in smaller places. He noted in this regard that the Police can help with prosecutions in some instances, but they cannot appear in the national court. In response to that assessment, Governor Parkop raised concerns that police prosecutors run GBV cases in district courts and that is where a lot of the cases fail. Mr Kaluwin advised that before his time he believes lawyers dealt with those cases, but police prosecutors were empowered to run these smaller cases to save resources. He advised that he would be willing to take police prosecutors under the guidance of his Office, to help them do their committal work and process their summary cases in principle.

In addition to resourcing challenges, Mr Kaluwin discussed the process challenges they often face in progressing GBV prosecutors. Some women lodge a GBV case and then try to withdraw it. In response to questioning, he confirmed that this is not legal, because only the OPP can withdraw charges,

but it is still a problem they face. Witness and survivors often do not show up. There is interference with witnesses, sometimes by victims themselves or their families. Legally, the OPP has the recourse to summons these people, but sometimes they just disappear. Sometimes, parents refuse to testify for their children. Some will come to courts and because of what has happened they go into the witness box and lie. In other cases, an allegation of rape will be made (sometimes statutory rape), but the parties will marry during the course of the proceedings, which makes them reassess their case. The OPP then must weigh the public interest in prosecuting GBV cases.

The Committee then moved to reflect on how DJAG itself deals with GBV within its own ranks and within the Government. Committee members noted that the Government says it is trying to stop GBV in the country, but basic standards are not being enforced with employees of the state. The DJAG team was asked about what is being done to enforce the GESI policy and specifically the GBV sanctions for breaching it. Acting Deputy Secretary Kias noted that the Public Service Department should provide overall statistics regarding GBV within the public service and what sanctions have been imposed. Within DJAG, she noted that the Secretary is adamant that they have a zero-tolerance policy. She herself has sacked someone on a GBV-related issue within her unit. But she noted that the GESI policy is currently implemented by each department.

The Committee moved to the Public Solicitor, Mr Leslie Mamu who gave a brief statement, noting that his Department is responsible for providing legal representation to defendants. When asked for his recommendations for improving GBV access to justice, the Public Solicitor was clear that they need to employ more staff to ensure more access to justice, not just get more training. That said, it was noted that there are 83 public solicitor staff but only 44 public prosecutors. The Office of the Public Solicitor has been approved to hire 67 more staff but are now waiting for Treasury to provide funding.

The Committee's final discussion was on DJAG's involvement in the current proposals regarding reserving seats for women in the National Parliament. Acting Deputy Secretary Kias noted that she has not been involved in the policy process to date, but she understands that the 5 seats have been agreed in principle, but the detailed approach is still being developed.

2.00pm, 25 May

• **Hon Ian Ling Stuckey, Treasurer**

Hon Charles Abel opened the afternoon session by thanking the Treasurer for his high-level participation in the hearings, which demonstrated a commitment by the Government to the importance of addressing GBV. Hon Abel asked the Treasurer about the status of funding for the National GBV Secretariat, noting that lack of resources had been raised by both civil society and key government stakeholders as a critical problem. He has asked the Treasurer to provide at least PGK 5 million per year to support the National GBV Secretariat to operate as a coordination mechanism (including supporting GBV work in the provinces), plus an additional PGK 5 million per year to strengthen the capacities of the police and public prosecutors to address GBV (in particular, to support more prosecutors to be deployed out into the provinces).

Treasurer Stuckey responded to Chair Abel's request for more funding for GBV activities by stating explicitly that he was committed to helping to ensure that activities to address GBV were properly funded. He noted that since 2011, PGK 528 million had been received by development partners for the law and justice sector, some of which went to GBV. He accepted that the Government's contribution to GBV had only been approximately PGK 1 million per year. In 2021, PGK 1 million had been allocated to DfCDR but no money has been expended to date because DfCDR had not yet provided proper paperwork. *[Note: In a Letter to the Editor of the Post Courier newspaper shared with*

the Committee on 26 May responding to a headline criticising Treasury's alleged lack of support for GBV, Treasurer Stuckey wrote: "When the committee brought to my attention that the GBV initiatives may require K10m and what were my views on that amount my response, held on camera, were that that treasury was on standby to assist where possible. Furthermore, any funding required needed to follow a process and three items were required to be submitted to treasury (i) annual workplan, (ii) annual procurement plan, and (iii) annual activity plan".]

The Treasurer advised that there are 11 social sector departments which work together within the Ministry for Community Development and Religion. He encouraged them to collaborate on the preparation of their proposed 2022 budget, which the Treasurer would then review. He advised that he would keep in mind the proposal for a minimum of PGK 10 million for GBV activities when he reviews proposals for the 2022 National Budget.

Governor Parkop took the opportunity to ask the Treasurer for advice on how agencies can access donor funding for GBV. He noted that has been told to engage with the Department of National Planning, but he has found that very difficult. He noted that donor money is often being channelled through development partners rather than going to national partners, because of unease with national systems. Treasurer Stuckey advised that he is willing to take up any specific funding submissions that might come from the Special Parliamentary Committee. He would have to coordinate them with Department of Planning, but he was open to putting his staff in touch with the Committee to discuss funding and work out how to move forward.

2.20pm, 25 May

- **Chief Magistrate Mark Pupaka**
- **Ms Rosemary Koimo, Deputy Chief Magistrate (Judicial & Administration)**
- **Ms Rosie Johnson, Senior Magistrate, Family Court**
- **Ms Tracy Ganaii, Senior Magistrate, Waigani District Court**

The Committee opened the session by making clear their focus was on access to justice for survivors of violence. Members wanted to better understand why so many cases were not resulting in convictions of alleged perpetrators. Chief Magistrate Pupaka noted this the courts are responsible for processing IPOs and POs, family court issues, juvenile court issues and committal proceedings for serious crimes. He stepped the Committee through the various stages of the criminal process, from charging to committal to the actual judicial hearings. He said that criminal cases rest on three critical legs – the police, the magistrate, and the defendant. In practice this meant that the police officers responsible for the case needed to be with the prosecutor to defend the file at the committal hearing. This often does not happen, with incomplete complaint files undermining cases. He acknowledged that it would take some time to unravel which parts of the justice process are letting down GBV survivor but accepted that there are challenges with all parts of the process at the moment. He did note that it is clear that the police and prosecutors need to coordinate better to ensure prosecution files are complete and ready to go before the court.

The Committee engaged in a discussion with the Magistrates Court team regarding the processing of interim and long-term (up to 2 years) POs. There was some discussion about the practical reality of processing IPOs at the village level. The Chief Magistrate advised that IPOs could be processed in 24 hours at the village or district court level. The Committee asked how many IPOs and POs were being processed every year and what the breakdown was across the country. The Chief Magistrate did not have those figures and noted that they did not have a mechanism in place to track the success of applications for IPOs and POs. The Committee noted this needed to be addressed.

Referencing the discussion had earlier with DJAG regarding court fees at the village court level, the Committee raised the issue of fees with the team from the Magistrates Court and suggested that a directive be issued to all magistrates to make it clear that there were no fees for IPOs and POs.

Senior Magistrate Tracy Ganai noted that while they have processes in place that should allow for IPOs to be processed at any time, they do not necessarily have the staff to process them. In her court in Waigani, there is only have one Court Clerk to process all the IPOs that come to them. *[Note: While the hearing was being livestreamed on Facebook, feedback came in from the public querying whether IPOs were actually processed within 24 hours as was being told to the Committee. Multiple members of the public noted that they have had to wait long periods for IPOs to be processed and the system was not accessible to many women in practice.]*

In seeking to explain some of the challenges being faced by Magistrates, Chief Magistrate Pupaka reflecting on some of their basic staffing challenges. He advised that in addition to the Chief Magistrate and Deputy Chief Magistrate, there are 124 paid positions, but they are carrying a vacancy of 42 positions. He was clear that he accepted those vacancies because “*we don’t want mediocrity in our ranks. Once you get mediocrity in the line up, it’s pretty hard to sack a magistrate for stupidity.*” However, he was concerned that they have not been able to find good candidates to fill those positions. He noted that they needed to restructure and reform lower courts, which they are working on. He believes they can complete the recruitment and reform process by 2022, at which point they should review salary structures; they need to review remuneration to encourage good candidates. Governor Bird pressed the Chief Magistrate to confirm that once he got his staffing right, he would be able to ensure that GBV survivors could access responsive GBV protection services. To that, the Chief Magistrate responded that he could still not give any guarantees, noting that even once more magistrates were recruited, the Government would still need to build houses for the new 42 magistrates and other infrastructure.

Supporting the Chief Magistrates concerns regarding the need to improve infrastructure to improve access to justice, Senior Magistrate Ganai explained that in Waigani, the Family Court only has one court room but three magistrates sitting in the court. As a result, they each have to wait for their turn to physically hear cases in the court room. Sometimes they can be responsible for up to 30 cases a day, which was simply too many for an individual magistrate. She also noted that there is no dedicated family protection court in the district courts - magistrates just take on the cases that come before them which means they do not have any specialisation in GBV or IPOs.

Family Court Magistrate Rosie Johnson also raised resources and infrastructure as issues with ensuring that her team of magistrates can provide better protections to women and children. There was some reference to a pilot ‘*safe court*’ for family law matters. Magistrate Johnson proposed a separate Family Court, which would properly resourced and run as a dedicated stream of work, with dedicated. She noted that there is already a Deputy Chief Magistrate (Lands); she suggested that there could also be a Deputy Chief Magistrate (Family Protection), who would have responsibility for managing the family protection stream of work, including IPOs, POs and child protection. The Committee responded very positively to the idea of a new Deputy position for family matters, which would oversee a family law stream of work. The Family Court would need to be designed to be a safe court with proper amenities for women and children. The Committee noted however that it should not matter how formal the infrastructure was for the court to sit in; ideally, even if they just had a room with basic furnishings, the courts should sit and work through their caseload.

3.30pm, 25 May

- **Hon Timothy Masiu, Minister of Information & Communications Technology**
- **Mr Steven Matainaho**

The Minister for Information & Communications Technology gave a speech to introduce his Ministry's work on social media, cyber-bullying and other related GBV issues (see Annex 4 for a copy of the speech). He noted that the usage of mobile phones has increased from 30,000 in 2005 to 2.5 million subscribers in 2021: with the majority, having access to 3G and 4G mobile network bandwidth. By March of 2021, the number of Papua New Guineans on Facebook surpassed 1 million, and the majority were men aged between 18 and 24. With this shift to online technologies however, perpetrators are moving from physical to virtual spaces to shame, attack and hurt PNG women and girls. People no longer just live in their local village but live in online villages now, like Facebook and WhatsApp. In the absence of effective monitoring and prosecution, the same and more perpetrators will continue to commit violence online without facing consequences. In PNG, the Ministry is now referring to this as "Cyber Gender-Based Violence", which covers cyber-bullying of children and cyber-harassment of adults. While men can also be harassed online too, they still find that cyber-GBV reflects deeply rooted gender inequalities in our society.

The Ministry has reviewed the National GBV Strategy and identified that GBV data collection and management was an issue prioritised in the Strategy. Minister Masiu focused on the issue of GBV data and proposed exploring options for an application that would help collect GBV data, as well as specifically helping people log complaints related to cyber bullying. He has been working with his Ministry to progress digital transformation, including a specific unit on cyber-safety and social media monitoring. He is taking a policy paper to Cabinet shortly for funding for this work.

The Minister advised that his Ministry will be taking a *Digital Government Bill 2021* to Parliament soon which aims to protect people against crimes online, including protecting children from pornography. The Bill will improve access to information through a proposed central e-Government Platform. The Ministry's goal is for GBV victims to be able to have easy access to report to appropriate authorities anonymously and safely. Having listened to the earlier discussions, Secretary Matainaho also suggested that IPOs could also perhaps be developed into a simple online system or mobile application which would enable GBV victims to submit applications quickly, for free, online.

The Minister noted that there will also need to be supported to follow up on cases which breach the current *Cyber-Crime Code Act*, including prosecuting cases of harassment and bullying. The Ministry advised that 20 cases of cyber-bullying have been reported in the past 4 months. Governors Bird and Parkop followed up to ask how the cyber-bullying laws are being implemented in practice. Secretary Matainaho confirmed that there is no specific ICT hotline or other way that people can make complaints about cyber-bullying. At this stage, people must lodge a complaint with the police (who have been supported to establish a cyber-crime desk), who are then responsible for prosecuting, in the same way as they are required to for GBV. Without dedicated resources to DJAG and the RPNGC to address cyber-bullying however, it is hard to see how investigations will be done.

The Committee had a discussion with the Minister and his team about their approach to dealing with pornography, in addition to their proposals under the *Digital Government Bill 2021*. They discussed the importance of parents taking more responsibility of their children's access to the web and online pornography. The Committee also suggested that it would be useful to take porn sites down and block access, where possible, because it is a contributing factor to GBV by sexualising women. While this is technically possible, the ICT Department has to weigh restricting access to porn against criticism of unfair censorship.

There was some discussion about how to better harness ICTs, including mass media/radio, to tackle GBV. For example, NBC Radio Services has a nationwide reach. The Ministry appealed to GBV partners to use radios services for their advocacy, many of which provide their services for free.

4.15pm, 25 May

- **Hon Win Daki, Minister for Corrections**
- **Deputy Corrections Commissioner David Suagu**

The Committee opened the session on corrections by directly asking why they are hearing stories about alleged and even convicted perpetrators walking the streets when they should be in jail. Deputy Corrections Commissioner (DCC) David Suagu responded to Chair Abel's and Governor Bird's concern that perpetrators are sometimes roaming free who should be in prison. Governor Bird stressed that we need to give confidence to the community that perpetrators will be punished and will be kept away from the community. DCC Suagu responded by acknowledging that he is aware of the problem, and he is aware that there are flaws in the system, but he stated that the Minister and Corrections Commissioner have come down hard on officers not doing their jobs properly.

The Minister in his opening statement focused heavily on his concerns regarding the number of women who are being held in PNG jails who are themselves victims of GBV. A survey of more than 400 women prisoners showed that 86 per cent of women in prison have had some negative experience of GBV. He told the Committee about his visits with prisoners, where he often hears stories from women who had committed offences – commonly acts of violence against their husbands or their mistresses – who expressed their regrets at what they had done. He expressed his wish that there was a “*power of mercy*” that could be used to assist women, who often feel deep regret for their actions and whose actions may also be related to GBV and self-defence. He noted that many women in prison are actually there on remand, still waiting to go to court. He said that the Courts often do not attend to them promptly and many women in jail wait to go to court 3 or 4 years (one lady is still waiting in jail after 8 years without ever going to court).

In the context of corrections services for perpetrators, it was noted that Correctional Services came in at the end of the justice system once people have been convicted. There are a range of issues faced by the Ministry related to how to secure these people. Deputy Corrections Commissioner David Suagu advised the Committee that they are also trying to do more to help deal with negative behaviours and support rehabilitation of prisoners. They also want to look at the designs of their current prison facilities, not just to ensure they are safe, but to implement good practice approaches for prisoners who are juveniles, women, mothers and PWDs. Since 2015, have implemented Prison Services Charter in 5 provinces so far.

5.15pm, 25 May – CLOSING STATEMENTS

- **Ms Jean Jano, Family Violence CSO**
- **Hon Charles Abel, Committee Chair & Member for Alotau**

The Committee hearings concluded with a heartfelt vote of thanks from Mrs Jean Jano, Program Manager of Eastern Highlands Family Voice, local NGO addressing GBV since 1997. Ms Jano expressed her gratitude to the Committee for holding the inquiry and thanked Committee members *“for asking the right questions. You have heard us. It is the start; we are seeing the light at the end of the tunnel.”*

Hon Charles Abel gave a closing statement on behalf of the entire Committee. He reiterated the Committee’s commitment to using their platform and powers to draw attention to the current challenges facing women and children across the country, and the frontline workers who are working so hard to provide them with support. He noted that the Committee would continue to monitor what government bodies are doing to progress the National GBV Strategy at national and provincial levels. He also stressed the importance of ensuring proper funding for the Strategy and called again on Treasury to provide substantial funding for this work, in particular to the NGBVS and to the RPNCGC who have clear responsibilities to ensure that proper GBV responses are implemented.

Hon Abel clarified that the Committee will be producing a report based on the public hearings and the written submissions received from the public, which would be tabled at the next parliamentary hearing, most likely in August 2021. He also noted that this was only the first of similar such activities by the Committee. If possible, follow up public hearings will be held to maintain oversight over the Government’s work to address GBV. In conclusion, he reiterated his commitment to ensuring that all of the people of PNG can live safe and peaceful lives, free from violence.

Annex 1: Original schedule for parliamentary hearings

Special Parliamentary Committee on Gender-Based Violence Public Inquiry

24 - 25 May, APEC Haus, Port Moresby

Schedule of Hearings

Day 1: Monday 24 th May 2021		
9am	Arrival, registration and morning tea	
Time	Participants	Issues
10.00am	Opening of Committee hearing by Chairman, Hon. Charles Abel	
10.10am	Testimony from a GBV Survivor	TBC
10.20am	Dr Fiona Hukula, Gender Advisor, Pacific Islands Forum Secretariat (formerly at the PNG National Research Institute)	Key findings from NRI research on GBV
10.40am	Ms GT Bustin, PNG Tribal Foundation	Sorcery related violence
11.00am	<ul style="list-style-type: none">Sister Lorena Jenal, Catholic House of Hope, Southern Highlands (BY ZOOM)Mr Dickson Tanda, Caritas SARV Coordinator, EngaMr Anton Lutz, SARV, EngaDenga Illave, Operations Manager Femili PNG	Support to survivors of GBV and sorcery violence in the highlands
11.20am	<ul style="list-style-type: none">Ms Lilly Be Soer, founder VFC, JiwakaMs Mary Kini, Founder, Kup Women For Peace, and coordinator HRWHRDMSister Lorraine Garasu, Nazareth Centre for Rehabilitation, Bougainville (BY ZOOM)	Experience from women advocates and human rights defenders
11.40pm	<ul style="list-style-type: none">Pat Niuni, Restoring Justice Initiative, Enga (BY ZOOM)Ms Danielle Winfrey, Manager, Bel Isi programme, Oil Search Ltd	Private sector / multi-sector approaches to addressing Gender-based Violence
12.00am	<ul style="list-style-type: none">Marcia Kalinoe, National Coordinator of CIMC's Family and Sexual Violence Action CommitteeMs Jane Kenni, National Council of Women PNG	
12.20pm	Nou Vada, Lawyer	Justice issues re responding to GBV
12.40pm – 2pm LUNCH BREAK		

2.00pm	<ul style="list-style-type: none"> - Hon Wake Goi, Minister for Community Development and Religion - Mr. Jerry Ubase, Acting Secretary, Ministry of Community Development and Religion - Ms Maryline Kajoi, Acting Coordinator, Interim National GBV Secretariat - Mr Simon Yanis, Director, Child Welfare (TBC) - Ms. Anna Solomon, former Secretary, Department of Community Development 	GBV Strategy GBV Secretariat Coordination issues Resource issues
3.00pm (TBC)	<ul style="list-style-type: none"> - Hon William Onglo, Minister for Police - Mr David Manning, Police Commissioner with support from: <ul style="list-style-type: none"> o Assistant Police Commissioner Joanne Clarkson o Superintendent Delilah Sandeka, Director, Family and Sexual Violence o Ms Nasain Wilabat, FSVU Alotau o Chief Sergeant Fiona Kakarere, Bomana Police College 	Investigation of GBV cases, Coordination with other sectors (incl DJAG, health, CSOs) Resource issues
4.00pm	Closing statements	

Day 2: Tuesday 25 th May 2021		
9am	Arrival, registration and morning tea	
Time	Participant	Issues
10.00am	Opening Statement by Chairman, Hon. Charles Abel	
10:10am	Ambassador Ivan Pomaleu, Secretary, DPMNEC	National Govt response to Gender-based Violence
10.30am	<ul style="list-style-type: none"> - Dr Eric Kwa, Attorney-General and Secretary, DJAG with support from: <ul style="list-style-type: none"> o Officer, Juvenile Justice Unit, DJAG o Village Courts Secretariat, DJAG - Mr Pondros Kaluwin, Director, Office of Public Prosecutions - Ms Mercy Tamate, Director, Family and Sexual Offences Unit, Office of Public Prosecutions - Ms Natasha Kasa, Solicitor in Charge of the Family and Special Projects Team, Public Solicitor's Office 	Access to justice, role of courts, Investigation & prosecution of GBV cases VCLMS works with village courts on their (village courts) roles under the Family Protection Act
11.30am	<ul style="list-style-type: none"> - Mr Mark Pupaka, Chief Magistrate - Ms Rosemary Koimo, Deputy Chief Magistrate – Judicial & Admin - Ms Rosie Johnson, Senior Magistrate, Family Court - Ms Tracy Ganaii, Senior Magistrate, Waigani District Court - Mr. Apolosie Bose, Deputy Team Leader, JSS4D (TBC) 	Gender-based Violence cases in the district court and family court, IPOs Support to Law and Justice sector

12.00pm	<ul style="list-style-type: none"> - Mr. Joseph Warus, Secretary, Department of Provincial and Local-Level Government (TBC) - Mr Leo Supiri, Director, Law and Justice, Chair of the PFSVAC in Southern Highlands - Mrs Jean Jano, Program Manager, Eastern Highlands Family Voice (local NGO addressing GBV since 1997) 	<p>National Govt direction to Provincial GBV responses and coordination in provinces</p> <p>Experience from GBV Advocates in provinces</p>
12.45pm – 2.00pm LUNCH BREAK		
2.00pm	<ul style="list-style-type: none"> - Hon Ian Ling Stuckey, Minister for Treasury (TBC) - Ms Nancy Lelang, Acting Deputy Secretary – Strategy & Corporate Services - Ms Germaine Vigil, Acting FAS – Strategy Division - 	Budget for Gender-based Violence prevention and response
2.30pm	<ul style="list-style-type: none"> - Hon Jelta Wong. Minister for Health & supporting officials - Dr Daoni Esorom, Acting Executive Manager, Public Health / Acting Secretary, National Department of Health 	GBV health response
3.00pm	<ul style="list-style-type: none"> - Hon Win Daki, Minister for Correctional Services - Mr. David Suagu, Deputy Commissioner (Operations) - 	Treatment of alleged GBV perpetrators in remand and prison, issues for women held in detention over GBV crimes
3.30pm	<ul style="list-style-type: none"> - Hon Timothy Masiu, Minister for Information and Communications Technology - Mr. Steven Matainaho, Secretary -Department of Information and Communications Technology 	Addressing cyber-bullying in connection to GBV
4.00pm	- Closing statements - Chairman and Committee members	

Annex 2: MCDR budget papers (provided upon request)

RPNGC: Family and Sexual Violence Directorate

FIVE YEAR PLAN AND BUDGET PROJECTIONS

FSVU	2022	2023	2024	2025	2026	Total
Personal emoluments	3,968,106	5,934,609	7,957,812	9,981,014	12,004,217	39,845,758
Goods and Services	2,489,336	3,654,516	3,972,256	4,520,995	4,618,735	19,255,837
Total	6,457,442	9,589,125	11,930,067	14,502,010	16,622,952	59,101,595
o/w Capital formation	1,365,296	2,194,648	2,194,648	2,414,648	2,194,648	10,363,887

Capital formation is new standalone FSVU offices, new computer hardware and new vehicles

Main Features

1. Staff numbers grow from the current 71 personnel to 100 personnel in 2022. Thereafter staff numbers grow by 50 each year. Costs of induction of new personnel captured. Costs of mentoring and staff welfare included
2. One new standalone office established each year, except 2025 when two are established. Infrastructure maintenance costs captured
3. Reach a ratio of five staff to one vehicle in 2022 and maintain through the period: all vehicles regularly maintained and supplied with 120 litres per week, per vehicle
4. FSVU database rolled out in 2022 with training support
5. 46 FSVU Offices in 2021 grows to 52 by 2026. All offices maintained with stationery and printer consumables
6. Public awareness activities funded each year



Annex 4: Speech by Minister for Information and Communication Technology



WRITTEN SUBMISSION BY

**MINISTER FOR INFORMATION & COMMUNICATION TECHNOLOGY
THE HONOURABLE TIMOTHY MASIU, MP**

**TO THE SPECIAL PARLIAMENTARY COMMITTEE ON
GENDER-BASED VIOLENCE PUBLIC INQUIRY**

**25TH MAY 2021
APEC HAUS, N.C.D.**

25 May 2021

The Chairman

Special Parliamentary Committee on Gender-Based Violence Public Inquiry

P O Parliament House

Independence Drive

Waigani

National Capital District

SPECIAL PARLIAMENTARY COMMITTEE ON GENDER-BASED VIOLENCE

MINISTRY—ABOUT

The Minister for Communication and Information Technology ('Portfolio Minister') was appointed by determination of titles and responsibilities of Ministers published in the National Gazette.² The incumbent is the Honourable Timothy Masiu, MP and Member for South Bougainville.

The Portfolio Minister is responsible for all the matters related to functions of:

- (a) National Broadcasting Corporation;
- (b) National Information and Communication Technology Authority; and
- (c) Department of Information and Communication Technology.

The Portfolio Minister administers:

- (a) Broadcasting Corporation Act (Chapter 149);
- (b) National Information and Communication Technology Act 2009;
- (c) Printers and Newspapers Act (Chapter 151);
- (d) Telecommunications Industry Act 2002; and
- (e) Television (Prohibition and Control) Act 1980.

² National Gazette No. G920 (Thursday 24th December 2020); p15.

SUBMISSION

The Portfolio Minister was invited by the Special Parliamentary Committee on Gender-Based Violence Public Inquiry to make submissions addressing *cyber-bullying in connection with Gender-Based Violence (GBV)*.

PNG NATIONAL STRATEGY ON GENDER-BASED VIOLENCE 2016-2025

The *PNG National Strategy on Gender-Based Violence 2016-2025* (Strategy) is the Government's framework to prevent and to respond to GBV.

According to the Strategy, thousands of survivors of GBV need more socio-psychological services, accessible legal and justice services, and protective shelters.

The Strategy defines GBV as:

"Physical, emotional, psychological and sexual abuse directed against a person because of his or her gender in a society or culture including, but not limited to, acts committed with force, manipulation or coercion and without the informed consent of the survivor, to gain control and power over them."

The Strategy highlights that addressing GBV requires both prevention and response.

MOBILE TELEPHONY, INTERNET AND THE SOCIAL MEDIA IN PAPUA NEW GUINEA

To provide a better context to this, please allow me to highlight the ICT Sector in Papua New Guinea.

Within the last 15 years, Papua New Guinea has experienced an exponential increase in the use of digital technologies and services, and particularly with respect to access to internet and Social Media.

We now have 3G and 4G mobile networks with affordable smart devices that enable us access to the internet and internet-enabled services such as social media anywhere, anytime, as long as there is connectivity.

The usage of mobile phones has shot up from a mere 30,000 in 2005 to 2.5 million subscribers; with the majority, if not all, having access to 3G and 4G mobile network bandwidth.

By March of 2021, the number of Papua New Guineans on Facebook surpassed 1 million, and the majority were men aged between 18 and 24.

These technologies and social media platforms have brought many beneficial opportunities for our people. However, opportunities come with risks and threats.

USE OF TECHNOLOGY TO PERPETRATE CYBER GBV (C-GBV)

Beyond the traditional context of GBV, we are now seeing perpetrators moving from physical to virtual space and taking advantage of technologies and social media platforms to attack, humiliate, shame, silence and publicly expose our women and girls. My Ministry is now calling this cyber gender-based violence.

Forms of cyber gender-based violence are now manifesting through cyberbullying and cyber harassment.

Cyber-bullying as in the case of a child; and cyber-harassment as in the case of adults, is where a person initiates and engages in an online communication or posts with the intention to bully or harass, intimidate, threaten, demean, ridicule or stalk and/or cause emotional stress.

While men can be harassed online, observations of the past show that when women are harassed, online harassment quickly stoops into sexualized hate or threats.

The only conclusion I can draw is that cyber gender-based violence reflects the deeply rooted gender inequalities in our society.

We must accept that our people are no longer just PNG citizens localized to their respective physical communities and villages. They have assumed an additional identity as 'netizens' in virtual communities existing in WhatsApp and Facebook communities and villages.

This also means that gender-based violence will continue to manifest itself online through cyber bullying and cyber harassment, and in the absence of effective monitoring and prosecution by relevant government authorities; the same and more perpetrators will continue to 'commit violence' online without facing legal and just consequences.

According to data from UNESCO on the prevalence of cyberbullying and cyber harassment, the proportion of children and adolescents who are affected by cyberbullying ranges from 5 per cent to 21 per cent; with girls appearing to be more likely to experience cyberbullying than boys.

I'm sure that we all will have noticed by now that women can be deemed as main targets of cyber violence and especially cyber-harassment.

ICT RELATED REASONS WHY GBV REMAINS SO PREVALENT IN PNG

The *PNG National Strategy on Gender-Based Violence* gives about eleven reasons why GBV remains so prevalent in PNG.

Two of these reasons are data-centred and they are:

- Inaccurate, scattered, and inaccessible data, and;
- Data/knowledge coordination and sharing.

In terms of Inaccurate, scattered, and inaccessible data, the following is established:

- There is a lack of up-to-date data
- No national system for compiling and disseminating data
- No institutionalized method for the collection of administrative data on GBV, which has meant data collected by police and health centres is inaccurate and unreliable

In terms of data/knowledge coordination and sharing, the following issues are identified:

- The Government is yet to establish a comprehensive standardized system for reporting, data collection and analysis
- If data was standardized and systematically collected by agencies and compiled into a reliable national collection; then the spread, types, incidence and severity of GBV could be better understood

From our discussions over the past two days, it is evident from findings that records of all types of GBV cases are not shared between safe houses, as victims usually move between safe houses.

A central case management system that links safe houses and allows sharing of records is a vital component of our solution in this instance.

Additionally, a mobile app that builds on such a case management system and allows stakeholders and especially GBV and Cyber GBV victims to communicate in real time and get a response in record time would be a way forward.

MARAPE-BASIL GOVERNMENT INTERVENTIONS WITHIN THE ICT SECTOR

In 2019, when the Marape Government came into power, one of the most critical observations I made as Minister responsible for ICT was the fact that ICT was not properly coordinated. Within the public service, I could not see ICT being used in a coordinated manner to improve public service delivery.

Upon identifying this issue, I set about to develop a broad policy framework that would guide a whole-of-government approach to coordinate the usage of ICT within public service.

In 2020, the Marape-Basil Government approved the PNG Digital Transformation Policy through NEC Decision No. 252/2020.

As part of the policy scope, the PNG Digital Transformation Policy introduces Cyber Safety & Privacy as a priority.

Under my oversight, the Department of ICT has recently been reorganized and restructured to implement Government Policy on 'digital transformation'. Further to this, the Department is in the process of establishing a **Social Media Monitoring Desk** under its Information Dissemination and Cybersafety Division. The Division is tasked to develop awareness strategies on safe use of internet and social media. In fact, I am taking a Policy Submission to NEC to seek approval and funding support for this set-up commencing 2022.

The **Social Media Monitoring Desk** within the Department will have the capacity to develop an online application for monitoring of GBV as well as providing an avenue for reporting of gender-based violence and act as a shared platform for all agencies to use. As Minister responsible for ICT, I would support a shared services approach.

Under the Digital Transformation Policy, we recognize that we cannot ban emerging digital technologies, particularly the services on social media platforms. However, relevant agencies including Police, Department of Community Development, Department of ICT, Department of Justice and Attorney General, and other instrumentalities of State to work together to monitor and curb all types gender-based violence including those initiated online. The **Cybercrime Code Act 2016** is already in existence and those responsible must be prosecuted.

One of the main issues highlighted is data and information of cases and victims being scattered across agencies. I have taken a policy direction (**NEC Decision 40/2020**) to establish a National Secure Data Exchange Platform.

This Cabinet decision seeks to enable the integration and sharing of data securely to effectively serve our citizens. In this instance, this initiative will improve enabling safe house systems, respective state entities and business houses to effectively share confidential and necessary data of victims so that our combined efforts on GBV can be realized and addressed.

Finally, for children and the future. It is important that we protect our underaged children from having open access to internet. I want to remind all our parents and guardians to take more responsibility in monitoring your children's use of internet.

I am also of the view that Christian Religion instructions and safe, respectful use of technology must be taught as compulsory lessons in primary and secondary schools so that we impart Christian moral and ethical values in the minds of our children at an early age.

Much of these interventions highlighted are in fact provisioned through a Digital Government approach as articulated in the proposed *Digital Government Bill 2021*.

The proposed Digital Government Bill 2021 will:

- Censor and filter websites that are deemed to host content that breach existing laws. On this note we recognize that inappropriate websites such as sites hosting pornographic content are not helpful to the GBV agenda.
- Promote and improve access to information through the proposed central e-Government Platform. Our goal is for GBV victims to be able to have easy access to report to appropriate authorities anonymously and safely.

The Digital Government Bill is an effort my Ministry and Department has been working on since last year and hope to have enacted this year.

In addition to this intervention, I have instructed the agencies under my Ministry to commence work on relevant policies and legal framework necessary to safeguard our citizens online. I am pleased to mention that work has now commenced on developing the **Data Protection** and **Privacy Laws**, to protect the identities and information of our women and girls online.

To conclude, I want to emphasize that ICT is a tool that we can utilize to assist us in our effort to curb gender-based violence. I call on relevant stakeholders to work closely with my Department of ICT and develop systems and applications that can be used to assist us curb gender-based violence.

I thank you Chair and your Committee Members for giving me this time to talk on online gender-based violence, and I am sure you have taken note of my comments and recommendations.

God Bless Papua New Guinea