

## Annex 3: Recommendations from the Special Parliamentary Committee on GBV Final Report – April 2022

### *Leadership to End GBV*

**Recommendation 1:** Parliament should establish this Committee as a permanent parliamentary committee, with a broad TOR to ensure oversight of the GBV response across the country.

**Recommendation 2:** The NEC should add “Implementation of National GBV Strategy – Progress Report” as a standing agenda item on the NEC Agenda, with the Minister responsible for the NGBVS having responsibility for reporting back to the NEC at each meeting.

**Recommendation 3A:** Training should be provided to MPs immediately after the 2022 National General Election on addressing GBV, including training on the National GBV Strategy, budgeting for GBV and other critical issues.

**Recommendation 3:** Every Governor and every Open Member of Parliament (MP) is encouraged to allocate funds from the Provincial Services Improvement Program (PSIP) and Direct Services Improvement Program (DSIP) respectively to support GBV prevention and crisis response in their home communities, in line with their relevant provincial GBV strategy and in support of provincial GBV structures. Where these do not yet exist, Governors and MPs are encouraged to work with the NGBVS and other partners to establish such frameworks.

**Recommendation 4:** Every MP is encouraged to work at their local level to build and support coalitions of government and non-government stakeholders who can work together to more effectively prevent and respond to GBV.

**Recommendation 5:** Government and non-government leaders across the country must make clear statements against GBV and should work with their communities to educate them to improve their behaviours towards each other and to provide support to GBV survivors.

### *Coordination to Address GBV*

**Recommendation 6:** The Government must urgently (1) ensure the SRC approves the NGBVS CEO position at an appropriate level to ensure a qualified leader can be recruited; (2) task DPM with recruiting the remaining 10 NGBVS staff, who must have sufficient GBV qualifications to ensure they can effectively drive the implementation of the National GBV Strategy with government and non-government partners.

**Recommendation 7:** The Government is encouraged to develop a specific National GBV Secretariat Act which would give the NGBVS its independence, a clear mandate, guarantee a minimum staff and budget for its work and require direct reporting to a Minister.

**Recommendation 8:** In line with the requirements of the National GBV Strategy, all Provincial Governments should establish their GBV Provincial Coordination Secretariats and provide them with at least one full-time staff member and annual funding to coordinate, drive and monitor provincial GBV activities.

**Recommendation 9:** Provincial Governments are encouraged to develop Provincial GBV Strategies through inclusive and participatory processes. These Strategies should be integrated into provincial planning processes, funded through provincial budgets, and related staff should be added to provincial establishments.

**Recommendation 10:** The Public Service Commission and the Department for Personnel Management (DPM) are encouraged to produce a specific proposal for consideration by the Government and this Committee, including a budget if required, to address the very low levels of women applying for and being recruited into senior leadership levels across the public service.

**Recommendation 10A:** The Department for Personnel Management must take a more proactive approach to ensuring that all government departments, state-owned enterprises, and provincial and Local Level Government administrations develop and implement workplace GBV policies as required by the National GESI Policy and/or the Public Service General Orders, including by including GESI indicators and zero-tolerance of GBV in all Corporate Plans, Annual Management Plans, Staff Performance Appraisals, Occupational Health and Safety plans and public service employment contracts. DPM should work with DFCDR to ensure zero-tolerance of violence within the public service, but it is clear that DPM should lead efforts within the public service as the main agency responsible for driving policy implementation across the PNG public service.

**Recommendation 10B:** DPM should undertake a public awareness campaign, including developing written and multi-media materials, to make clear when the GESI Helpline can be used and how complaints will be processed, including how GBV complaints will be handled to ensure confidentiality and support for GBV survivors.

**Recommendation 10C:** DPM should use its powers to require that the current Job Descriptions of all GESI positions within the public service are amended to include GBV case management as part of the job requirements of the post, and to then provide training to all GESI officers to facilitate this extension of their role.

**Recommendation 11:** A National GBV Advisory Committee was established, in accordance with this recommendation.

**Recommendation 12:** The Committee will continue to use its inquiry powers to examine how donor funding has supported GBV activities and will use subsequent public hearings and reporting to provide more detailed analysis.

**Recommendation 13:** The National Office of Child and Family Services (NOCFS) and NGBVS must coordinate more effectively to ensure that GBV prevention and response activities are joined up, while still respecting and protecting the specific rights of mothers and children suffering from violence. NOCFS should coordinate with the NGBVS, the Department for Education and the DJAG Juvenile Justice Unit.

**Recommendation 14:** The NOCFS must appoint, gazette and resource sufficient Child Protection Officers to be deployed across the country to properly address violence against children.

**Recommendation 15:** Women with disabilities have largely been invisible in GBV policy and planning. The Department for Community Development and Religion (DfCDR)/NGBVS should ensure that women with disabilities are represented on all GBV policy-making and working committees and that current GBV policies and strategies are updated to be more inclusive of people with disabilities.

### ***Funding for GBV***

**Recommendation 16A:** The Government must ensure that the 7.93 million Kina allocated in the 2022 National Budget to the NGBVS to address GBV is released in a timely fashion, and the next budget allocation commits the same minimum amount to GBV, in addition to providing funding through the Public Investment Programme to address infrastructure requirements, such as safe houses.

**Recommendation 16:** The Government must allocate substantially more funding to support GBV efforts across multiple sectors (cross-reference recommendations below for specific sectoral funding recommendations). At a minimum, it is clear that the annual national budget should allocate at least Kina 20 million per year across key sectors and agencies (i.e., NGBVS, Royal PNG Constabulary (RPNGC), Ministry of Health (MOH), Department for Justice and the Attorney General (DJAG), courts) to ensure sufficient funding to meet current needs.

**Recommendation 17:** The Government should use the 2022 National Budget funding to provide grants to CSOs to implement GBV crisis response and prevention activities. The effectiveness of this grant approach should be monitored and evaluated, with lessons learned fed back into the budget and grant process.

**Recommendation 18:** The Government should amend the PSIP and DSIP regulations and guidelines to require that a minimum budget allocation is directed towards GBV prevention and response initiatives, such as support for GBV coordination, local safe houses and counselling services.

### ***GBV Research and Data***

**Recommendation 19:** Recognising that the NGBVS has the official responsibility for coordinating data collection, under the National GBV Strategy, the Committee urges DfCDR/NGBVS to immediately convene key partners – in particular from DJAG, the RPNGC, NOCFS, National Department of Health (NDOH), Magisterial Services and provincial representatives – to discuss and agree a practical strategy for developing and rolling out an integrated GBV data collection and management system.

**Recommendation 20:** Even in the absence of an integrated GBV data collection and management system, each of the key agencies responsible for addressing GBV – namely, NDOH, RPNGC, Magisterial Services – should publish a quarterly report, including data, of the number of GBV cases to which they have responded and the current case status. The NGBVS and each Province (through their Provincial Gender-based Violence Secretariat or other unit) should also produce a quarterly report on their GBV response.

**Recommendation 21:** The Government should provide specific funding to the NGBVS to support research on key topics relevant to GBV, such as bride price, polygamy, alcohol and drug abuse and the specific needs of GBV survivors with disabilities.

### ***GBV Prevention and Education Approaches***

**Recommendation 22:** Significantly more Government funding should be provided to support NGOs, the churches, and CBOs to undertake GBV prevention activities through values-based education and awareness raising, including through activities that specifically promote behaviour change (such as sports-based activities). The work of the private sector to support GBV prevention should also be acknowledged and built upon. The NGBVS is encouraged to produce a specific proposal for consideration by the Government, Treasury, and this Committee, including a budget, on how to roll out and manage civil society small grant funding for this work.

**Recommendation 23:** The National Department of Education (NDOE) should review all PNG school curriculum from kindergarten to Grade 12 to assess how key human rights values including gender equality and *'respectful relationships'* concepts can be integrated into the curriculum. The NDOE is encouraged to produce a specific proposal for consideration by the Government, Treasury, and this Committee, including a budget, on how to roll out such a curriculum.

**Recommendation 24:** The NGBVS is encouraged to convene organisations working on male advocacy and/or male GBV perpetrator programmes to identify good practice and lessons learned. This knowledge can be used to inform the development of new programmes and/or the scaling up of existing programmes to work with men and boys to prevent GBV.

### ***Sorcery Accusation Related Violence (SARV)***

**Recommendation 25:** DJAG and DfCDR should work with other relevant stakeholders to review and update the SARV NAP and should submit a budget proposal in 2023 to fund implementation of the updated SARV NAP, including by funding local human rights defenders, NGOs and churches to carry out community awareness and to rollout training for provincial government officials, health providers, village courts magistrates and police related to SARV.

**Recommendation 26:** Noting the allocation made to address SARV in the 2022 National Budget, DfCDR should work with DJAG to implement small grant funding to support CSOs and CBOs to design and rollout locally contextualised activities which aim to educate and support communities to address SARV in locally appropriate ways. Any such grant funding should be supported by a proper M&E framework to ensure lessons are captured and shared.

**Recommendation 27:** DfCDR should explore options for establishing an emergency fund to support SARV survivors to escape violence and support the safe and long-term reintegration of victim/survivors of accusations back into their communities. This work could connect back into similar efforts being developed in support of GBV survivors under the National GBV Strategy.

**Recommendation 28A:** The RPNGC should review their existing SARV response mechanisms and develop a specific proposal or strategy to specifically address SARV, including clarifying the specific personnel that will be dedicated to SARV investigations, any internal procedural changes to strengthen the response and any budget requirements.

**Recommendation 28:** Key government agencies – namely the MOH and RPNGC – should develop SOPs and related guidance manuals on how to deal with SARV cases as a matter of urgent priority.

**Recommendation 29:** This recommendation was actioned in the February 2022 session of Parliament, when Parliament enacted an amendment to the Criminal Code Act which criminalised the actions of *glasman/glasmeri*.

**Recommendation 30:** RPNGC officers should be given training on the new Criminal Code Act amendments which now make it simpler to prosecute *glasman/glasmeri* as accessories in SARV cases. Senior officers must encourage their officers to apply the law properly.

### ***GBV Law Reform***

**Recommendation 31:** DJAG is encouraged to produce SOPs/guidance notes to assist government and non-government service providers to apply relevant GBV laws, including the revised Family Protection Act, consistently and properly.

**Recommendation 32:** As part of the review of the Child Protection Policy and the Lukautim Pikinini Act, which is scheduled to be undertaken in 2022, consideration should be given to law reforms to ensure the alignment of the LPA, CCA and FPA.

**Recommendation 33:** DJAG should review the Criminal Code Act defence of provocation to align it with current concepts related to the defence of '*battered wife syndrome*'.

**Recommendation 34:** DJAG, in collaboration with the NDOH and other interested stakeholders, should review existing provisions of the CCA which impact on women's sexual health and reproductive rights and enact a Women's Health Protection Bill to align national laws with PNG's obligations under the *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW).

**Recommendation 35:** The Committee will continue to use its inquiry powers to examine whether and how to address issues related to GBV and: (i) the criminalisation of sex between men; (ii) the impact of the Adultery and Enticement Act 1988; and (iii) polygamy, in particular the introduction of criminal sanctions; and (iv) the illegal use of bush knives, including through law reform if necessary.

### ***GBV Crisis Response Services for Survivors***

**Recommendation 36:** More Government funding should be provided to establish and support GBV counselling services for women, men and children across the country, whether in person or through telephone/online approaches. To ensure efficiencies, the NGBVS is encouraged to convene existing providers of GBV counselling services, both in-person and online, to assess the current service offering, identify good practice and lessons learned, and develop an Action Plan and budget for addressing the current gap in counselling. The Action Plan should include recommendations to address the current lack of accredited and/or trained counsellors within PNG.

**Recommendation 37:** Significantly more Government funding should be provided to establish secure, accessible, properly designed and equipped safe houses across the country. At a minimum, every province should have at least one safe house, but many more facilities are needed to shelter GBV survivors across the country. Existing safe house providers should be brought together to assess the current service offering across the country, identify good practice and lessons learned, and develop an Action Plan and budget for addressing the current gap. Safe house SOPs and minimum benchmarks should also be endorsed and rolled out to ensure that adult and child GBV survivors are provided with adequate and safe shelter.

**Recommendation 38:** The NGBVS should work with other government and NGO partners to:

- (1) identify good practice examples of women's economic empowerment activities from across the country; and
- (2) explore options for developing government programmes and/or supporting non-government activities which support women's economic development, including specific support for GBV survivors.

### ***Health Responses to GBV***

**Recommendation 39:** The Government should provide sufficient funding to the NDOH to ensure that trained health providers are available to GBV survivors across the country to provide timely and quality care, including through properly resourced and staffed Family Support Centre (Ministry of Health and HIV/AIDS) (FSC) in all provincial hospitals and the integration of Sexual and Gender-based Violence (SGBV) services in lower-level facilities.

**Recommendation 40:** NDOH should direct specific funding and/or other assistance towards Provincial Health Authorities (PHA) to support the efforts to decentralise health services and improve accessibility at the district and village level. PHAs need to take ownership over FSCs and to make sure that SGBV response services are accessible down to the local level. PHAs are encouraged to recruit Provincial GBV Health Response Coordinators to coordinate FSC services and GESI integration into the PHA workforce.

**Recommendation 41:** NDOH should use its training and other awareness-raising channels to make clear that no fees are to be charged to GBV survivors in practice, in line with previous NDOH directives. Where part or all clinical services in response to GBV are provided through other clinics/wards, those services should also be provided free of charge.

**Recommendation 42:** NDOH needs to review its policy directives and training strategies to ensure that it is building an inclusive health service, with properly trained officials, capable of catering to the needs and realities of diverse populations, including young people, PWDs and people of diverse sexual orientation and gender identity.

**Recommendation 43:** NDOH should be properly resourced to provide family planning and reproductive health services to all women and girls across the country, free of cost and in safe, non-judgemental spaces which ensure that women and girls feel empowered. Such services should also include education on family planning, which should be tailored to reach both women and men.

**Recommendation 44:** NDOH should prioritise strengthening the health workforce capacity to provide survivor-centred specialised GBV services and adolescent and youth-friendly sexual and reproductive health care. This covers accurate, non-judgemental, non-discriminatory, age-appropriate information and services, including family planning. In support, the NDOH should update and fully implement the Adolescent Health Policy in line with recommendations provided by the CEDAW Committee to the PNG Government.

### ***GBV and Access to Justice***

**Recommendation 45:** RPNGC officers across the country need to be trained on the process for supporting GBV survivors to apply for Interim Protection Orders (IPOs) and Protection Orders (POs).

**Recommendation 46:** Resources need to be allocated for training of Village Court officials and other support activities to ensure that survivors have appropriate access to IPOs within the first 24 hours of making an application.

**Recommendation 47:** Village Courts and the Magisterial Services must collect data regarding how many IPOs are being processed by each court, within how many days of the application and whether a PO is subsequently processed. This data should be broken down per location and routinely published on each of their websites.

**Recommendation 48:** Consideration should be given by DJAG and the Magisterial Services to establishing some form of complaints mechanism to allow victims to provide feedback about the promptness of Village Courts and District Courts respectively in issuing orders, hearing cases and other areas of concern.

**Recommendation 49:** DJAG should produce SOPs and/or other guidance to law and justice officials on how IPOs and POs can be used to protect GBV child survivors, including how to balance the interests of the child and the parent in such cases.

**Recommendation 50:** DJAG and the RPNGC should collaborate to design some form of locally appropriate witness protection system which would ensure the protection of GBV survivors and other witnesses, including through legislation, official guidelines and/or specific funding mechanisms for safehouses.

**Recommendation 51:** The RPNGC senior management must work closely with the Department of Personnel Management to prioritise implementation of the “Clarified Structure” approved in 2020

which included the FSVU in the RPNGC establishment to ensure that all FSVU officers are included by no later than the end of 2022.

**Recommendation 51A:** The Committee suggests that when the RPNGC reviews its approach to SARV (in accordance with recommendation 27 above) consideration should also be given to the command structure for the entire GBV response, to ensure that sufficient senior management time is being given to this critical issues.

**Recommendation 51B:** Specific effort must be made to ensure that proper police services are available to GBV survivors outside of PNG's major towns, including by reassessing the number of police personnel dedicated to dealing with GBV cases at provincial level and upskilling other officers to provide proper survivor-centred responses to GBV complainants. RPNGC must also ensure all FSVUs have proper facilities and equipment to do their jobs.

**Recommendation 52:** The RPNGC must rollout continuous training on GBV response and investigation processes, to ensure that police officers at all levels (1) have a personal commitment to ending GBV; (2) know how to undertake a proper investigation; (3) now how to write up proper police documents which are capable of supporting effective prosecutions and (4) can use computers to produce and manage case files. A proper training budget must be provided by Treasury.

**Recommendation 53:** The RPNGC must implement a zero-tolerance policy towards GBV amongst its own ranks. The RPNGC is requested to provide the Committee with data regarding the number of complaints against police received by the Internal Affairs Directorate (and/or through any other means), including the number relating to GBV, and how they were dealt with. Any such briefing should also advise how the complaints process operates in order to ensure independence and impartiality.

**Recommendation 53A:** The RPNGC should develop a multi-media campaign to raise awareness in the community regarding the rights of the public to make complaints against the police, including in relation to allegations of GBV.

**Recommendation 54:** RPNGC officers must be regularly made aware of Circular Instruction 5/2007 which operates as a de facto 'no-drop policy', by calling on police officers to investigate and prosecute to the fullest extent possible. Training on the contents of the Circular and the information in the FSVU SOPs should be properly funded as part of the RPNGC recurrent budget and rolled out as a priority to ensure that all police officers know their duties and reject community or family efforts to encourage GBV survivors to accept reconciliation or compensation.

**Recommendation 55:** The Committee is supportive of the OPP's request for additional funding of approximately 550,000 Kina per year to recruit additional dedicated FASO staff and other support costs, as well as a one off amount of 150,000 Kina to purchase computers for staff and a bus to safely transport witnesses and complainants. Treasury is strongly encouraged to approve this additional funding in the 2023 budget and the Department of Personnel Management is strongly encouraged to approve the additional staffing requested as part of this resourcing proposal.

**Recommendation 56:** The OPP is encouraged to proactively publicise their complaints mechanism. The OPP is also encouraged to use their government webpage to provide data and information regarding case management (including updated information regarding the number and type of cases being handled by the Office and the time taken to progress cases) and complaints handling (including the number of complaints received and how they have been handled).

**Recommendation 57:** DJAG, the Village Courts Secretariat, the Magisterial Service and the National Courts Registrar are encouraged to consider the specific recommendations proposed by the OPP in its

submission to the Committee to develop a specific list of sexual and GBV offences and to allocate resources to implementing survivor oriented reforms in all court rooms/houses.

**Recommendation 58:** All Village Court magistrates and officials must be made aware, and make clear to everyone that comes before them, that there are no fees to be charged by Village Courts.

**Recommendation 59:** The Village Courts Secretariat in DJAG should keep the Committee updated on efforts to design and roll out a coordinated package of training and guidance materials for Village Court officials to ensure that they have a strong understanding of gender equality and child protection principles and key GBV laws and good practice, as the Village Courts are the frontline of the justice system in PNG and must role model zero tolerance of violence

**Recommendation 60:** The Village Courts Secretariat should keep the Committee updated on efforts to update existing data collection and case monitoring systems to enable better oversight of their operations, including in relation to GBV and FPO cases, and efforts to implement a system of Village Court audits and spot checks on decision-making to ensure GBV cases are handled properly.

**Recommendation 61:** The Government needs to work with the Magisterial Service to agree a strategy for resourcing District and Family Courts to enable them to properly discharge their mandates and dispense justice to adult and child GBV survivors. At a minimum, the Government must provide funding support to fill existing magistrate vacancies to reduce the current backlog in cases and ensure timely justice for GBV survivors.

**Recommendation 62:** All Magistrates should be required to participate in annual continuing legal education trainings on gender equality, GBV concepts, the Criminal Code, FPA, LPA and related regulations, the Evidence Act (in particular, the provisions related to testimony from survivors), and good practice approaches to ensuring survivor-centred justice approaches.

**Recommendation 63:** The Magisterial Service is encouraged to produce a specific proposal for consideration by the Government, Treasury, and this Committee, including a budget, on how to address weaknesses in the current legal framework, staffing and infrastructure of the District and Family Courts, with a particular focus on providing recommendations aimed at ensuring efficient justice services which are accessible to GBV survivors across the country. Such a proposal could be developed in collaboration with the Village Courts Secretariat to integrate joined-up activities to strengthen the capacities of these courts as well. Any proposal should also consider lessons learned from the Madang “Family Safe Court” pilot currently underway.

**Recommendation 64:** The National Court Registry is encouraged to review the Courts’ internal case management rules and processes to ensure that GBV cases are designed to be survivor-centred, including by ensuring trials are managed in the most timely way possible.

**Recommendation 64A:** The National Courts Registry is encouraged to promptly roll out the new Integrated Criminal Case Systems Database (ICCSDB) to strengthen the ability of justice agencies to more efficiently process criminal cases, including those related to GBV, and to collect and publish data on GBV case processing across the country. They are encouraged to use their rollout budget to strengthen information management infrastructure and skills across key law enforcement agencies, noting that computer skills are generally lacking amongst many officials.

**Recommendation 65:** The NGBVS should work with Government and civil society partner GBV service providers to:

(1) undertake a systematic review of existing case management approaches to identify good practice and problems and produce action-oriented recommendations;



- (2) GBV service providers should collaborate to develop SOPs, including a Code of Conduct, to guide case management; and
- (3) the NGBVS should support a GBV Services One-Stop-Shop pilot to identify whether and how this concept could be adapted for PNG's context.

**Recommendation 66:** The Social, Law and Order (Departmental) Heads (SLOSH) working group should drive efforts to better coordinate the justice sectors GBV response and its coordination with other sectors, including the NGBVS, NOCFS, MOH and civil society.

**Recommendation 67:** Justice sector actors should collaborate to develop and roll out coordinated capacity development activities, which draw on lessons learned from existing 'train the trainer', mentoring and accompaniment models. Training should cover issues such as GESI principles, GBV concepts, legal frameworks, the rights of children and the rights of PWDs.

### ***GBV Services for Perpetrators***

**Recommendation 68:** The NGBVS should work with Government partners and CSOs to:

- (1) gather information about good practice activities focused on GBV perpetrators and lessons learned, including the specific approaches to rehabilitation and reintegration;
- (2) use that knowledge to scale up efforts to work with GBV perpetrators.

**Recommendation 68A:** The NEC is encouraged to consider favourably the proposal developed by the DJAG Juvenile Justice Unit which seeks to operationalise the Juvenile Rehabilitation and Reintegration Policy 2021-2031. Although juvenile offenders may not be committing GBV acts currently, many of their crimes involve violence and if appropriate rehabilitation and reintegration programmes are not implemented, there is a high risk of their reoffending and becoming GBV perpetrators in future.

**Recommendation 69:** The Corrective Services Commission is encouraged to produce a specific proposal for consideration by the Government, Treasury and this Committee, including a budget, on how to develop and implement effective rehabilitation programmes for inmates convicted of GBV and/or for all inmates. This could be implemented as a pilot, from which lessons could be learned. Specific activities could be included for specific prisoner groups, such as women, juveniles and PWDs.

### ***Reserved Seats for Women***

**Recommendation 70:** The Committee urges the new Government elected after the June 2022 National General Election to urgently table a draft Bill in the National Parliament to create reserved seats for women. The Committee supports the 2011 proposal to reserve 22 seats for women.

**Recommendation 70A:** The Committee urges the new Government elected after the June 2022 National General Election to urgently table the OLIPPAC reforms proposed by the IPPCC, in particular the reforms to introduce a minimum quota for women, and to explore options for providing a regular contribution to the IPPCC Central Fund every year, which can be used to support women candidates in a non-partisan, fair way.

**Recommendation 71:** The Government must learn from existing programmes being implemented by national stakeholders and development partners to support women to meaningfully and safely participate in politics and decision-making across the country. Recognising the practical barriers still faced by many women who wish to engage in politics and decision-making, the Government must invest resources in legal, policy and programming responses to empower women to be more effectively engaged in these processes.