

Submission to the Parliamentary Committee on Gender Equality and Women's Empowerment

INTRODUCTION:

By way of introduction, this submission is compiled by two professionals from the legal and social development profession.

The first contributor is Elizabeth Ramatlap who is a lawyer by profession with a Masters in Law & Development. She currently works as an Assistant Legislative Counsel at the Office of Legislative Counsel with the Department of Prime Minister & NEC. In her previous role, she worked as the Principal Legal Officer for the Family Law & Special Projects Division in the Office of the Public Solicitor.

Her seven years at the Public Solicitor's Office exposed her to the crimes and abuse committed against PNG women and children. It, also exposed her to a dangerous trend of growing violence in our communities which, if not curtailed, will damage our future generations. Having dealt with both the criminal and civil aspects of family and gender-based violence, Elizabeth understands that gender-based violence is perpetrated in communities and how they greatly diminish women's participation (gender inequality) in society.

Having studied law and development her vision is to use law to shape inclusive sustainable development in Papua New Guinea.

The second contributor is Evelyn Daimoi-Ofasia who has a Bachelor of Social Science from the University of Papua New Guinea and has over 17 years of experience implementing gender-based violence and gender equality programs for INGOs, international donors and Government of PNG departments.

Recommendations provided in this Submission are our own personal views and by no means represent the organisations we currently work for.

FUNCTIONS:

Since there is no standard template for this submission, we are framing our Submission by responding to the ToR with our opinions and experiences. Our decision to provide a Submission to the Committee is based on our personal beliefs and values as advocates to address gender-based violence and women's empowerment. Due to timing factor, we will only submit our main points but would be grateful to elaborate more with data and statistics if given the opportunity.

1. Response to the Committees functions and responsibilities too are as follows;

(a) Inquire into any proposed law or issues referred to the Committee by the National Parliament.

The Committee should inquire into and conduct a full review of the *Family Protection Act* 2014, the *Lukautim Pikinini Act* 2015, and related legislation. These legislations although good, lack

enforcement in the sense that perpetrators time and time again get away with perpetrating violence.

The government agencies mandated to administer these laws and regulate activity perform to minimal standards due to many reasons and as such we continue to see the same violent cycle over and over again.

(b) Review existing or proposed laws to assess their impact on gender equality and women's empowerment (GEWE) and propose and promote GEWE law reforms as appropriate.

1. Thoroughly review the *Family Protection Act*, the *Lukautim Pikinini Act*, and related legislation dealing with women's equality, violence against women, and SARV. These legislations although good, lack enforcement for many reasons. In terms of violence, many times perpetrators get away with perpetrating violence due to a lack of police awareness of the seriousness of family and community violence, cultural misunderstandings, or lack of government support.
2. Many times, violence is perpetrated in communities but relatives do not speak up or report to relevant authorities. This kind of behaviour is most common in the highlands of Papua New Guinea. Today on social media you will find countless videos showing violence between older women and younger women, violence between men and women, and unlawfully sexually offensive conduct against women, girls, and boys. It seems that not only do men not value women but women in PNG do not value and respect each other. The law must be tough on women-to-women violence just as it is tough on men-to-women violence. The law must also recognize child abuse and the rising child pedophile ring in PNG that is thriving because of weak enforcement of the law.
3. Under the *Lukautim Pikinini Act*, the Director of Child Welfare Service is responsible for administering and regulating the Act. However, from 2015 to date little improvement has been done to protect children in PNG. Port Moresby is littered with Orphans. The law must be enforced with stringent measures to ensure public servants conduct their duty in accordance with law. If there are funding issues then the Parliamentary Committee must look into why agencies such as the National Child Welfare Services are not functioning to standard.
4. Men are not the only reason why violence is prevalent in PNG, women are equally responsible and therefore must take responsibility and accountability in addressing this issue. Any legislative reform in the future must consider this.
5. Review the laws on sorcery-related violence and propose reform so that laws can be enforced and perpetrators held accountable. As we speak, women are being burnt, sexually abused, crucified, and tortured around PNG.

6. Propose changes to the Organic Law on Political Parties to allow female candidates in the elections to have support to contest against male counterparts. Thus equalizing the playing field (election contest) in national elections including at the sub-national level.

(c) Provide oversight of the implementation of Government policies and programmes related to promoting GEWE to ensure that Government resources are being used more effectively to address GEWE.

The committee must provide oversight on implementation by emphasizing accountability in the government institutions legally mandated to regulate government policies, programs, and activities promoting GEWE. In order to ensure that government resources are used more effectively, persons holding offices that are not utilizing funds in the appropriate manner by overspending, carelessly spending, or misappropriating must be held accountable.

The law will not operate well if the wrong people are in power, that is why democracy has enforcement mechanisms to curtail abuse of power. Parliamentarians are not the only public servants that need to be held accountable, senior bureaucrats and all public servants must be held accountable for their actions or inaction. They are at the helm of the governing machinery and therefore must be diligent and prudent in carrying out their duty.

(d) Provide oversight over the Government's implementation of the National GBV Strategy (2016-2025) and inputs into any update or new strategy after 2025, including the adequacy of the policy framework, coordination efforts, crisis response, perpetrator programmes, GBV data collection and management and other related issues, across government departments, the Royal PNG Constabulary and related enforcement and prosecution services, the courts, provincial and local level governments, non-government organisations, community-based organisations, faith-based governments frontline service providers and the private sector.

The recently created GBV secretariat although created is non-functional as many new created government creatures. The unfortunate part of this is that an agency, the secretariat, was established (under the Papua New Guinea National Strategy to Prevent and Respond to GBV (2016-2025)) to provide strong leadership, holistic and coordinated approach supported by ongoing monitoring, evaluation, and research. However, these policies and strategies were not legislated to give legal basis and tooth to the agency.

Public agencies without legal mandate will not function effectively and thus defeats the purpose (such as coordination efforts, crisis response, perpetrator programs etc) of creation. It is also very sad to know that millions of tax payers money continue to be used for creation of institutions that are not functioning as intended.

Again, providing oversight over the implementation of the national GBV strategy is good but what is important is ensuring compliance and accountability. Policy is adequate and workable if it's been implemented and enforced, otherwise, we'll have laws and policies collecting dust in government agencies.

(e) Inquire into how women's leadership can be more proactively supported by the Government, key national institutions such as the PNG Elections Commission, Integrity of Political Parties and Candidates Commission, political parties, and other stakeholders,

including by examining options for implementing temporary special measures for women in Parliament.

Temporary special measures for women in parliament are one way of breaking the patriarchal culture we have in PNG. There has been much debate on this topic. Some women are for and some are against it. Personally, I believe women are capable of entering politics just as men and therefore can win positions without special measures. However, there are other women who feel that the playing field is not equal and fair and therefore do want special measures such as propositions for reserved seats.

Since one of our contributors, Elizabeth, has firsthand experience in contesting elections her view is that the hardest challenge for women candidates is financial support. This is not to say men have it easier, no. It is a challenge for men too but that only means its even harder for women. If MPs are against reserving seats for women in Parliament, then at least we should amend our laws to as an example, mandate political parties sponsor at least 10 candidates per political party or prescribe a quota etc.

There are ideas to assist equal the playing field for women without being unfair to men.

(f) Inquire into the Government's policies and programs to promote women's economic empowerment, including in areas such as supporting women in small and medium enterprises, supporting women in the informal sector, strengthening value and supply chains, financial literacy for women, facilitating micro-loans and micro-finance for women.

These policies and programs are great but they need to be incorporated into government operations through relevant departments like Department for Community Development and Religion. There must be an oversight from the Committee to the Department of Community Development to these women SME and empowerment programs.

(g) Inquire into the work of the National Council of Women (NCW) and its subnational member units, including the appropriateness of the NCW Act, elections processes at all levels of the body, funding of the NCW, management of the NCW at all levels, and how the NCW can be most effectively operate to engage women across the country and operate as a voice for PNG women and issues of importance to them.

The NCW is one body that we do not have much experience with and was not able to work with despite participating in many stakeholder meetings in the FSV and GBV network. One of the main comments we hear is that the organisation is highly politicised by members and so they function on their own many times.

Perhaps the Parliamentary Committee can investigate the performance of the NCW and how best it can fit in this agenda.

(h) Investigate and report on any such other matters as the committee considers appropriate and relevant to promoting gender equality and women's empowerment in PNG at all levels of government and across all sectors.

Investigate the department's financial acquittals and hold bureaucrats accountable for mismanagement, or non-performance. It conducts like this that leads to complacency and stagnation in progress in elevating women in PNG.

Good governance thrives when there is accountability and so senior bureaucrats holding such positions of power and influence must do their job diligently or face disciplinary measures non-performance, mismanagement, or misappropriation of funds.

Also, investigate the performance of the Family and District Courthouse in terms of gender inequality issues faced by them each year and engage their views on how to address gender equality and women empowerment in PNG. This is because they are the people that deal with ninety percent of the population and would have good information to assist the Parliamentary Committee find solutions to this agenda.

CONCLUSION:

In conclusion, we believe that an exhaustive legal reform and policy reform should be carried out in this sector to change the focus on government initiatives and programs created to address this agenda. Below are only the main recommendations we would like the Parliamentary Committee to consider in its efforts to address gender equality and women empowerment in PNG.

RECOMMENDATION:

- 1) PNG has high rates of out-of-court settlements and a shortage of well-funded safe houses to cater for all those that need safe refuge when faced with gender-based violence. Working with perpetrators is not only appropriate, but it is also necessary. **We need more prevention and human rights awareness programs and support for programs that work with perpetrators of violence.** Donor programs typically **focus on solutions for women and girls and purposely pull away from programs for men.** We recommend that the Parliamentary Committee consider options for providing support services for perpetrators of violence such as conflict resolution skills or anger management courses and counseling. The Nazareth Center for Rehabilitation in Bougainville has experienced working with perpetrators to challenge unhealthy attitudes and behaviors and get perpetrators and getting them to be more supportive of their spouses. Important lessons can be taken from that pilot project and possibly replicated in other provincial locations.
- 2) The Highlands Human Rights Defenders Network last year conducted SARV awareness in Goroko, EHP. They collaborated with agencies from the Law and Justice sector (Police, Office of the Public Prosecutor) and private sector partners such as SP Brewery and BSP to reach the populations around Goroka township. They had posters and pamphlets with information on SARV and distributed the materials to schools, village courts, and interested individuals. Their feedback was that it would be good if materials could be translated into tok pisin. The Network believes in awareness-raising drives that make citizens aware of what the law says about SARV and penalties for those who are caught up in it. When people in rural areas see government officials backing up civil society organisations on awareness campaigns, it sends a clear message that the law has a long hand and there is ownership by the government on these issues. Awareness and information break barriers and provides facts - people need accurate information. People need information on penalties for breaking the law - this in itself is a deterrent to crime as many people are fearful of going to prison.

- 3) We recommend that the Parliamentary Committee consider options to review and reform existing laws concerning women, children, and families including sorcery-related violence. This can be done with the assistance of the Constitutional Law Reform Commission with guidance from the Office of Legislative Counsel which is the legal custodian of PNG laws and specialists in legislative drafting.
- 4) The Parliamentary Committee should also look at getting support from the national parliament to grant a legal mandate to the GBV Secretariat or a body that will coordinate gender issues in collaboration with Community Development.
- 5) Legislating provisions to ensure annual reporting by relevant agencies will address the accountability gaps in the law. As it is the laws in terms of compliance for agencies dealing with gender or women's empowerment are weak, and there is no legal reporting requirement. These should be changed and departments and offices mandated with the important task of protecting the welfare of our citizens must provide annual reports to the PNG Parliament along with financial acquittals just like institutions like the Auditor General's Office, Public Solicitors Office and those constitutionally mandated.
- 6) Review the Family Court Jurisdiction in Papua New Guinea to make unlawful conduct against women and children a serious matter. This is not to say that all women should be protected, we recognize that women are also equally responsible for the gender inequality in our communities. However, this option should be made to protect families, because when you protect a family you protect a nation.

Respectfully submitted by,

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