



Manual on National and International Frameworks for addressing Gender Based Violence in Papua New Guinea





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COVER PAGE GRAPHIC: Bamboo lime container snake and shell motif from Aibom village, East Sepik Province; published in Dennet, H. Mak Bilong Sepik, 2012

NATIONAL MECHANISMS & INTERNATIONAL MECHANISMS TITLE PAGE: Bamboo lime container motifs from the Chambri Lakes area, East Sepik Province; published in Dennet, H. Mak Bilong Sepik, 2012

ANNEXES TITLE PAGE: Bamboo lime container snake and shell motif from Aibom village, East Sepik Province; published in Dennet, H. Mak Bilong Sepik, 2012



DEPARTMENT FOR COMMUNITY DEVELOPMENT



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Introduction

This is an advanced manual on addressing Gender Based Violence in PNG and in particular seeks to provide specific information as to what national and international mechanisms can be used by human rights defenders (HRDs) to help their clients.

It is intended to be a companion manual to the Manual for Human Rights Defenders in Papua New Guinea Working with Survivors of Gender Based Violence and HRDs should be familiar with that manual before using this one. As such, this manual does not repeat the content of the previous manual but instead provides more specific and detailed information and tools to assist HRDs in their work.

National Mechanisms



Background on the PNG legal system

The PNG legal system uses both formal and informal justice mechanisms to resolve legal issues. This is due to both a long standing tradition of using the customary system and necessity in certain rural areas where access to the formal justice system is severely restricted.

There are four levels of courts in PNG. The Supreme Court is the highest court and acts as the final court of appeal. No cases would be initiated at the Supreme court.

The National Court is below the Supreme Court. There are 11 National Courts throughout PNG, including one in Port Moresby and the remainder spread throughout the country. It has jurisdiction to hear serious criminal cases, such as rape, sexual assault, incest, grievous bodily harm or murder. It also hears civil cases, including divorce. Finally, it hears appeals from the district court. It is also where the Human Rights Track operates, which will be discussed below.

Below the National Courts are the District Courts. They are presided over by magistrates. They deal with less serious criminal matters and civil cases, with damages of less than 10,000 Kinas. The District Courts are also where the Coroner's Court, Land Court, Family Court and Juvenile Court are located. They also sometimes certify Village Court decisions. There are 100 magistrates for 70 locations and 400 circuits. The types of criminal cases dealt with by the District Courts are common assault, assault occasioning actual bodily harm, serious assault and indecent assault on females.

Family Courts deal with family matters including child maintenance and custody. They will also hear applications for Interim Protection Orders (IPOs) once the Regulations on this are passed.

The Village Courts are below the District Courts and operate at the local level. They are regulated by the Village Court Act 1989. Generally, the court is made of at least three Village Court magistrates. The Village Court's mandate is to maintain peace and harmony.

The Village Court has jurisdiction in the area for which it is established, if there is a dispute:

- i. within its area;
- ii. the subject matter of the dispute is within its area;
- iii. all of the parties to the dispute are normally resident within its area; or
- iv. some of the parties to the dispute are normally resident within its area and the others consent to the jurisdiction.

It does not have jurisdiction in relation to all disputes but only in relation to those specified in the Village Court Act 1989.

The Village Court has criminal jurisdiction over certain offences as specified in section 3 of the Village Court Regulations 1974. They include striking another person without reasonable cause, using threatening words or conduct, using offensive words or conduct and damaging property.

This means that for the purposes of survivors of GBV, the Village Courts have very limited jurisdiction in relation to criminal matters. For example, they cannot hear complaints relating to sexual violence or physical violence resulting in grievous bodily harm.

The Village Court also has jurisdiction over certain civil disputes, including child custody where there has been a customary marriage or illegitimate child. It also has jurisdiction where there is a dispute as to bride price. Finally, the Village Court has jurisdiction to deal with disputes that may cause a breach of the peace.

As an HRD assisting survivors of GBV, the decisions as to which court to use will be important and will have an impact on the outcome of the case. The decision is likely to be based both on the nature of the case and whether or not you have physical access to the various courts. It may be that the court that is most accessible is not the most appropriate to deal with your case. For example, although Village Courts are most accessible they cannot and should not deal with certain types of serious criminal cases. This is because they do not have the jurisdiction and expertise to deal with serious criminal cases and because the penalties that they impose do not match the gravity of the crime. The majority of crimes of GBV should be dealt with either by the District Court or the National court.

Further, it is very important to think about how you will engage with the Village Courts. The primary function of the Village Court is to maintain peace and harmony in the village. As such, in all criminal or civil disputes, the Village Court has an obligation to try to reach a settlement. This obligation will have an impact for survivors of GBV because mediation may not be an appropriate way of settling a dispute, especially if the survivor wants the perpetrator brought to justice. In addition, as GBV generally occurs within unequal power relationships, mediation is often not appropriate because it allows one party to bully the other into an agreement. Further, decisions arising out of a mediation process are usually very difficult to enforce. As a HRD, you will have to think about which court your client would prefer to use and where they may be more able to obtain the outcome that they want.

Constitution

Section 55 of the PNG Constitution enshrines the principle of equality of citizens regardless of sex, race, place of origin or religion. This includes equality between men and women. This means that all laws and policies of the government have to reflect this principle and cannot create inequality between citizens on the basis of sex.

In addition, custom is part of the laws of PNG. As a result, custom must be consistent with the principle of equality in the Constitution. Custom, like laws, cannot be used to deny people fundamental rights. In particular, custom cannot be used to deny the equal rights of men and women. This means that customary practices which are discriminatory towards women should not be allowed in PNG.

For example, the custom of bride price is often abused and leads to violence against women, as the man believes he owns the woman because of the payment of bride price. Further, the custom of polygamy discriminates against women. Women are classed in polygamous relationships as being first, second, third or even fourth wives. Women in polygamous relationships usually fight among themselves for position, money, and goods. Children are often abused in such relationship. Such customs are against the principle of equality enshrined in the PNG constitution.

We declare our second goal to be for all citizens to have an **equal opportunity** to participate in, and benefit from, the development of our country.

National policies to address gender based violence

The PNG government has adopted a number of policies to address gender discrimination and gender based violence. Enacting these policies shows a commitment on the part of the PNG government to tackling discrimination against women and in particular gender based violence. It is useful to know what these policies are as this can be helpful for advocacy purposes to remind the government that it has taken on these obligations voluntarily and recognised that it must deal with this problem.

Vision 2050 includes the government long term development policies. Vision 2050 recognises that "there is a huge imbalance and inequity in our society, mostly in favour of the male gender, which marginalises the equitable participation of females in all walks of life. In addition, there are strong cultural beliefs and value systems that require major education and empowerment interventions to imbue young people with a more liberal approach, in order to sensitise them." As a result, this strategic document setting out a vision for a better PNG in 2050, recognises the principle of equality between men and women.

The PNG Development Strategic Plan 2010-2030 sets more concrete goals in relation to gender equality. It "recognises that gender disparity is evident in many aspects of society, from education, employment and political representation to mortality and cultural norms." It sets a number of strategies and goals for enhancing gender equality, including zero tolerance for violence against women and children by 2030. This does not mean that violence against women and children will stop by 2030, but instead, that legislation, customs, traditions and service providers will support survivors of violence and that perpetrators will be brought to justice.

The current National Policy on Women & Gender Equality 2011-2015 includes tackling gender based violence as a priority area, through advocacy and better access to services for survivors.

Legislation

There are a number of laws that seek to tackle gender based violence in PNG. They include both criminal laws, which deal specifically with gender based violence and civil laws related to marriage or the family.

Criminal laws and policies

The Criminal Code includes a number of crimes related to gender based violence. The definitions of some of these crimes have been amended over the years to better reflect changing views about sexual and gender based violence.

When deciding whether or not a crime has been committed, there are two separate elements that have to be considered:

- The first issue is the act in itself – does the act constitute a crime?
- The second issue is the state of mind of the perpetrator – does the perpetrator have the right state of mind for committing the crime?

This principle applies to all crimes including crimes of sexual and gender based violence. As a result, it is important to bear this in mind when advising client as both aspects will have to be proved in court for the perpetrator to be convicted.

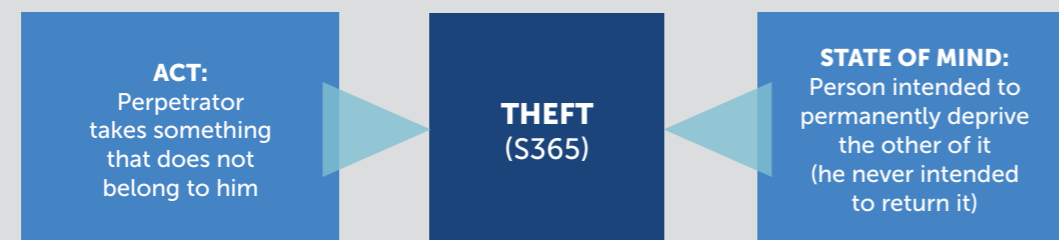
Rape

Section 347 of the Criminal Code defines rape as occurring when a person “sexually penetrates a person without his consent.” This means that there are two elements to the crime of rape:

1. **The act:** the sexual penetration
2. **The state of mind of the perpetrator:** the knowledge that the other person did not consent to the act.

The perpetrator has to know that the other person did not consent to the act. Consent is defined as free and voluntary agreement, so being forced to consent does not mean the person consented. In certain instances, the lack of consent will be obvious, for instance if the person

EXAMPLE What is a crime?



screams or fights back, or if the perpetrator is holding a gun or a knife. However, in certain circumstance, it may not be as clear cut as this and it is important to remember that a survivor does not necessarily need to fight back or scream to show that she did not consent. For example, consent may not be present when the perpetrator intimidates or threatens the victim or someone else; the victim is unconscious or affected by alcohol so that she cannot consent; the victim cannot understand the act and is not capable of saying so because of disability; or someone else consents on behalf of the victim. These are some but not all examples of when consent would not be present.

The Code specifically says that a person cannot be deemed to have consented, simply because (1) he did not physically resist; (2) he did not sustain physical injury; or (3) on that or on an earlier occasion, he freely agreed to engage in another sexual act with that person or some other person.

Finally, the perpetrator cannot claim as a defence that he believed the other person consented. This means that there is an obligation on the perpetrator to actively find out if the person consented.

Other relevant crimes for GBV

There are a number of other crimes linked to GBV in the Criminal Code. They include sexual crimes, such as sexual assault, procuring sex or incest. Further, there are a number of different crimes of assault, defined by their gravity which can be used to prosecute perpetrators of domestic or gender based violence. They are common assault, assault occasioning actual bodily harm, grievous bodily harm and murder.

Therefore, many crimes in the Criminal Code can be used to prosecute incidents of gender based violence. Before advising clients, it is important to familiarise yourself with all the elements of these crimes and which court they can be tried in, as this is likely to have an impact on the options available to your client. For instance, if you are advising a survivor of a rape, the case can only be prosecuted in a National Court. If the person is in a rural area, there will be logistical issues to consider as part of the advice you give the survivor.

Criminal Code (Sexual Offences and Crimes Against Children) Act 2002

This law deals with sexual offences and crimes against children and forms part of the Criminal Code. It covers sexual offences and crimes against children such as sexual penetration of a child under the age of 16 years, sexual touching of a child under the age of 16 years, indecent act directed at a child under 16 years, persistent sexual abuse of a child, engaging a child for prostitution and obtaining service of a child prostitute, child pornography and others.

Annex A contains a table of relevant offences with related information, including a description of the crime and where it can be tried.

Policies linked to the criminal justice system

In recognition of some of the difficulties in prosecuting cases of gender based violence, the PNG police force has enacted a number of policies that should, if applied, ensure that all cases of gender based violence which are reported to the police are prosecuted. Knowledge of these policies is a good tool to use when advocating on behalf of clients at the police station, especially if faced with reluctant police officers. Every HRD working with survivors of GBV should be aware of these policies and carry copies of them when attending the police station. This will allow you to inform officers of their duties in relation to survivors of GBV.

There are two relevant policies:

- The Royal PNG Constabulary Response to Offences of Family and Sexual Violence (Circular no. 06/2007) states that all police officers must record, investigate and treat all complaints of sexual and family violence as criminal offences with a view to charging perpetrators. Under this policy, police officers should not encourage settlements or compensation payments instead of prosecution. In addition, this policy creates an obligation on Divisional commanders, Provincial Police Commanders, Metropolitan Superintendents and Police Station Commanders to ensure that this policy is respected. This means that when a police officer refuses to record or

investigate a complaint of family or sexual violence, his or her superior is responsible for this behaviour. As an HRD, this means that you can make a complaint to the superior against the police officer for failure to carry out an investigation.

- The Royal PNG Constabulary Commissioner's Circular (No. 04/2009) states that all police officers and station commanders who receive complaints of sexual violence must treat survivors with respect, not discourage them from making complaints and not attempt to resolve the matter as a family dispute. All allegations of sexual violence must be treated by the police as serious criminal complaints. A compensation payment cannot be used by the officer as a reason for failing to investigate a complaint. Further, the circular sets out in details how to engage and interview survivors of sexual violence and how to arrange for the preservation of medical evidence. It also sets up the procedure for withdrawal of complaints, including the obligation to obtain a written statement from the survivor. Failure to comply with this policy may result in disciplinary action for the police officer. Again, as an HRD, this means that you can make a complaint against an officer for failing to make a report or investigate a case of sexual violence. That officer would then be subject to disciplinary action.

"It is the intention of this policy to severely curtail the discretion of police officers in respect of sexual offences. All complaints will be documented, all offenders will be prosecuted where there is sufficient evidence, all victims will be treated with respect and dignity and all victims will be referred to any available support services."

Civil Law

Family Protection Act 2013

The new Family Protection Act 2013 (FPA) is intended to define and deal with cases of domestic violence. At the outset you should remember, that it is not because a case falls within the definition of domestic violence under the FPA, that the case has to be dealt with under this act. Certain crimes, such as rape or assault, may be incidents of domestic violence but will also be defined as crimes under the PNG criminal code. It is important to remember, that the code can also be used for these acts and that in some instances the criminal code should be used because the penalties provided under the criminal code are higher than those provided under the FPA.

Although the FPA came into force in 2014, it cannot be used until the relevant regulations are adopted. This should be done by the second half of 2015.

The FPA provides a definition and framework for dealing with cases of domestic violence both as crimes but also in relation to protection of survivors.

The offence of domestic violence is defined as the commission of any of the following act against a family member:

- Assault (regardless of any physical injury)
- Psychological harassment, abuse or intimidation
- Sexual abuse
- Stalking
- Indecent or offensive behaviour
- Damage to property
- Threats to commit assault, sexual abuse or damage to property.

It can include one act or many acts, including incidents that may seem trivial individually, but when taken together, amount to domestic violence.

A family member of the perpetrator is defined as:

- Spouse
- Child of the perpetrator or his/her spouse's child
- Parent of the perpetrator or his/her spouse's parent
- Grandparent
- Sibling of the perpetrator or his/her spouse's sibling
- Any other person who is treated as a family member.

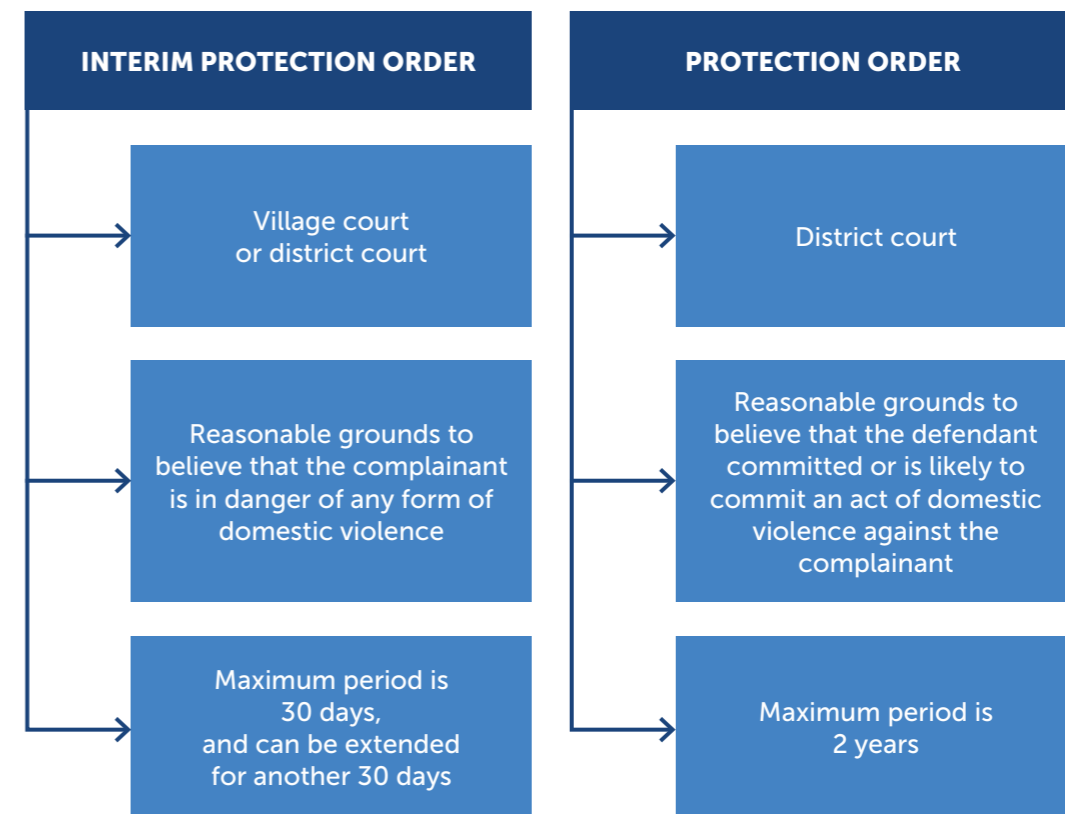
Anyone who commits an act of domestic violence is guilty of an offence and subject to a fine not exceeding 5,000 Kinas and/or 2 years imprisonment.

Further, the court can make a family protection order to protect a complainant in a domestic violence situation. This can be either an interim protection order or a protection order. The substance of both orders is the same. An application for an order may be made either by the complainant, or by any person on behalf of the complainant, a police officer or a qualified legal practitioner provided they have the written consent of the complainant. It may be done in writing or orally. No fee is payable to the court to make this application. A form will be created by the regulations although it will not be compulsory to use it. The defendant does not need to be present in court for either orders to be made, although to apply for a protection order, it must be shown that the Defendant has been told of the hearing. Both types of orders can include conditions that the defendant does not commit acts of domestic violence, does not approach the complainant or go to his/her place of work, does not communicate with the complainant and returns property to the complainant. The protection order can also grant exclusive occupancy of a house to the complainant.

Finally, the court will have the power to order compensation to the victim, although this power can only be exercised by the district court. Breach of a family protection order is a criminal offence, carrying a maximum penalty of 10,000 Kina or three years imprisonment or both. All breaches of protection orders will be dealt with by the district court. Annex B includes checklists for applying for interim protection orders and protection orders.

As mentioned above, if a serious crime has been committed, it should be prosecuted under the Criminal Code because the penalties available against the perpetrator are higher. Even if a case is prosecuted under the criminal code, if it fits into the definition of domestic violence, the court can grant a family protection order. For example, if a husband rapes his wife, he should be prosecuted in the National Court for the offence of rape. Because the crime is also domestic violence, the court can make a protection order for the benefit of the wife under the FPA.

Differences between interim protection orders and protection orders



Lukautim Pikinini Act 2009

The Child Protection (Lukautim Pikinini) Act 2009 provides the specific framework for the protection of children, and in particular, children in need of protection. A child in need of protection is defined as a child who has been abandoned, has been or is likely to be physically harmed or sexually abused or exploited, or lives in a house where there are incidents of domestic violence. The main criteria for any decision made under the act is the best interest of the child.

The Act imposes certain obligations on the state to protect these children, including a duty to ensure their safety and welfare and to investigate situations relating to children's welfare.

The Act also creates the national Lukautim Pikinini Council which must formulate policies to prevent and respond to violence against children, neglect or exploitation. Provincial councils are also created to implement and administer these policies and to provide feedback to the national council. Finally, there is a possibility under this law, to establish local councils within local communities to investigate matters affecting children.

On a more practical level, the Act creates child protection officers and community development officers to deal with issues arising under the Act. Their main function is to protect and respond to violence, neglect or abuse of children.

In doing so, they have a number of functions, including working with families and communities to prevent child abuse, investigating allegations of child abuse or preparing care plans for children in need of protection. They can also take charge of a child without a warrant in an emergency if the child is in immediate danger.

The Pikinini Courts which sit as district courts were also created to deal with cases arising under the act. Village magistrates cannot sit on these courts. The court has a number of powers, including to issue a warrant to search a house where there is a child in need of protection, take the child to a place of safety and arrest the perpetrator. This must be based on a complaint made under oath.

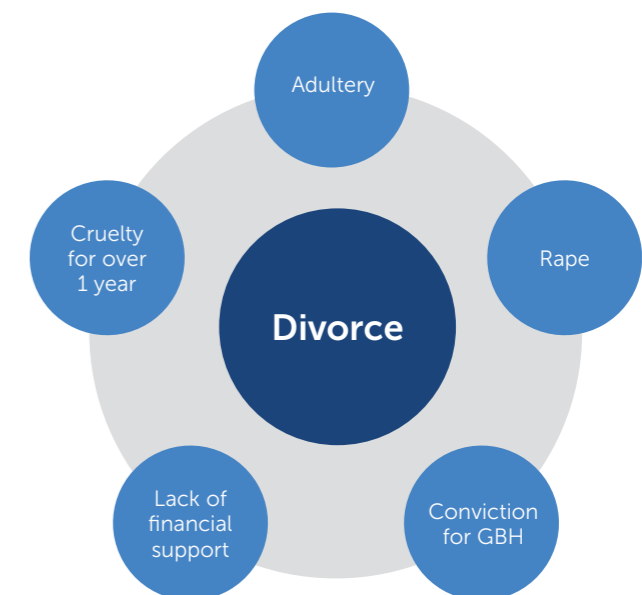
The court has the power to make protection orders for children and order that they be placed in the custody of different individuals depending on the specific situation. This can include a restriction on the contact a parent can have with a child. These orders can be made on a temporary or permanent basis.

An understanding of this act and the provisions under this act will help you advise your clients as to what they can do and will also help you deal with emergencies for children.

Divorce

The Matrimonial Causes Act 1963 sets out a number of grounds for divorce including adultery, desertion for over 2 years, cruelty for over a year, leaving the spouse without means of support or rape. An action under this act must be filed in the National Court and would not apply to a customary marriage. This law only applies to statutory marriages. Further, the law creates an obligation on the Judge to adjourn or mediate the case if he or she thinks that reconciliation between the parties is a reasonable possibility. This will restrict the scope of this Act as many individuals in PNG are married under customary rules and those living in rural areas do not have access to the National Court. In addition, the obligation to consider mediation may force those in unequal relationships to agree to mediation when they do not want to. This Act may nonetheless enable a woman to get out of an abusive relationship. The court also has the power to make order for maintenance and custody of children, in addition to divorce proceedings.

The Village Courts deal with customary marriages and divorce. Once a marriage is dissolved by the Village Court a Certificate of Dissolution of Marriage is then issued by the District Court to confirm that the customary marriage has been dissolved. If the marriage has been dissolved and if one party does not agree with the decision of the Village Court then an appeal can always be made to the District Court to review the Village Court's decision.



Maintenance

Where someone has been ordered to pay maintenance in relation to children, the district court has the power to enforce this order using the Maintenance Enforcement Act 1970. The court has a number of tools at its disposal for the purpose of enforcement including seizing goods from the person, making an attachment of earning order so that money is taken directly from the salary received, or imprisonment.

Further, married women can apply for maintenance for themselves and their children under the Deserted Wives and Children's Act. Finally, women in de facto relationships can apply for maintenance from the biological father of their child under the Lukautim Pikinini Act only for the child and not themselves.

Other mechanisms/entities

Ombudsman Commission

The Ombudsman commission was created to provide oversight of the government and to investigate complaints about (1) government departments including their actions and decisions, (2) the conduct of PNG leaders, and (3) discriminatory practice. As a result, there are effectively two tracks for making complaints with the ombudsman commission, either as an administrative and discriminatory complaint or as a leadership complaint. This manual will focus on the administrative/discriminatory complaint as this is the one which is most likely to be relevant for your work.

Leadership complaint

Anyone can lodge a complaint against a PNG leader if they have done something wrong or acted inappropriately. For the purposes of this mechanism, leaders are national, provincial or local Members of Parliament, heads of government departments, provincial administrators, or police commissioners, defence force commanders or the ombudsman.

Any complaint must be made in writing and include the name of the person you are complaining about, their conduct and when it took place and the names of others who might be involved. The investigation will be carried out independently and you will not receive any further information. If there has been a breach of the leader's duty, the matter will be referred to the leadership tribunal.

Administrative/discriminatory complaint

Under this track, the Ombudsman commission can investigate complaints against government departments, statutory authorities or provincial administrations and local level governments. The Ombudsman cannot be used to investigate cases against private individuals, private companies or court decisions.

Therefore, under this heading, you could complaint about the actions of a particular police officer or prosecution service. Before lodging a complaint however, it is important to contact the agency you are complaining about to give them an opportunity to fix the problem. You should always keep a record of letters sent or meetings you have had with these agencies.

Two complaints mechanisms at the Ombudsman Commission



If you complaint about the action of a police officer, the Ombudsman will refer the matter to the police oversight unit. The internal Affair Unit within the police department will carry out the investigation under the supervision of the Ombudsman.

Any complaint must be about conduct which has occurred within the last two years. The complaint must be made in writing and include the following information:

- Government department/agency you are complaining about
- Decision/act/conduct you are complaining about
- Factual information about the complaint – when did it occur, what happened, who else was involved
- Actions you have taken to try to fix the problem – any letters should be attached and you should document in as much detail as possible who you spoke to, on which days and the outcome of those conversations
- What action you want the ombudsman commission to take
- Include copies of letters/documents relating to your complaint.

A sample, complaint form is attached at Annex C. It includes notes on how you should complete the form. It is important to remember that the Ombudsman Commission will investigate your complaint, therefore you should give them as much specific information as possible about what has happened, who is involved and what you have tried to do to resolve it.

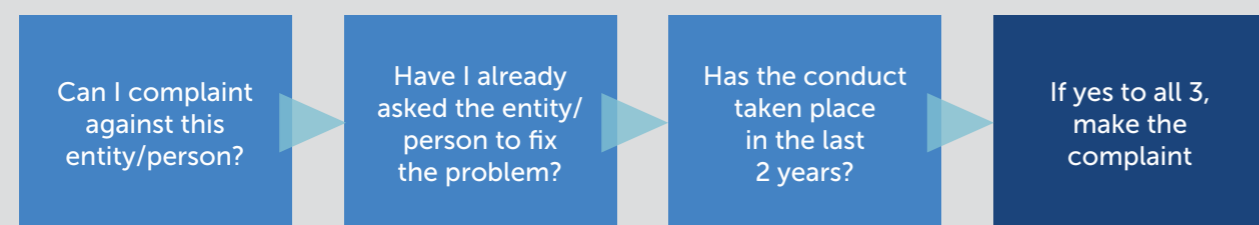
To make a complaint:

- ✓ Complete the form and send it to the Ombudsman commission – see sample form at Annex C
- ✓ Online - <http://www.ombudsman.gov.pg/making-a-complaint/making-a-complaint-online>

Once the Ombudsman receives the complaint, a decision will be made as to whether or not to investigate the complaint. The complainant will be informed in writing and may be asked for further information. The complaint will remain confidential unless it is necessary for the investigation.

In relation to the outcome of the complaint, the Ombudsman Commission can make a recommendation to a government department to improve their procedures or to reverse a decision. However, the Ombudsman Commission cannot force the department or the agency to accept those recommendations. This means that even if the Ombudsman Commission agrees with you that there has been a problem and that the government department should fix it, they cannot force that government department to do so.

When can I make a complaint to the Ombudsman Commission in the Administrative/discriminatory track?



Human rights track

The Human Rights Track is a special procedure established within the National Court of PNG to deal with issues relating to breaches of basic human rights as recognised by the PNG constitution. These are listed in the Constitution and in the Human Rights Rule 2010. They include but are not limited to the right to freedom, life, protection of the law, liberty of the person, and equality between citizens. Further, the Human Rights Rules set out the step for making an application for breaches of basic human rights under this special procedure.

Anyone whose human rights have been adversely affected by an act or an omission of the government, a public body or a private individual may use the human rights track to bring a case. There are easy to use forms which can be filled to set out the violation of the right that the complainant has suffered. The forms or templates are in the Human Rights Rules. The Rules state that no fees are payable for filing a case under the human rights track.

The human rights track could be used by victims of GBV where someone has breached their basic right and freedom, and in particular their right to life. Further, it could be used where government entities have failed to investigate cases of GBV and there is evidence that this is due to their lack of willingness to investigate because of their discriminatory attitudes towards women.

This procedure should not replace criminal charges but instead could be used in conjunction with criminal charges being laid or where the authorities have failed to lay criminal charges against a perpetrator. Further, this remedy is only available in the National Court which will restrict its access for certain individuals who may live to far away from the National Courts. However, where there is no National Court, assistance can be sought at the District Courts.

Office of the Public Solicitor

The Office of the Public Solicitors (OPS) is an independent body whose mandate is to provide legal aid, advice and assistance to persons in need. Eligibility for legal aid is determined on the basis of financial need and the nature of the case. The OPS can only represent individuals for certain criminal or civil matters. For criminal matters, it can represent individuals charged with offences that carry a penalty of over 2 years. For civil matters, it can represent individuals needing assistance with family matters, such as divorce, custody, adoption and inheritance. Although the bulk of the OPS work involves providing legal assistance for criminal cases, it can also provide legal aid for certain civil cases and as a human rights defender, it is worth knowing how this operates in practice in your area. There are currently 10 offices in the different provinces throughout PNG.

Legal aid

In addition to the OPS, some community based organisations (CBOs) provide free legal aid. For example, in Port Moresby, the PNG Women and Children's Rights Centre provides free legal aid to women and children survivors of GBV including those living with HIV and disability. The PNG Development Law Association provides free legal aid to People Living with HIV, Transgender, sex workers and survivors of GBV. CBOs also assist clients with drafting court documents, especially District Court documents for Interim Protection Orders and maintenance and custody.

The welfare office also assists survivors of family violence through with maintenance and custody. The survivors must however represent themselves in court.

Some safe houses like Haus Ruth at Ela Beach assist survivors of GBV with IPO applications to the Family Court.

As an HRD, you should enquire which organisations are operating in your area and whether they can provide some form of assistance to survivors of GBV.

International Organisations providing urgent relief

There are a few international organisations providing urgent relief in PNG in emergency cases. Amnesty International provides funds for survivors in emergency including funds for transport, logistical support and meals. This helps HRDs when trying to move clients who are in dangerous situations. The funds are generally unlocked within 72 hours and work well to help get survivors to a place of safety. Oxfam provides similar funds to assist survivors.

The Red Cross provides relief but not in the form of money. Instead, they sometimes help people accused of sorcery with safe shelter. The CPL group (City Pharmacy) provides assistance in the form of food and medical supplies.

Frontline Defenders provide a 24 hour emergency hotline for human rights defenders who are at immediate risk.

International Mechanisms

There are a few international mechanisms at the United Nations that can be used by individuals or organisations within PNG for addressing GBV.

They fall under three different categories:

1. Complaints mechanisms under treaty bodies
2. Special procedures, and
3. The Universal Periodic Review

Complaints under UN treaty bodies

The government of PNG has ratified a number of United Nations human rights treaties. This means that the government of PNG is bound by the obligations set in those treaties including respecting and promoting the rights included in the treaties.

Table of relevant treaties ratified by PNG

TREATY	SHORT DESCRIPTION	YEAR RATIFIED
Convention of the Rights of the Child (CRC)	The state is bound to respect and ensure the rights of all children without discrimination, including on the ground of sex. Further, the state must take all appropriate steps to protect children from all forms of violence.	1993
Convention on the Elimination of All forms of Discrimination against Women (CEDAW)	States must take appropriate action to end discrimination against women, including enacting legislation, abolishing customs or practices that are discriminatory towards women, and protecting the rights of women under the law. In particular, women are entitled to have equal access to health care, employment and education as men, and to engage in public life. The state has a duty to take steps to change discriminatory cultural and social beliefs which are based on the notion that women are inferior to men.	1995
International Covenant on Civil and Political Rights (ICCPR)	The state is bound to respect and ensure the rights in the treaty without discrimination on the ground of sex and recognises the equal rights of men and women, including to equal protection of the law. It recognises the right to life, liberty and security of the person.	2008
International Covenant on Economic, Social and Cultural Rights (ICESCR)	The state must ensure that the rights included in the treaty are enjoyed by all without discrimination on the grounds of sex. The State has an obligation to ensure equal rights between men and women. It includes the right to health, education and an adequate standard of living.	2008
Convention on the Rights of Persons with Disabilities (CRPD)	The state must take measures to ensure the full and equal enjoyment of all the rights in the convention for women with disabilities. It also recognises the right of everyone to equal protection under the law without discrimination. It recognises the right to life, liberty and security of the person.	2013

All of these treaty bodies have created committees made up of independent experts. These bodies monitor whether or not a state is complying with its obligations to promote and protect the rights under each treaty. For example, the committee on the elimination of discrimination against women monitors how each state is complying with its obligations under CEDAW. It is made up of 23 experts. Each state has an obligation to report to the committee every four years and non-governmental organisations can have the opportunity of participating in the process and making representations to the committee. Based on the information received from government and non-governmental organisations, the committee assesses the situation in that country and makes recommendations to ensure that the state better complies with its obligations under the treaty. The last time PNG reported to the committee was in 2009. PNG's next report was due in July 2014, although at this stage no report has been filed.

All treaties mentioned above have a committee which operates in a similar manner as the committee on the elimination of discrimination against women. Although these procedures take some time and the states often fail to comply with their reporting requirements on time, it can nonetheless be an opportunity for NGOs and other groups to engage with the process and make their views known on the human rights situation in the country.

Complaints under the special procedure mechanisms

The special procedures mechanisms are independent experts who report on specific human rights issues, either by theme or by country. There are currently 41 thematic experts and 14 country experts. Depending on the issue they work on, the experts can do a number of things. They can receive individual complaints, undertake country visits and communicate with states about human rights violations.

The most relevant special procedures for HRDs working on GBV in PNG are the Special Rapporteur on Violence Against Women, its Causes and Consequences and the Special Rapporteur on Human Rights Defenders. There is no special procedure mechanism for PNG, however the special rapporteur on violence against women conducted a country visit to PNG in 2012. The special rapporteur on violence against women receives communications from individuals and can then transmit urgent requests to states where there is an imminent threat to the life of a woman.

Although each special procedure has its own mandate and procedures for accepting individual complaints, they are broadly similar.

As an example, this manual will look at the Special Rapporteur on violence against women, its causes and consequences.

Special Rapporteur on violence against women, its causes and consequences

The Special Rapporteur is empowered to do a number of things in relation to violence against women. In particular, she can receive individual complaints and send those complaints to the state. She can also undertake country visits at the invitation of the state and she submits annual reports on the issue. The Special Rapporteur visited PNG in March 2012 and produced a report assessing the situation in the country and making recommendations for improvement.

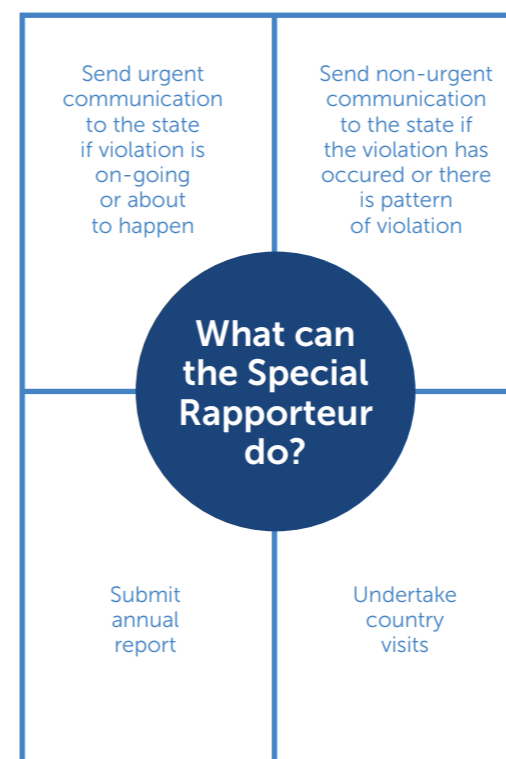
Individuals can send complaints to the Special Rapporteur, either on past or current violations. Some complaints may be urgent if the violation is on-going. On the basis of the information received, the Special Rapporteur may send an urgent communication to the state concerned especially if there is an imminent threat or a fear of a threat to a woman's personal integrity or life. Where the issue is not urgent, if the violation has already occurred or there is general pattern of violation (through a law for instance), the Special Rapporteur can send a letter to the state on a non-urgent basis. The Special Rapporteur will decide based on the information received what action, if any, to take. This means that the information sent to the Special Rapporteur must be clear, specific and credible. If it is not, the Special Rapporteur is unlikely to take any action.

Relevant special procedures and contact details:

Ms Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences
 vaw@ohchr.org

Mr Michel Forst
Special Rapporteur on human rights defenders
 defenders@ohchr.org

Working group on discrimination against women in law and practice
 wgdiscriminationwomen@ohchr.org



Substance of the complaint

You do not need to have used all the possible domestic frameworks and remedies before sending the complaint to the Special Rapporteur. This means that the first thing you can do in relation to a case is to send a complaint to the Special Rapporteur.

There is an individual complaints form to submit a complaint, it is included in annex D with guidance on how to complete the various sections. You should remember when completing the form, that the person who reads it may not be aware of the situation in PNG. As such, you should ensure that there is enough relevant information provided to enable them to understand what the violation is and the facts surrounding the case. Further, it is important to remember that the Special Rapporteur may investigate the complaint by sending it to the government. As a result, you should include as much information as possible to enable to government to carry out a real investigation. For example, if you are alleging that a government employee failed to do something, you should send a detail account of their name, when you contacted them, the outcome of your conversations, and any correspondence that you have exchanged.

Your complaints should include the following:

- Identity of the victim
- Identity of the perpetrator (if known)
- Your identity, if you are submitting the complaint on behalf of the victim
- Date, place and detailed description of the incident
- You should identify and summarize the rights which have been violated in enough detail. This may be the only communication you have with the special Rapporteur, it is therefore very important that you include all the relevant information about the case.
- If the violation relates to a law, practice or policy which affects women in general or women in a particular area or group, you should explain how the group is affected. For example, the custom of bride price impacts women in PNG. If you are sending a complaint in relation to this, you should explain how this custom impacts women and what its consequences are.
- If your violation relates to acts committed by individuals who are not part of the government, you should explain whether or not the government has taken any action in relation to these individuals, including prosecution and punishment. This could include any law to protect the survivor, the refusal of the authorities to investigate this case and similar cases, or statistics relating to the type of violations. For example, if you write about a sorcery case, where the perpetrators are private individuals, it is important to include what action, if any, the police have taken in order to bring the perpetrators to justice. If the police have failed to take any action, this should be documented in details, with the dates and names of people you have spoken to and copies of the letters you may have sent to the police. You should consider the following issues: Have the police attempted to investigate the case? Has anyone been arrested or charged? What happens in other sorcery cases in the country? How many people are convicted of sorcery in PNG?

If using this mechanism, it is important to consider confidentiality. If the Special Rapporteur sends a letter about the case to the government, she will have to reveal the survivor's name to the government, although the letter will remain confidential between the government and the Special Rapporteur. In addition, unless the survivor requests that her name remains confidential (by using her initials), her name will appear in the Special Rapporteur's public reports which are published three times per year.

If you submit a complaint to the Special Rapporteur which is then sent to the government, you will be asked to comment on any response received from the government.

There are some advantages to using this complaint mechanism. You are not required to have used all the domestic remedies or pathways in order to file a complaint with the Special Rapporteur. This means that you could send the complaint if you fear a serious violation is about to take place or has just occurred. However, although there is an urgent procedure, in reality it is unlikely that anything will happen immediately because the Special Rapporteur cannot do anything on her own, but must refer the matter to the government concerned.

Universal Periodic Review

The final United Nations mechanism is the Universal Periodic Review (UPR). The Human Rights Council, as part of the UPR, is responsible for reviewing the human rights record of all states, including any improvement on human rights in the state concerned and the fulfilment of that state's international obligations in relation to human rights. As part of this process, the Human Rights Council considers the state's report, information collected by the UN, and summary of information made by other stakeholders including CSOs. Any CSO can submit information through an on-line system available at this address: <https://uprdoc.ohchr.org/Account/Login.aspx?ReturnUrl=%2f>.

The last UPR for PNG was in May 2011. The next one is scheduled for April or May 2016.

The UPR system is a mechanism by which CSOs can engage the state in relation to their human rights record. CSOs can contribute in writing and some CSOs are allowed to attend the review in Geneva.

The government is not bound by the recommendations made by the Human Rights Council and will not be penalised for failing to comply with those recommendations.

Key dates for next UPR mechanism for PNG

2015

21/09/2015

Submission of information by CSOs

2016

25/01/2016

Submission of state report

April/May 2016

UPR session in Geneva

Conclusion

The information in this manual is intended to help HRDs working with survivors of GBV in PNG. It should help HRDs decide what mechanisms to use to seek redress for survivors of GBV. Not all mechanisms will be suitable for all situations and HRDs are encouraged to think strategically and decide which mechanisms might be most effective for their clients on the basis of the information they have, including their personal situation, the nature of the incident, logistical considerations and services available in the area where they operate. As ever, HRDs should enable survivors to make decisions by themselves by providing them with all the relevant information and options.



Annexes

Annex A: List of relevant offences in the Criminal Code

Offence	Section	Description	Which court?
Householder permitting defilement of young girls on his premises	214	(1) A person who— (a) being the owner or occupier of any premises; or (b) having, or acting or assisting in, the management or control of any premises, induces, or knowingly permits, any girl under the age of 16 years to resort to or be in or on the premises for the purpose of being unlawfully carnally known by any man (whether a particular man or not) is guilty of an indictable offence.	National
Procuring girl or woman	218	(1) A person who procures, entices or leads away any girl or woman, whether with her consent or not, with intent that some other person may have carnal knowledge of her, whether inside or outside Papua New Guinea is guilty of an offence, notwithstanding that some one or more of the acts constituting the offence may have been committed outside Papua New Guinea.	District
Procuring girl or woman by drugs etc	219	(1) A person who— (a) by means of any fraud, violence, threat or abuse of authority; or (b) by the use of any drug or intoxicating liquor, procures, entices or leads away any girl or woman, with intent that some other person may have carnal knowledge of her whether inside or outside Papua New Guinea is guilty of an offence notwithstanding that some one or more of the acts constituting the offence may have been committed outside Papua New Guinea.	District
Abduction of girl under 18 with intent to have carnal knowledge	220	(1) A person who, with intent that an unmarried girl under the age of 18 years may be unlawfully carnally known by any man (whether a particular man or not), takes her or causes her to be taken out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of that father or mother or person, is guilty of a misdemeanour.	National
Unlawful detention with intent to defile or in a brothel	221	(1) A person who— (a) detains a woman or girl against her will in or on any premises for the purpose of her being unlawfully carnally known by a man (whether a particular man or not); or (b) detains a woman or girl against her will in a brothel, is guilty of a misdemeanour.	National
Incest	223	(1) A person who engages in an act of sexual penetration with a close blood relative is guilty of a crime.	National

Offence	Section	Description	Which court?
Sexual penetration of a child	229A	(1) A person who engages in an act of sexual penetration with a child under the age of 16 years is guilty of a crime.	National
Sexual touching	229B	1) A person who, for sexual purposes – (a) touches, with any part of his or her body, the sexual parts of a child under the age of 16 years; or (b) compels a child under the age of 16 years to touch, with any part of his or her body, the sexual parts of the accused person's own body, is guilty of a crime.	National
Indecent act directed at a child	229C	(1) A person who commits an indecent act directed at a child under the age of 16 years is guilty of a crime.	National
Persistent sexual abuse of a child	229D	(1) A person who, on two or more occasions, engages in conduct in relation to a particular child that constitutes an offence against this Division, is guilty of a crime of persistent abuse of a child.	National
Abuse of trust, authority or dependency	229E	(1) A person who engages in an act of sexual penetration or sexual touching of a child between the ages of 16 and 18 years with whom the person has an existing relationship of trust, authority or dependency is guilty of a crime.	National
Obtaining the services of a child prostitute	229K	(1) A person who – (a) participates as a client or is otherwise involved with a child in an act of child prostitution; or (b) invites, persuades or induces a child to engage in child prostitution with him or her or any other person, is guilty of a crime.	National
Offering or engaging a child for prostitution	229L	(1) Any person who intentionally offers or engages a child for the purposes of child prostitution is guilty of a crime.	National
Facilitation or allowing child Prostitution	229M	(1) Any parent, guardian or person with care or custody of a child who knowingly and allows or facilitates, in any way, the engagement of that child in an act of child prostitution is guilty of a crime.	National
Receiving a benefit from child prostitution	229N	(1) Any person who knowingly receives any financial or other reward, favour or compensation from child prostitution is guilty of a crime.	National
Permitting premises to be used for child prostitution	229O	(1) Any person who is an owner, lessor, manager, tenant or occupier of property who – (a) knowingly allows child prostitution to take place on that property; or (b) within a reasonable time of gaining information that an act of child prostitution has taken place on that property, fails to report such occurrence to the police, is guilty of crime.	National

Offence	Section	Description	Which court?
Wilful Murder	299	(1) Subject to the succeeding provisions of this Code, a person who unlawfully kills another person, intending to cause his death or that of some other person, is guilty of wilful murder.	National
Murder	300	(1) Subject to the succeeding provisions of this Code, a person who kills another person under any of the following circumstances is guilty of murder:– (a) if the offender intended to do grievous bodily harm to the person killed or to some other person; (b) if death was caused by means of an act– (i) done in the prosecution of an unlawful purpose; and (ii) of such a nature as to be likely to endanger human life;	National
Manslaughter	302	A person who unlawfully kills another under such circumstances as not to constitute wilful murder, murder or infanticide is guilty of manslaughter.	National
Attempted murder, etc	304	A person who– (a) attempts unlawfully to kill another person; or (b) with intent unlawfully to kill another person does any act, or omits to do any act that it is his duty to do, the act or omission being of such a nature as to be likely to endanger human life, is guilty of a crime.	National
Urging, etc unlawful killing	308	(1) A person who– (a) incites, encourages, urges, counsels or commands the unlawful killing of another person; or (b) does or omits to do any act for the purpose of facilitating, enabling or assisting the unlawful killing of another person, is guilty of a crime.	National
Grievous bodily harm	319	A person who unlawfully does grievous bodily harm to another person is guilty of a crime.	National
Common assault	335	A person who unlawfully assaults another person is guilty of a misdemeanour.	District/ National
Assaults occasioning bodily harm	340	(1) A person who unlawfully assaults another and by doing so does him bodily harm is guilty of a misdemeanour.	District/ National
Serious assaults	341	A person who– (a) assaults another with intent– (i) to commit a crime is guilty of a misdemeanour.	District/ National
Rape	347	(1) A person who sexually penetrates a person without his consent is guilty of a crime of rape.	National

Offence	Section	Description	Which court?
Sexual Assault	349	(1) A person who, without a person's consent – (a) touches, with any part of his body, the sexual parts of that other person; or (b) compels another person to touch, with any part of this body, the sexual parts of the accused person's own body, is guilty of a crime of sexual assault.	National
Abduction	350	(1) A person who– (a) with intent– (i) to marry or carnally know a woman; or (ii) to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will; or (b) from motives of gain, and with an intent referred to in Paragraph (a), takes or entices away, or detains, a woman who is under the age of 21 years, and who– (i) has any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any property; or (ii) is a presumptive heiress or co-heiress, or the presumptive next of kin, or one of the presumptive next of kin, to any person who has such an interest, out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of the father or mother or other person, is guilty of a crime.	National
Abduction of girls under 16	351	(1) A person who unlawfully takes an unmarried girl under the age of 16 years out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of the father, mother or other person, is guilty of a misdemeanour.	National
Bigamy	360	(1) Subject to this section, a person who is married who goes through a form or ceremony of marriage with another person is guilty of an indictable offence.	National

Annex B: Applications for interim protection orders and protection orders under the FPA

Issue	Section	Interim protection orders and Protection orders – Provisions that are the same for both
Is there domestic violence?	5 (1)	Has the perpetrator committed any of these acts against a family member: <ul style="list-style-type: none"> • Assault (regardless of any physical injury) • Psychological harassment, abuse or intimidation • Sexual abuse • Stalking • Indecent or offensive behaviour • Damage to property • Threats to commit assault, sexual abuse or damage to property
Who is a family member?	2	A family member of the perpetrator is: <ul style="list-style-type: none"> • Spouse • Child of the perpetrator or his/her spouse's child • Parent of the perpetrator or his/her spouse's parent • Grandparent • Sibling of the perpetrator or his/her spouse's sibling • Any other person who is treated as a family member
Who can make the complaint?	7	<ul style="list-style-type: none"> • The complainant • Any of the following provided they have the written consent of the complainant: <ul style="list-style-type: none"> – Police officers – Legal practitioner – Any other person
How can you make the complaint?	4	Orally or in writing
Is there a fee payable?	25	No

Provisions that are different


Issue	Section	Interim protection orders	Section	Protection orders
Which court?	12 (1)	Village or district Court	2 & 16	District Court
Does the complainant need to be present?	12 (4)	No		Not specified
Does the defendant need to be present?	12 (4)	no	17	No, but the court must be satisfied that: <ul style="list-style-type: none"> • The defendant was served with a summons OR • The defendant was bailed to attend the hearing OR • All reasonable efforts have been made to give the defendant notice of the hearing
What do you have to show to get the order?	12 (2)	Reasonable grounds that the complainant is in danger of any form of domestic violence	16 (1)	Reasonable grounds to believe that the defendant has committed or is likely to commit an act of domestic violence against the complainant
What conditions will you ask for if the order is made?	12 (3)	Same as for a protection order	8 9 10 11	<ul style="list-style-type: none"> • The Defendant is of good behaviour and does not commit acts of Domestic Violence • Defendant and complainant cannot approach each other, communicate with each other, being in specific premises • The defendant cannot damage the complainant's property • The complainant is allowed to stay in the house • Counselling • Mediation
How long can the order be made for?	14	30 days, with a possibility of 30 days extension	19	Maximum of 2 years

Other considerations:

What type of proof or evidence will you produce in court to show the need for an interim protection order or a protection order?

- Statement of the complainant
- Medical evidence
- Other witnesses
- Photographs

Annex C: Ombudsman Commission Complaints form



OMBUDSMAN COMMISSION
COMPLAINTS DIVISION
COMPLAINTS INFORMATION FORM

OMBUDSMAN COMMISSION OF PNG P O BOX 1831 PORT MORESBY, N.C.D PH: (675) 308 2600 FAX: (675) 320 3211	FOR OFFICE USE ONLY: CASE NUMBER DATE
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1. COMPLAINANT'S (YOUR) FULL NAME
 If you are complaining on behalf of someone else, include here -

2. COMPLAINANT'S (YOUR) MAILING ADDRESS OR ANY OTHER CONTACT ADDRESS

3. YOUR EMPLOYER	4. RESIDENTIAL ADDRESS
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5. NAME OF FRIEND/ RELATIVE AND TELEPHONE NUMBER WE CAN CONTACT WHEN YOU ARE NOT AVAILABLE

6. DEPARTMENT/ STATUTORY BODY/ AGENCY ETC YOU ARE COMPLAINING AGAINST

7. PERSON (S) WHOSE CONDUCT YOU ARE COMPLAINING AGAINST

a. NAME:

b. TITLE:

8. PROVINCE WHERE CONDUCT COMPLAINED ABOUT HAPPENED AND DATE OF INCIDENT OR ACTION

9. COMPLAINT (SUBJECT MATTER)

10. DETAILS OF COMPLAINANT'S (YOUR) PROBLEM (WHO, WHAT, WHERE, WHEN & HOW)

You should provide as much detail as possible here including specific information, dates, times, places, names of people involved. If you know who was involved include their names, position, title, job, etc.

If your complaint is against the police for failing to do something, you should include a description of the original incident as well as information relating to the police's failure to act. For example, if the police have failed to arrest the perpetrator of a crime, you should include: time passed since crime took place, fact that perpetrator is known to the police, etc.

Annex D: Individual complaint form
[for special rapporteur on violence against women]

The form is available here -
<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Complaints.aspx>

1. PETITIONER: (This information, if taken up by the Special Rapporteur, will remain confidential).

- (a) Name of person/organization:
- (b) Relationship to victim(s).....
[note: include your name if you have completing the form on behalf of someone else]
- (c) Address:
- (d) Fax/tel/e-mail, web-site:
- (e) Date petition sent:
- (f) Other:

2. ALLEGED INCIDENT

(i) information about the victim(s):

- (a) Name:
- (b) Sex:
- (c) Date of Birth or Age:
- (d) Nationality:
- (e) Occupation:
- (f) Ethnic/religious/social background, if relevant:
- (g) Address:
- (h) Other relevant information: (such as passport, identity card number): Address:

11. WITNESS	12. DOCUMENTS
Include all names, contact details of witnesses.	Include all relevant documents; letters written, medical evidence, police report, etc.

13. WHAT DO YOU WANT OMBUDSMAN COMMISSION TO DO?

14. WHAT ACTION HAVE YOU TAKEN TO REMEDY (SOLVE) COMPLAINT BEFORE APPROACHING THE OMBUDSMAN COMMISSION?

Detail what steps you have taken including letters written, in person meetings (time, date, place, name of everyone present, outcome of meeting), phone calls made (time, date, place, name of everyone present, outcome of meeting), complaints made to other authorities, etc.

15. SIGNATURE OF COMPLAINANT:

16. DATE:

(i) Has the victim(s) given you her consent to send this communication on her behalf?

(j) Has the victim(s) been informed that, if the Special Rapporteur decides to take action on her behalf, a letter concerning what happened to her will be sent to the authorities?

[note: the letter sent to the government will include the victim's full name so that the complaint can be investigated]

(k) Is the victim(s) aware that, if this communication is taken up, a summary of what happened to her will appear in a public report of the Special Procedures of the Human Rights Council?

[note: the special rapporteur produces yearly reports which include summary of all cases they have agreed to take on. The victim can ask that her initial be used in this report instead of her full name – refer to the next question]

(l) Would the victim(s) prefer that her full name or merely her initials appear in the public report of the Special Procedures of the Human Rights Council??

(Please note that the full names of victims appear in communications with governments unless it is indicated that exposing the victims' names to the government would place the victims at risk of further harm. In the public report, the names of victims under the age of 18 and victims of sexual violence will not be disclosed, but initials or letters in alphabetical or random order will be used).

(ii) information regarding the incident:

(a) Detailed description of human rights violation:

[note: you should explain in as much details as possible what happened. You should include names, dates, locations, times, etc.]

(b) Date: (c) Time: (d) Location/country:

(e) Number of assailants:

(f) Are the assailant(s) known or related to the victim? If so, how?

(g) Name or nickname of assailant(s) (if unknown, description, scars or body marks such as tattoos, clothes/ uniform worn, title/status, vehicle used):

(h) Does the victim believe she was specifically targeted because of her sex?

If yes, why?

(i) Has the incident been reported to the relevant State authorities?

If so, which authorities?

When?

(j) Have the authorities taken any action after the incident?

If so, which authorities?

What action?

[note: if the case has been referred to the police and they have not done anything – write NONE here]

When?

(l) If the violation was committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

[note: if the case has been referred to the police and they have not done anything, you should set out in details how this has been referred, what has happened, if anything. If you have sent letters and met with people, include copies of the letters and details of the meetings including time/dates/names of persons present/ outcome]

Similarly, if the case is before the court and nothing is happening, you should set this out in detail here.]

(m) Has the victim seen a doctor after the incident took place? Are there any medical certificates/notes relating to the incident concerned?

