

A Written Submission by the Political Science Department – University of Papua New Guinea addressing selected Terms of Reference points outlined by the Special Parliamentary Committee on Gender Based Violence 2021.

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This is a written submission from the Political Science Department at the University of Papua New Guinea. The submission responds to Terms of Reference A and H.

TOR (A): Gender Based Violence in Papua New Guinea

## 1. Introduction

Papua New Guinea (PNG) is a society desperately trying to keep up with a world that is moving incredibly fast. Technological, scientific, politics and the arts and culture of the 21st century has set a pace that has left PNG trudging behind. As with many developing countries, PNG has its own set of problems, in recent times the country has seen an increase in different forms of Gender Based Violence (GBV), including Intimate partner violence (IPV) and Sorcery Accusation Related Violence (SARV).

In this submission addressing TOR (A) we will be using research we have conducted on GBV, IPV and SARV to inform our responses and guide our recommendations.

## 2. Intimate Partner Violence

GBV has reached epidemic levels in the country, a real cause for concern, so it has been a positive step the government has taken by setting up this parliamentary committee to address these issues.

Research done by Minetta Kakarere for her Honors thesis investigates the critical issue of IPV – a form of violence by an intimate partner. Prominent cases like the murders of Ruby Laufa and Jennelyn Kennedy are just a tip of this deep seated and profound wickedness that is holding society at ransom.

According to the study on the factors that instigated intimate partner violence in NCD, 152 police records of IPV cases from Family and Sexual Violence Units (FSVU) in NCD were analysed. There were 15 root causes identified with corresponding cases in the specified location; 1. Extra-marital affair (38 IPV cases), 2. alcohol consumption (24 IPV cases), 3. financial factors (23 IPV cases), 4. aggressive and violent behaviour (14 IPV cases), 5. jealousy (14 IPV cases), 6. arguments (13 IPV

cases), 7. possessive and controlling partner (13 IPV cases), 8. polygyny ( 5 IPV cases), 9. patriarchal mentality (4 IPV cases), 10. insecurities (3 IPV cases), 11. separation (2 IPV cases), 12. gossip (2 IPV cases), 13. pornography (f 2 IPV cases), 14. woman neglecting children (1 IPV case) and 15. lastly drug influence (1 IPV cases).

However, most of these cases were unsuccessful meaning the perpetrator was not punished accordingly, this was the case because most of the perpetrators were the sole breadwinners, victims were threatened hence decided to solve the matter outside of the formal procedure. Hence, only 20 cases were successful where the victim got justice. Also, 40 cases were pending, 33 cases were referred to other centres (welfare, village, family and district court) for the appropriate services and 9 cases the perpetrators were warned and later released. According to the research unemployed young adult women (19-39 years) tend to experience violence from their intimate partners then middle age adult women.

Similarly, IPV perpetrators were employed men between 20-39 years. From the study most young adult men tend to commit IPV then middle age adult men. The study also revealed that physical abuse was the main form of abuse experienced by 60 victims, followed by psychological abuse experienced by 46 victims, 45 victims suffered from both physical and psychological abuse and lastly one victim experienced all three forms of abuse at one time (physical, psychological and sexual).

GBV is no longer a private affair but is now a public concern because its implications are immense and does not only affect the familial circle but extends to the communities, societies and the country as a whole. GBV's correlation to women's economic opportunities is that it reduces the ability of women to participate in social and economic activities since most of the victims as shown in the recent research were unemployed the physical and psychological effects of violence will further cause them to live in poverty (Minnesota Advocates of Human Rights, 2003) because when women are physically hurt and are psychologically affected they cannot go to work, or are always late at work, they perform poorly at work and have a record of unapproved absence.

This further result in pay reduction, less or no incentives from the firm or organisation, demoted and so on (Darko et al., 2015). GBV especially IPV damages women's confidence resulting in fear of venturing into public spaces, increased vulnerability to other types of GBV, job loss due to absenteeism as a result of violence, and negative impact on women's income generating power (Minnesota Advocates of Human Rights, 2003).

Furthermore, GBV is one of the results of societies and communities that does not see the two genders (male and female) as equal. This is usually the case in patriarchal societies where it is normal and accepted for men to hit their wives. According to the research conducted in 2020 some victims of IPV experienced violence due to lack of submission to their partners since it was against the social

norm where women must submit to men regardless. Moreover, GBV especially IPV may lead to a host of negative sexual and reproductive health consequences for women, including unintended and unwanted pregnancy, abortion and unsafe abortion, sexually transmitted infections including HIV, pregnancy complications, pelvic inflammatory diseases, urinary tract infections and sexual dysfunction (WHO 2012). On the whole these are some of the implications of GBV.

According to the research conducted to identify the Factors that instigated IPV in NCD in 2020 most of the male perpetrators were young adult men between 20-39 years. Most of these men have male children and with this violent behaviour they are sending a very wrong message to them as well as to the young men in the communities they reside. Their actions will tell children and other young men that it is appropriate and acceptable for men to hit women which is very wrong. This will further lead to more gender inequality practises within the country especially in areas where IPV is condoned or viewed as normal especially in patrilineal societies. This will also cause young women to accept violence as the means to solve relationship conflicts as well as appropriate for men to hit them. When that happens, it can become a norm in our societies and will continue to be passed down to other younger men and women which is not helpful for the country as a whole.

#### 2. 1. Long Term measure

Hence one measure that could lead to behavioural change of the future generations is to educate the upcoming generations in all schools both private and public on principles and values surrounding gender equality. This will hopefully help to alter the patriarchal norm where men will tend to see and appreciate women as an equal partner needed in the development process of the country, who are supposed to be loved and respected and not abused. Just like how societal values shape an individual, values and principles taught in schools can also shape and mould an individual.

#### 2.2. Short Term

Train and help community leaders' right across PNG to understand the importance and outcome of preventing GBV in communities and societies and its impact on the country's growth and development. So that they can be pro-active in helping victims and survivors of GBV as well as making sure the perpetrators are dealt with accordingly within their communities. This will portray a good image of the adults to their children that violence is not a good practise and is certainly not a solution to relationship issues.

### 3) Sorcery Accusation Related Violence

Since the public killing of Kepar Leniata in February 2013, national and international outrage sparked protests and various calls from the international community for the PNG government to address this humanitarian issue. In a paper written by Geejay Milli, she points out that PNG is developing much too quickly, considering its very recent adaptation to modernity.

An article by a contributor in the Livescience website describes culture as:

the characteristics and knowledge of a particular group of people defined by everything from language, religion, cuisine, social habits, music and arts. No matter what culture a people are part of, one thing is for certain it will change. Culture is no longer fixed, it is essentially fluid and constantly in motion, this makes it difficult to define any culture in only one way.

Thus, essentially if culture is changing constantly it is highly possible that the shift in patterns of traditional religious practices and beliefs and essentially the rising trend of sorcery related accusations, witch hunts and murders is a reflection of the changes that society is enduring in light of globalization, westernization and introduction to modernity.

it is important to realize that PNG is firstly a postcolonial society, the legacies of colonialism have imprinted not only systematic damage on society but has had a profound impact on the psychology of people. Cargo cults, colonial inferiority complex and the frustration of wanting what the Western world possesses are very common and only adds to the turmoil of the increasing societal, economic, political and cultural issues. These so called traditional religious 'punishments' are ruses to hide the real reasons behind the murder of women and vulnerable individuals.

## TOR (H): Temporary Special Measures for Papua New Guinea Women

### 1. Introduction

This submission aims to contribute to TOR (H) of the Parliament Inquiry into Gender Based Violence that reads:

*Inquire into how women leaders can be more pro-actively supported to ensure that women can lead the response to Gender Based Violence (GBV), including, by examining options for implementing temporary special measures for women in Parliament.*

This submission is restricted to the latter part of the TOR (H)- 'options for temporary special measures for women in parliament.' This is done to ensure a more focused submission. This submission draws largely from a blog published by an article co-published by Michael Kabuni and Danny Agon. It was published by the Australian National University's Crawford School of Public Policy.

### 2. Background

Papua New Guinea (PNG) is one of three countries without a single woman in parliament. Two previous attempts to increase women's representation in PNG's parliament were unsuccessful.

#### 2.1. Attempt 1 - nominated members

Section 102 of the PNG Constitution allows for parliament to appoint a person (other than an MP) to be a nominated member of parliament. This process requires a two-

two-thirds majority vote in parliament. The first attempt to increase women's representation in PNG's parliament relied on this provision of the Constitution to get three women nominated to parliament. In 2009, the Somare-led government, backed by Dame Carol Kidu, who was then a member of the cabinet, put a motion to parliament for nominated female representatives.

This process began with a call for expressions of interest, which attracted 78 applicants. A human resources (HR) company was engaged to undertake the process of selecting 12 women from 78 applicants. The HR company provided 12 names to a panel. After interviewing the candidates, the panel recommended six women to Prime Minister Michael Somare and Opposition Leader Mekere Morauta, who were tasked with selecting three to be nominated as women representatives. The night before voting, the opposition withdrew their support for the proposal, and didn't submit their list. Somare selected three women and presented the names to parliament for voting but failed to get the mandatory two-thirds majority to nominate them – 60 MPs voted for the proposal, 16 voted against it, and 33 abstained. Although the nomination approach fell short in 2009, it could be revived again. Yet in recent years a different approach has been taken: reserved seats.

## 2.2. Attempt 2 - reserved seats

After failing to have women nominated through existing provisions of the Constitution, women leaders lobbied for the creation of 22 reserved seats for women based on provincial electoral boundaries. This approach had an obvious strength: reserved seats would see women MPs elected by voters, not appointed by political leaders. Reserved seats required an amendment to section 101 of the Constitution, with the addition of section 101(d) creating the seats. This amendment just needed a simple majority in parliament. Yet, the enabling legislation involved an Organic Law, which required a two-thirds majority. When the vote for the enabling legislation, the Organic Law on National and Local Level Government Elections, was taken in early 2012, it failed to reach the two-thirds majority. By then, Somare –

who had been supportive of the reserved seats – had been removed as prime minister in 2011, and Dame Carol Kidu had moved to the opposition. The new O’Neill government failed to pass the enabling legislation.

Despite both attempts failing to increase women’s representation, they started a nationwide conversation, and in 2012, three women were elected to the PNG parliament. However, the three failed to be re-elected in 2017, and no new women were elected.

### 2.3. Attempt 3 – 5 Reserve Seats

The current proposal to create five reserved national seats for PNG women is a repeat of the 2011 efforts, but with a reduced number of seats. Each of the proposed seats will be allocated to a ‘region’ including the Highlands, West Papua, East Papua, New Guinea Islands and Momase.

From past experience, the main challenge will be mustering the political will to amend the Constitution and pass the enabling legislation. It’s hard to tell if this support exists, but there are encouraging signs.

In the past two attempts, the proposals for increasing women’s representation were driven by women and stakeholders who were non-parliamentarians, with the exception of Dame Carol Kidu. This time there seems to be more support within parliament. In November 2019, Prime Minister James Marape said there would be no reserved seats for women. But he now supports the ‘reduced’ proposal. In the case of the parliamentary opposition, when Peter O’Neill was prime minister in 2019, he promised that if there were no women elected in the 2022 election he would revive the proposal for 22 reserved seats. And if that didn’t attract support from politicians, he would push for four reserved seats. Furthermore, a coalition of 20 MPs from both sides of the house, who make up the Parliamentary Committee on Gender-Based Violence, are supporting the current proposal.

There is also a promising proposal before parliament to revise the Organic Law on the Integrity of Political Parties and Candidates to require that at least 20% of all parties' candidates be women.

#### 4. Options for PNG Government

This section presents three options for increasing women representation in the PNG parliament, drawing from examples in the region.

##### 4.1. The Bougainville Model

The Autonomous Region of Bougainville has three 'regional' reserved seats for women, and three others for ex-combatants. The regional seats are: North Bougainville, Central Bougainville and South Bougainville. Only women candidates contest for this reserved seats for women, but both eligible men and women vote for the women candidates.

The Bougainville Model offers lessons on the limitations and challenges of reserved seats. The size of reserved seat electorates in Bougainville is larger than the 33 open seats, which requires extensive resources and time to campaign. Also, the discretionary funds allocated to these electorates aren't proportional to their size. They get the same amount as the smaller open seat electorates, making it hard for the representatives to tangibly help their constituents.

If five (5) national regional seats for women are created, the challenges will be even greater. The proposed regions are vast. It's hard to see how aspiring regional MPs will be able to gather meaningful support across their regions. Without a substantial support base, the new MPs' mandate will be weak. What's more, without adequate resources, the new MPs will face major challenges engaging with their constituents.

Since Bougainville created the reserved seats in 2004, women have been elected to these seats in four consecutive elections – 2005, 2010, 2015 and 2020. However, women contesting open seats have had little success, with just one woman winning

an open seat in 2015 and another in 2020. There is a misconception that since women have reserved seats they should not be elected to the open seats. As Bougainville has shown, reserved seats are a good way of getting women into parliament. Yet it has also shown that large reserved seats create problems of their own. These problems will be greater in the regional seats proposed for PNG's national parliament.

#### 4.2. The Samoan Model

The Samoan Model is a hybrid version, which derives from the New Zealand 'party list' model. The Samoan constitution requires 10% of the MPs to be women. Since there are 50 MPs in the Samoan legislature, there must be a minimum of five (5) female MPs at any one time.

This is how it works:

If, during an election, no female candidate is elected, then the top five female candidates, who polled the highest, will be automatically chosen as women representatives, taking the total number of MPs to 55. If four women are elected, then only one woman who polled the highest will be appointed as the fifth female MPs, increasing the total number of MPs to 51. If five women MPs are elected, then there will be no need to appoint the female MPs. The total number of MPs remains at 50.

The limitation of such model is that, the female MPs that are nominated do not represent any constituency (electorate). This is because the male counterparts already occupy the seats by virtue of winning the election for the seat.

The advantage for this model is that, the female MPs concentrate on policies programs, and champion on wide ranging issues. They debate, vote, and propose legislations like any other MP. In fact, the female MPs appointed through this model perform the conventional role of legislatures, which is to focus on policy and legislations. And not playing the role of service providers, which is what MPs in PNG do.

### 4.3. The New Zealand Model

The New Zealand model does not necessarily support women representatives, but an hybrid version can be used for PNG. New Zealand has two ways in which representatives are selected. First, a candidate contests, and is elected to the parliament. Second, the political parties are allocated seats based on the overall performance of the parties, so that the parties with the highest number of nationwide votes get to choose a specified number of MPs from their party member database to represent the party in parliament. For instance, if a particular party gets 50% of the total votes nationwide, that party is allocated a certain number of seats in parliament. The party then decides who, among their party members, should be appointed to the seat allocated to the party.

### 4.4. A hybrid version combining the Samoan Model and New Zealand Model.

First, a specified minimum is set for women representation in the PNG parliament. Let's say 10% of the seats in PNG parliament should be reserved for women, this equates to 12 seats in Parliament.

Second, if 12 women MPs win the elections, there is no need for appointing additional women. But if less than 12, let's say three (3) women win the election, then following the Samoan Model, nine (9) women who have scored the highest among women candidates contesting the election are appointed to parliament.

Alternatively, following the New Zealand Model, these nine (9) female MPs can be appointed from parties with the highest number of votes collected nationwide.

### 4.5. Revisit PNG's past efforts

The final suggestion would be to return to the past efforts, namely, the nominated members provision under section 102 of the Constitution, and 22 reserved seats created under 101 (d) of the Constitution.

Note:

We do not offer a specific recommendation to the Committee. We only offer options that the Committee can investigate. We are happy to assist with further research on the utility of each option.