

# The struggles of women and girls in Simbu Province

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## Introduction

This article discusses two kinds of violence: violence against women and violence against children. A lot of the violence inflicted has a direct relation to childbirth, abuse of the rights of women and children, and the fact that women and female children are the silent suffering minorities in the Highlands of Papua New Guinea.

Women's rights have been widely researched and written about as an illustration of the tension between human rights and customary law in Papua New Guinea (PNG). The Law Reform Commission has also done important work in this respect, including proposing legislative reforms. The Papua New Guinea Government has a well-developed legal system and the national constitution guarantees men and women equal treatment before the law. The government has also committed itself to United Nations (UN) conventions and declarations affirming women's right to fair treatment in family law and in cases of violence against them. The Convention on the Elimination of Discrimination against Women was agreed to by the national parliament in June 1994 and commits the government to eliminating all discriminatory laws and customs. At the same time, there is no recognised authority in Papua New Guinea to monitor the situation of children and implement the Convention on the Rights of the Child (CROC), even though the government signed and ratified the CROC in 1993.

This article focuses on the everyday situation of women and children in Simbu Province, the attempts being made to address the problems identified, and the practical difficulties of running programmes of change.

## Development problems and opportunities

Simbu Province is positioned in the middle range of Papua New Guinea's provinces in the ranking of most indicators of health, nutrition, education and income. However, in many other ways, it is among the least developed. Simbu is highly populated, with little arable land, no large scale commercial agriculture and a very limited urban sector. There are very few employment opportunities and, as a result, emigration is increasing. There is also considerable dissatisfaction and unrest.

Women experience a range of social and economic problems related to their subordinate position in Simbu society. Issues of major concern to them relate to the difficulties they face as unmarried mothers, as victims of domestic and all other forms of violence, and as a result of their inadequate control over resources for income generation. Women have less access to and

control over cash income than men, and whatever income they do receive is generally used to satisfy the needs of the whole family.

Women have benefited much less than men from those government services that do reach rural areas, with the exception of maternal and child health services. Women, however, are very interested in receiving training, particularly in literacy, agriculture, marketing and the management of microenterprises (North Simbu Rural Development Project 1993).

## Violence against women and children

PNG traditions still dictate much of people's daily lives. The Highlands region is widely acknowledged as a strongly male-dominated society within which women and children are a silent and subordinate group. The violence being committed by men against women and children includes wife beating, brothers beating sisters, managers hitting subordinate female staff, child sexual abuse, rape and sexual assault, sexual harassment, and discrimination against women and girls.

Violence within the family is often dismissed by 'society' as a 'family problem'. Inter-tribal fighting entails rape and property damage, but men treat it as a game and more and more young men are participating. Women are also the target of 'witch hunts', being regularly accused of sorcery whenever a person falls ill or dies. The practice of polygamy is still rife in Simbu, perhaps more so now than in the past owing to the impact of socioeconomic change.

The situation described above is similar in most other parts of the Highlands. Women are born into a difficult and demanding society. They learn to work, produce and manage in an extremely tough physical and stressful social environment. The situation of women and children has become even worse in the face of the latest drought attributed to the El Niño effect. At the same time, while women are victims, they are also survivors.

## The distortion of custom

There can be little doubt that women in PNG society today are viewed and treated differently from their female ancestors. However, it is hard to unravel genuine tradition from myth. Cultural notions have been greatly distorted to justify or defer consideration of a wide range of issues relating to gender violence and abuse. Family living arrangements have changed from extended to nuclear. There has been a shift from rural patterns of subsistence agriculture to urban-oriented cash economies.<sup>1</sup>

Sexual practices are changing rapidly. Brideprice, a custom in the Highlands and some coastal provinces involving the exchange

of traditional wealth, has now become a cash transaction. Cash received is quickly dispersed and spent among the bride's relatives, leaving her no recourse in the face of violence within her marriage because she cannot repay the brideprice if she leaves. Wife beating and other forms of abuse are linked to women's high morbidity and mortality rates and to the death or disabling of unborn children. Very few of these cases are ever reported to the police.

Polygamy is now considered by many men as a right attached to their own personal power, status or wealth. Modern-day polygamy is dysfunctional and violent. Where it is commonplace, there is an increase in the number of violent assaults between co-wives, causing serious injury or even death. Because of polygamy, there are now significant numbers of women in prison. The psychological stress it causes needs to be further researched.

### **Village courts and customary law**

Customary law remains strong in the Highlands of Papua New Guinea (Doherty and Garap 1995), although customs are changing with development. Village courts were created to mediate local disputes using customary law but, in practice, they usually serve only the interests of men. The powers of the courts are determined by the national parliament. The appointment of village court magistrates is decided by provincial governments (which contain no women except appointed representatives who have no voting rights). Despite the constitution's guarantee of equal rights, these courts do not treat women, young people and less educated members of the community as fairly as they do better educated males.

The primary function of the village court is to ensure peace and harmony in their area. They have civil power to deal with people who are claiming compensation, and matters such as the custody of children, brideprice and compensation for death unless the death occurred in a road accident. They have the power to punish certain crimes which are listed in the Village Court Act. The penalties permitted include a monetary fine or a community work order. If the offender fails to pay the penalty without a good excuse, he/she can be put in jail for one week for every K10 outstanding. While that is intended as a maximum penalty, in practice village courts often impose it as a matter of course. They rarely consider reasonable excuses for inability to pay a fine. In a significant number of cases, prison sentences for women are imposed improperly by these courts.

Village courts discriminate against women and children in numerous ways:

- Court proceedings are intimidating, and women feel they cannot speak freely.
- Most of the magistrates are men, trained poorly or not at all, and sometimes not even properly appointed.
- A woman's word is often not accepted.
- The courts often do not give people, particularly women, the right to speak, nor do they always listen to both sides as they are supposed to.

- People in rural areas are not always given enough notice to attend court to enable them to travel there in time.
- Male offenders are not punished. Sexual assaults are often referred to the village courts where they are resolved by compensation payments. Even when rape cases do go to the police, the accused are frequently granted bail.
- Women are often blamed for rape or marital problems because of traditional patterns of thought.
- The courts often enforce traditional attitudes and values which are oppressive for women and young people.
- Women bear the burden of communal compensation payments. Compensation for rape is usually paid to the male relatives of the victim, not to the raped woman. Female relatives of the male offender often have to make the payment in cash, pigs or garden produce. These women become angry at the victim.
- There is a lack of district courts in Simbu Province to use as an alternative to the village courts. Most people do not want to spend money getting to the provincial headquarters, so they allow village courts to settle their disputes, however unsatisfactorily.

The village courts are not the only authorities failing to protect women and children. Police brutality and lack of sensitivity also contribute to the suffering. Women inmates in jails have been assaulted and raped by police on duty.

After meeting with women in Simbu in 1993, national court judge Mr Justice Brown reported that they claimed to be systematically discriminated against. The complaints brought to his notice related to the use of village courts to resolve disputes 'traditionally', in a way that breached constitutional guarantees of equality and the national goal recognising the family as the basic social unit in a Christian society. As the number of polygamous marriages increases and spreads from traditional 'big-men' to other men (possibly as a result of salaried employment), women have found that their customary responsibility as subsistence farmers has been adversely affected by village court decisions which, they have said, take no account of the part men play in generating disputes.

It is clear that there are serious problems in the Highlands with respect to family law (Zorn 1994–95).<sup>2</sup> Men still treat women as property and, when women wish to exercise their equal rights as guaranteed under the constitution, men create trouble. The national court is waging a lone battle to try to give effect to the provisions of the constitution. The pervasive denigration of women may appear to the judges to be beyond the reach of merely legal solutions, but the behaviour of the village courts towards women could still be changed. After all, in the hierarchy of the PNG legal system, the village courts are directly answerable to the district courts, and ultimately to the national and supreme courts.

## Efforts by women to combat violence

By 1983, women in Papua New Guinea were protesting against violence, including the increase in domestic violence. They were demanding law reform. National surveys revealed the extremely high incidence and severity of wife beating. A 1994 UNICEF report showed that Papua New Guinea had the world's second highest incidence of domestic violence (*Pacific Islands Monthly* 1995). The incidence of rape increased from 285 reported cases in 1980 to 1896 in 1990 (*Sydney Morning Herald* 1998).<sup>3</sup> However, more than a decade of campaigning has brought little real improvement in a society where modernisation is accompanied by a rapid downward spiral in the status, safety and power of women. Ironically, this is happening at the very time when there are political and public calls for women's increased participation in all forms of social, economic and political life.

A local NGO, the Women and Law Committee, which was established in association with the work of the Law Reform Commission, implemented a massive popular media and education campaign aimed at raising awareness and changing attitudes and behaviour. It ran for six years and achieved an impressive increase in awareness that wife beating is wrong, and that women have the right to be free from violence. It spread the message that there are laws in place to protect women and that women, communities and the police should do more to enforce the laws relating to domestic violence.

In recent years, however, reforms have stalled and the campaign has lost its momentum. The problem of gender violence has become more complex and urgent. Women's organisations wishing to take more direct local action have begun to establish crisis centres, guided by the successful Fiji Women's Crisis Centre. However, without the latter's strong feminist underpinnings and in a society with much more open hostility towards women, the establishment of viable and effective crisis centres in Papua New Guinea is an extremely slow process.

Crisis centre staff and support communities have found themselves increasingly locked in battle with intransigent and negligent police, not to mention the male public. Some workers feel extremely threatened personally and insecure in their attempts to advocate and act to protect women's rights. Other women are quick to deflect these initiatives and defend 'men's rights'. Making a breakthrough is very difficult.

The Simbu Women's Crisis Centre was set up in 1995. Funded by Save the Children Fund (New Zealand), the centre mainly concentrates on awareness raising/advocacy of women's and children's human and legal rights, and on counselling and educational programmes. The long-term plan is to assist the district women's councils to set up similar establishments in the other districts within the province. With only one staff worker to run it, the centre tries to work with a network of people and organisations and has a fair number of representatives (for example, police, churches, educational institutions) on the

Committee against Violence against Women and Children. The centre also has a part-time male counsellor who comes in twice a week to provide a service to men who seek counselling.

Two men who work closely with the centre are the deputy administrator for the province and the assistant provincial police commander. The administrator brings women's issues to the forefront at senior management meetings and makes sure that the provincial women's officer attends all such meetings. The police commander provides opportunities for the centre to talk at police meetings and workshops. Centre staff are encouraged by this support in the struggle to address the problem of violence against women and children.

## Some strategies for change

The women's movement is still weak in Papua New Guinea, especially when it comes to the task of using the UN Convention on the Elimination of Discrimination against Women, the Platform for Action, and the Global Women's Rights campaigns to change legislation, policy and practice. The establishment of the crisis centres is a start but they are still faced with too much community and police resistance and opposition. There is a danger that the women involved in these initiatives will become overwhelmed by the number and severity of problems.

Two years' active campaigning by 'Wearing Black on Thursdays' (an international campaign initiated by the World Council of Churches as a silent protest against violence against women and children) has been a regular reminder to the provincial administration and to the public of all forms of violence. The protest is inclusive; men who are victims of domestic violence or who are against any forms of violence are also encouraged to wear black on Thursdays.

A further opportunity is presented by the recent creation of local-level governments. The centre is now putting together some ideas on the kind of local government laws that could address violence against women and children. These ideas will be given to the provincial government lawyer who will draft legislative provisions for consideration by the provincial assembly. If such proposals become by-laws, they will then be subject to enforcement in the village courts.

The role of crisis centres and other relevant organisations is to speak out and educate Papua New Guinean men and women on women's and children's rights in small communities by counselling, by monitoring violence and by officially reporting alleged cases of abuse. We aim to deter male offenders and to empower women to work together to improve their status and that of their children.

After the evaluation of the work of the centre, a child rights desk will be set up to address child abuse cases. Whoever coordinates this programme will have to be strong in character to be able to deal with the manmade tradition that continues to suppress women and children.

## Acknowledgement

This is a shortened version of chapter 10 in Sinclair Dinnen and Alison Ley (eds) forthcoming, *Reflections on violence in Melanesia*, Federation Press and Asia Pacific Press, Canberra.

## Notes

1. I thank Elizabeth Cox of the Save the Children Fund, Wewak, Papua New Guinea, for the use of her draft article, 'Gender violence and women's health in PNG, 1997', in this section.
2. Jean Zorn (Professor of Law, who taught at the Pacific Law Unit of the University of the South Pacific and, in the 1970s, at the University of Papua New Guinea) came to this conclusion when she wrote about the case of a Highlands woman who was sent to prison for adultery by the village court, and whose case was reviewed by the national court (unreported National Court Judgment N959 1991).

3. The article notes a particularly high incidence in the Highlands, where pack-rape is connected to tribal fighting. The article is based on an AusAID consultation by Anou Borrey.

## References

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