
PARTICIPANTS' PAPERS

TRAFFICKING IN PERSONS IN PAPUA NEW GUINEA: AN EMERGING ORGANIZED TRANSNATIONAL CRIMINAL ACTIVITY

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I. INTRODUCTION

Trafficking in Persons is heard of in Papua New Guinea but barely visible, given the insufficient attention by the government on crimes against human beings. However, due to the current trend in movement or migration of people from country to country over the last 20 years or so, it is becoming a reality in Papua New Guinea with the influx of foreigners entering the country. The first recruitment of natives by colonizers in the early 1930s was purely for economic growth with only natives being recruited to work on coconut, coffee or cocoa plantation as laborers to construct roads, schools, hospitals or as guides or trekkers and interpreters. Currently, Papua New Guinean and foreign men and women and children have been trafficked mostly into the mining and logging areas to be engaged in forced labor, prostitution and sexual exploitation.

In Papua New Guinea, trafficking in persons has become a major political issue, but many aspects of the phenomenon remain poorly understood. The information available about the magnitude of the problem is limited given the difficulties in measuring and monitoring. Generally, the knowledge of trafficking in persons, recruitment, transportation, harboring, transfers and receiving gave raise to public consciousness about the issue, but remains insufficient for government support to a more comprehensive action program for addressing different dimensions of the problem.

II. DEFINITION OF TRAFFICKING IN PERSONS

Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.¹

III. THE ACTUAL SITUATION OF TRAFFICKING IN PERSONS IN PAPUA NEW GUINEA

A. The Current Situation of Trafficking in Persons in Papua New Guinea

Papua New Guinea becomes a source of destination and transit country for men and women to be trafficked into the country for commercial sexual exploitation and forced labor and domestic servitude. Men are trafficked into logging and mining camps and plantations for the purpose of forced labor, while women and children from Malaysia, Thailand, and the People's Republic of China and the Philippines are trafficked to PNG for forced prostitution and production of pornographic materials.²

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¹ Article 3 UN “Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.”

² U.S. State Dept Trafficking in Persons Report, June 2009.

Government officials facilitate trafficking by accepting bribes to allow illegal migrants to enter the country or to ignore victims forced into prostitution or labor; by receiving female trafficking victims in return for political favors, and by providing female victims in return for votes.

The government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making a significant effort to do so. The Government acknowledged the existence of forced labor in PNG, but denies the widespread sex trafficking of women and children.

Some corrupt government and law enforcement officials accept bribes to ignore trafficking related activity. Despite evidence of a trafficking problem, to date no suspected trafficking offender has been arrested, prosecuted, or convicted of a human trafficking offence. The Government lacks a systematic procedure to identify victims of trafficking in vulnerable populations, such as foreign women or children in prostitution, and has done very little or nothing to prevent trafficking in Papua New Guinea.

B. Forms of Exploitation

Forms of exploitation are sexual exploitation, such as forced prostitution and production of pornography, and forced labor of young women who are employed as waitresses and bar girls by Chinese businesses, such as operating hotels, taverns, night clubs and poker machines in the cities and towns. In the mining and logging camps, foreigners and nationals work in very dangerous conditions. Frequently with no safety gear, excessive hours with very little pay.

In a known logging camp in the East New Britain Province of Papua New Guinea, local children, especially young girls at the age between 12 and 15 are being employed in kitchens as cooks and have been sexually exploited. Eventually a few of them end up pregnant and gave birth to mixed raced children. No one knows who fathered the children.

C. Analysis of the Causes of Trafficking in Persons

As is increasingly recognized, there are many analytical causes for trafficking in persons crime to be committed, a crime that is perpetrated mainly against women and children. The most common causes for trafficking in persons in Papua New Guinea is poverty, unemployment, lack of opportunities and the practice of poor families entrusting children to affluent relatives or acquaintances. While on the other hand Papua New Guinea has no legislation, other legislation has weak penalty, corruption by government agencies that are entrusted to monitor the movement of people and the attraction of huge financial profit with low investment.

IV. MEASURES OF PROSECUTION

A. Criminalization of Trafficking in Persons and Related Acts

Papua New Guinea, being a member of the state party to the United Nations Convention against Transnational Organized Crime, and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, has reported very little and done almost nothing against trafficking offenders over the years. There is nothing in the Criminal Code on trafficking adults, or children for commercial sexual exploitation, slavery, and abduction. Labor laws prohibit fraudulent recruiting and employment practices and prescribe very weak penalties for offenders. Prostitution is prohibited in PNG, but the relevant laws are either selectively or rarely enforced even in cases involving children. The government should adopt legislation to establish criminal offences as set forth in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. In a recent investigation report compiled by the National Intelligence Organization said, "trafficking in person is a world wide problem becoming a threat to Papua New Guinea, as it is being used as a transit point to Australia and other pacific countries."³

B. Obstacles to the Investigation of Trafficking in Persons

In Papua New Guinea, the law does not prohibit trafficking in persons. Most government officers and law enforcement agencies remain weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. There have been unconfirmed reports of trafficking in persons domestically within some parts of the country, but when authorities enquire to establish the facts, the people

³ Draft report to the Minister for Foreign Affairs on Abuses and Violations of PNG Migration, Passport and Citizen Acts. July to September 2001, pp 8.

are reluctant to co-operate.⁴ Such is that it is customary for the family of the groom to pay a “Bride Price” to the family of the bride. While marriages are usually consensual, women and female children are sometimes sold against their will.

Papua New Guinea, having an extended family unit, has always found it difficult to investigate trafficking in persons when it is organized within the family units by very close relatives. Child marriage is a major problem in PNG, and it forms the basis of demand for internal trafficking of children. Miriam Wilngal, an 18-year-old girl, refused to be sold in marriage to meet customary demand of compensation.⁵

C. Detecting Trafficking in Persons

In August 2008, the Police Transnational Crime Unit rescued a group of about 20 women forced to work in prostitution at a Chinese restaurant; no charges were filed against their alleged trafficker as none of the women were willing to co-operate with police investigators.⁶

Detection of trafficking in person in the rural areas of Papua New Guinea becomes an obstacle as most cases are not reported to authorities due to a number of reasons. Some victims live far away from authorities. Others are in fear of being recognized. Still others have been bribed not to report; however, the basic reason for not reporting is that there is not enough awareness. The general public, including potential victims, does not understand what is trafficking in persons in Papua New Guinea as it is something unheard of before in their country.

D. Victim Related Issues

The Government of Papua New Guinea has yet to take a proactive approach in identifying trafficking victims among vulnerable populations. When potential victims of trafficking sought assistance from the Government, they were often jailed, and some were sexually abused by police officers. Immigration Inspectors routinely refused entry into potential trafficking victims identified at the borders. Other government officials, however, would more likely refer identified victims to social groups, churches, or NGO’s for assistance.

E. Special Investigation Techniques

Law enforcement agents and judicial officials need comprehensive training in order to understand the parameters of modern trends of forced labor, which is so often an outcome of trafficking in persons. As PNG is a member of the global community, soon it will experience such situation in its door step and it is proper that it shares its information on local trafficking in persons with the outside community in a collective effort to stamp down the crime of trafficking in persons.

F. Victims’ Protection and Measures to Encourage Co-operations

The Papua New Guinea Government demonstrated increased efforts to protect and assist victims of trafficking. However, due to severe resource constraints, the government continued to rely on international organizations or NGO’s to provide victims’ services. The Country’s Operations Plan for 2007 was to strengthen the capacity of Local Partners in PNG, including GoPNG to provide effective protection and assistance to persons of concern. The United Nation Human Rights Commission should continue to conduct workshops on the role and core mandate of UNHRC, and on the Refugee Convention in relation to migration and Human Trafficking training for GoPNG officials from Immigration, the Police, the Judiciary, and Customs.

V. MEASURES FOR PROTECTION

A. Immigration Status

The International Organization for Migration (IOM) opened a country office in Port Moresby, PNG in 2007 at the request of the PNG Government. The opening of this office followed a major country assessment undertaken by IOM in 2004 in relation to migration management and border control in PNG, and subsequent signing of a Tripartite Agreement between the Government of Australia and PNG, and IOM in 2005.

⁴ U.S. State Dept Trafficking in Persons Report, June 2009.

⁵ Coalition Against Trafficking in Women.

⁶ *Loc. cit.*

The role of IOM was initially to focus on supporting the PNG Government efforts in enhancing migration management through the provision of training to the PNG Immigration and Citizenship Service (PNGICS), implementation of care, Maintenance and Assisted Voluntary Return Program in PNG, and support for the Development and testing of Border Management System for PNG.

B. Assistance for Living (Residence, Translations, Medical Care, Psychological Care, etc)

To assist the victims of trafficking in persons for a living, the Government of Papua New Guinea has shown increasing efforts, but is faced with resource constraints and continues to rely on International Organization and NGO's to provide assistance services. The Government provides funds to shelter victims of domestic violence in Port Moresby and Lae which could also provide Legal Aid to trafficking victims who are foreign and local victims.

Support Centers were also set up by the Health Department with assistance from NGOs in major hospitals throughout the country for victims of domestic violence which could provide trafficking victims direct counseling and treatment.

Therefore responsible organizations should co-operate and remember that they are dealing with victims subjected to exploitation, and as such should deal with them in a most decent way by implementing measures to provide physical, psychological and social recovery of the victims.

C. Reintegration (Education, Vocational Training, etc)

Papua New Guinea advocates strongly but has yet to support the victims by, providing services to reintegration such as educational and vocational training to encourage the victims, especially young children, to learn and make full use of their abilities and talents to become what they want to become in their life times. Therefore, they should not be seen to miss out on their basic legal rights under Article 6(4) which calls for State Parties to consider the special needs of children, including appropriate housing, education and care.

D. Assistance for Restitution and Compensation

Trafficking related cases in rural areas were referred to village courts that administer customary laws rather than criminal law and resolve cases through restitution paid to the victims, rather than through criminal penalties assigned to the trafficking offender.

VI. MEASURES FOR PREVENTIONS

The Government continues to rely on international organizations and NGOs for the bulk of its trafficking prevention activities, such as efforts to raise public awareness about trafficking combined with education campaigns on child prostitution, HIV/AIDS, and domestic violence. The Government is increasing co-operation with Australia and the New Zealand Federal Police, as well as other international law enforcement and customs agencies, to draft laws, investigate, and prevent transnational crimes including human trafficking.

Papua New Guinea is yet to ratify Article 9 of the 2000 UN Trafficking in Persons Protocol, which calls for "States Parties to establish comprehensive policies, programs and other measures to prevent and combat trafficking in persons; and protect victims of trafficking in persons, especially women and children from re-victimization."

Preventive measures to be taken by ratifying States include research, information, mass media campaigns, and social and economic initiatives. Also it stipulates co-operation with civil society, developmental measures, and other strengthening measures in concluding bilateral labor agreements, educational, social or cultural measures, to discourage demand for victims of trafficking and to prevent and detect trafficking at borders.

VII. CONCLUSIONS

In conclusion, PNG is a transit point for the trafficking of men, women, and children for the purpose of commercial sexual exploitation and forced labor. Women and children are trafficked within the country for commercial sexual exploitation and domestic servitude. Men are trafficked to logging and mining camps for forced labor. Women and children from the Asian region are trafficked into Papua New Guinea for forced

prostitution and forced labor. Yet the Government is yet to draw up a responsive policy to meet such illegal networks with the assistance from neighboring Pacific countries, including the ratification of the 2000 United Nations Trafficking in Persons Protocol.

RECOMMENDATIONS

In essence, it is recommended that the government's immediate priority is to fast track legislation to criminalize the Trafficking in Persons, by enacting the *Trafficking in Persons Act* and increase cooperation with Australia and New Zealand, as well as other international neighboring countries, in seeking assistance to enhancing migration management through the provision of training to Papua New Guinea Immigration, Customs, Labor and Police agencies.

The seeking of support and assistance from the United Nations High Commissioner for Refugees and the International Organization for Migration to improve the capacity building of their existing networks in Papua New Guinea to enhance supporting the government's efforts to raise public awareness about trafficking in persons, combined with educational campaigns on trafficking in persons, should be a priority.

The law enforcement agencies, judicial officials and other related organizations directly involved in the trafficking of persons need comprehensive training in order to understand the parameters of the trend in trafficking in persons.

As a matter of pilot project Regional Offices be established throughout the regions under the established Transnational Crime Unit of the Constabulary and related enforcement agencies in preparation for the enactment of necessary legislations to be enforced.

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