



Protest against gender-based violence in Lae, February 14 2013

# Sexual violence in Lae: impunity

# and resistance

**By Stephen Howes and Kamalini Lokuge**

Lae, on PNG's northern coast, is the country's second city and industrial hub. It is also the capital of PNG's largest province, Morobe. Its main government hospital, the Angau Hospital, is home to PNG's most successful Family Support Centre (FSC), which provides medical support and psychosocial care to survivors of family and sexual violence. Supported by Medecins sans Frontieres (MSF) since 2008, in the last five years the FSC has provided care to over 11,500 patients.

Many of those cases involve women being beaten or knived. But many are also cases of sexual violence. In 2010, the Centre attended to 530 survivors of sexual violence. Of these, 338 were adults (above 16) and the other 192 were children. Of the 338 adult cases, 322 were cases of rape. Of the 192 child cases, 149 were of rape.

These are, by any standards, depressingly high levels of reported sexual violence and rape. But our interest is in how many of these cases make it through the legal system and result in convictions. In 2012, there were only eight prosecutions of cases in the Lae National Court involving sexual offences, seven where the victim was a child, and one where the victim was a woman.

The single case where the victim was a woman did result in a conviction. It was a case in which the accused pleaded guilty. For the other seven cases, all involving children, three did not proceed to trial. The other four resulted in convictions: two as a result of trials, two as a result of guilty pleas.

The average time from committal to finalisation of the case was 24 months. So these 2012 cases related by and large to 2010 cases.

By putting these two data sources - prosecutions from 2012 and sexual violence

cases from 2010 - together we can estimate the probability of a sexual violence case in Morobe leading to a National Court conviction where the victim is an adult. That estimate is 1:338. The actual probability is even lower because not all victims of sexual violence in Lae or Morobe, the region from which the Lae National Court draws its cases, would visit the FSC.

The probability for a sexual violence case involving a child leading to a National Court conviction, similarly estimated, is better, but still very low at 4:192.

1:338 and 4:192 are shocking statistics. It indicates that sexual violence, especially against adults, can be committed in Lae with impunity.

Some might argue that it is not the proportion of perpetrators who are punished but the proportion of survivors who are protected which is the relevant statistic. But the former is a very good proxy for the latter: the lack of punishment for perpetrators is a clear indicator of the lack of protection and leverage available to survivors.

Some also mention that though almost none of these crimes find their way to the National Court system, many are likely to be addressed at the level of village courts or by informal community responses. It is true that village courts are now recognised as part of the PNG legal system and have been authorised to settle certain cases through compensatory settlements. However, this does not include cases such as sexual assault, rape or child sexual abuse which, according to PNG law, are crimes that must be referred to the National Courts. And even if the parties involved may sometimes prefer compensatory settlement of such cases at the village court or community level, this can hardly be considered a satisfactory outcome.

Others might argue that these statistics are simply products of PNG's weak law and justice system in general. Perhaps. However, it is worth noting that the eight sexual violence cases heard in Lae in 2012 were eight out of 84 criminal cases. Is

sexual violence only 10% of all crime in PNG? The incredibly low number of adult sexual violence trials (one in 2012) suggests that the rape of a woman is not in fact seen as a crime.

PNG is not the only country which struggles to translate reported cases of sexual violence into convictions. To the contrary, the problem is an international one, and a focus for campaigners worldwide (see [this](#) example from Delhi).

Understanding why the rate is so low in Lae, and no doubt more broadly in PNG, is an important first step. While more research is needed to understand why and where the chain of justice is broken, one clear problem is the unsatisfactory efforts of the police. We were in Lae last month, and, while we were privileged to meet some dedicated policewomen, we also saw first hand the inadequacy of police efforts to arrest perpetrators. We can also see this in the data, though it is only available for 2009 not 2010. In 2009, almost two-thirds of the 360 sexual violence cases that came to the FSC were referred there by the police, or were referred by the FSC to the police. Clearly, the police take effective action in relation to only a very few of the cases which come to them.

But during our week in Lae we also saw the extraordinary efforts of a small but growing network of people and organisations who attempt to render the vital services which survivors require, including medical care, counselling, protection and prosecution. Not only FSC staff, but a number of police and legal officers, and government, non-government and private-sector community workers, organisations and leaders provide critical services to survivors, and advocate and lobby on their behalf. Heroes in a desperate situation, they deserve our support and reinforcement.

The Lae Angau Hospital Family Support Centre works because of a relentless focus on the provision of essential medical services. The same approach now needs to be taken to providing the other needs which survivors of family-based violence have, including for protection and justice. We also should recognise the

efforts those on the ground are already making to assist victims, despite their limited and stretched resources. This is the foundation on which accountability to the survivors of family and sexual violence must and can be built, in Lae and throughout PNG.

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*Just a few days after our visit to Lae, an Angau Hospital nurse was raped. The entire hospital went out on strike, and one of the perpetrators was arrested.*

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