



OUTLAWED AND ABUSED

CRIMINALIZING SEX WORK IN PAPUA NEW GUINEA
EXECUTIVE SUMMARY

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2016

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.

<https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>

For more information please visit the permissions page on our website: www.amnesty.org

Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2016

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: ASA 34/4129/2016

Original language: English

amnesty.org



Cover photo: A transgender sex worker in Port Moresby applies make up in a nightclub dressing room, 2013.

© Vlad Sokhin

EXECUTIVE SUMMARY

Roselyn is a 35 year old woman. She told Amnesty International that she began sex work as an occupation around 1998 when she was around 19 years old. Her parents divorced and with her and her siblings left without any financial support she began living at Waigani Market – a squatter settlement – in Port Moresby. Her other sisters, four of them, also turned to sex work whilst her brothers turned to crime. She married and has two young children and was widowed in 2008. Roselyn’s story is not uncommon in Papua New Guinea. Sex workers that we spoke to, and sex worker organizations, told us that women, transgender people and men often enter sex work as a means of ‘survival’ or to support their families. Once they do, they are likely to:

- Be at an extremely high risk of rape, murder, and other forms of violence;
- Be unlawfully detained, and once in custody or subjected frequent torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) by police , including women being beaten and forced to chew and swallow condoms as ‘punishment’. In some cases, sex workers have been raped by police while in custody;
- Be stigmatized by the media and in the community as “spreaders” of HIV – discouraging them from seeking health information and services; and
- Be shamed and isolated from their families and communities.

This in turn, affects sex workers’ ability to enjoy other human rights, including their ability to seek justice for crimes committed against them.

While there are no laws directly criminalising sex work Papua New Guinea retains colonial-era laws which criminalize “living off the earnings of prostitution”, “owning or operating a brothel” as well as same-sex sexual activity – forcing sex workers to work in the shadows. The outlawed nature of sex work makes it difficult for sex workers to report crimes that are committed against them and to seek police protection. In many cases, police officers are themselves the perpetrators of abuses against sex workers.

HOW WE DID OUR RESEARCH

This report forms part of the research conducted to develop Amnesty International’s policy on protecting the human rights of sex workers. In addition to desk based research on studies from around the world, further in-country research was conducted in Papua New Guinea, Argentina, Hong Kong, and Norway. While this report focuses on the legal and policy frameworks that affect the human rights of sex workers, a number of human rights abuses featured prominently in the testimonies of sex workers – including high levels of violence and abuse from police and clients.

Amnesty International spoke with 29 sex workers in January 2015, as well as people from five non-governmental organizations, health care service providers from one hospital and three medical clinics, ten police officials (in both Mount Hagen and Port Moresby), three lawyers, the UNAIDS Country Office, the Ombudsman’s office and the Public Solicitor’s office.

POLICE ABUSES AGAINST SEX WORKERS



CASE STUDY: MONA

Mona, a sex worker, described how she was gang raped by six police officers in Jack Pidik Park in 2012 after she was caught having sex with a client.

“Six police officers did sex to me one by one. They were armed with guns, so I had to do it... It was so painful to me, but then I let it go. If I go to the law, they cannot help me as sex work is against the law in PNG. The Police have the law to do that.”

One sex worker, Elizabeth, told us that police officers tried to force her and a client to have sex while the officers watched. When she refused, she was kicked hard in the back, leaving her needing medical care. Tuki said six policemen raped a sex worker who had been taken to a police station with her. Sakuri also described how she and others were beaten with a stick by a police officer, and some of the sex workers arrested with her were subjected to sexual abuse in detention. In March 2012, following a visit to Papua New Guinea the former UN Special Rapporteur on violence against women Rashida Manjoo said:

“Reports of police brutality and misconduct were widely reported in all parts of the country. Complaints indicated that violence and sexual abuse of women, including sex workers, while in police detention was a systemic issue.”

Sex workers also reported to Amnesty International arbitrary arrest and detention – often without legal basis or on dubious evidence, such as possession of condoms. In some cases they are subjected to extortion for money or sex from police officers. Laws criminalizing sex work are rarely enforced through prosecutions before a court of law. Rather, sex workers and sex worker advocates that we spoke to, told us that police officers use criminal laws as a means to abuse their authority, arbitrarily detaining or extorting money and sex from sex workers, with the threat of prosecution if they fail to meet these demands.

Sex workers told us that possession of condoms is used by police as a justification to harass and arbitrarily detain sex workers, with police officers confirming that condoms would be used as evidence in sex work related offences. In some cases, sex workers have been forced to chew or swallow condoms as a means of degrading punishment meted out by police officers.

While the Ombudsman’s Office and Police Commissioner have carried out some investigations into abuses by the police force in recent years, police officers in the Internal Affairs Unit confirmed that officers are very rarely dismissed, disciplined or prosecuted for criminal acts, including for assault on sex workers. The Ombudsman’s Office and the Internal Affairs Unit of the Police told Amnesty that the lack of resources and the restricted mandate for the Office, mean the few efforts to hold wayward police officers in check have been thwarted.

CRIMES AND OTHER ABUSES AGAINST SEX WORKERS

“Some [clients], they kill them for sex.”

Liviko, a sex worker, interviewed on 23 January 2015.

Sex workers face a range of abuses from clients, family and others, including rape, sexual or physical assault and sometimes murder. Several sex workers, including Liviko, reported the rape and killing of a sex worker in a settlement in Port Moresby in January 2015, just days before Amnesty International’s visit.

In 2010, a study of 593 sex workers (441 women, 96 men and 56 transgender) in PNG’s capital Port Moresby found that over a period of six months, 46% of sex workers surveyed had been subjected to experienced physical violence in the course of their work and 50% had been subjected to rape (by clients or police). These figures underscore the high risk of physical and sexual violence for sex workers, who are predominantly women. In a country where an estimated two thirds of all women report sexual violence or rape in their life time and there are little or no support services for women who endured violence, sex

workers are at extraordinarily high risk of violence because of the additional stigma and discrimination they face and the criminal status of their work.

Sex workers we spoke to feel unable to seek protection of the law when crimes are committed against them. Many feared reporting crimes would be futile or expose them to further violence from the police or perpetrators.

STIGMA AND DISCRIMINATION

Sex workers reported to Amnesty International that they face discrimination in accessing other rights, such as the right to health, through breaches of privacy, verbal harassment and being forced to wait extended periods for medical treatment. Rural areas in general have more limited access to health care than urban centres, and this has a disproportionate impact on sex workers because of the stigma and discrimination they face. Often this means sex workers travel long distances to seek adequate sexual and reproductive health care, or attend private clinics, in order to ensure their health care needs are met and that their right to privacy is respected.

Differential treatment by health services has undermined efforts to address the HIV epidemic in PNG. The HIV prevalence rate in Papua New Guinea is estimated to be around 0.7 – 0.8% (the highest in the Pacific) and growing rapidly due to high levels of gender based violence, low levels of condom use and many having multiple sexual partners. Sex workers are identified as a key at risk population because of the violence and discrimination they face.

ISOLATED FROM FAMILIES AND COMMUNITIES

Independent studies, confirmed by Amnesty International's interviews with sex workers and NGOs, suggest that people who do not conform to established norms of gender or sexuality in Papua New Guinea, for example by engaging in sex work, are often ostracized from their communities and families. There is no official social welfare provided by the government of Papua New Guinea, meaning that those who are thus ostracized face significant barriers to accessing other human rights, such as when seeking housing and employment.

MALE AND TRANSGENDER SEX WORKERS

Male and transgender sex workers experience multiple forms of intersecting discrimination on the grounds of their sexual orientation and gender identity, and because they are involved in sex work. Independent academic studies and non-governmental organizations suggest that male and transgender sex workers report higher levels of physical violence from police, clients and their families than women sex workers.

Amnesty International spoke with one male sex worker (who identified as gay) and three transgender women sex workers, all of whom said they experienced violence because of their actual or perceived sexual orientation, or gender identity. Two transgender sex workers explained how they had been tortured or ill-treated by the police and another received death threats after speaking at a public event.

Moana, a transgender sex worker, explained how transgender sex workers are treated after she was arrested in January 2015:

“Sometimes [police] force us to do oral sex, sex without a condom or to expose ourselves publicly, suck cock publicly, bash us up. They tell us to run, after everything has been done.”

Moana also said the police made her remove her bra and mocked her. Same sex sexual activity remains criminalized in PNG, and is the primary means by which male and transgender sex workers are prosecuted, even when such transactions occur in private settings. Such laws are discriminatory, violate international human rights law, and are inherently harmful. The Papua New Guinean government must immediately repeal laws criminalizing same sex sexual activity.

CONCLUSION

Sex workers in Papua New Guinea face extraordinarily high levels of violence, including rape and killings. If arrested by the police, they are often detained arbitrarily and subjected to various forms of torture and other ill treatment, including rape and sexual assault, beating, and being forced to chew and swallow condoms. In

addition, the social stigma and discrimination experienced by sex workers in the community leave them isolated from families and communities, and less able to support themselves through other means, should they choose to do so.

There must be a fundamental shift in Papua New Guinea's government laws and policies away from violating the human rights of sex workers and inaction in the face of abuses from clients and others, towards promoting and protecting the rights of sex workers. This must include as crucial first steps the full decriminalization of sex work and urgent measures to end police abuse against sex workers. Priority must be given to ensuring that all people fully enjoy their economic and social rights whether they wish to stay in sex work or seek employment outside it. Such steps must address the discrimination and inequality based on gender, sexual orientation or gender identity. Furthermore, government authorities must invest in and improve services, including psycho-social support for all survivors of sexual and other violence, which disproportionately affects female, male and transgender sex workers.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

CONTACT US



info@amnesty.org



+44 (0)20 7413 5500

JOIN THE CONVERSATION



www.facebook.com/AmnestyGlobal



[@AmnestyOnline](https://twitter.com/AmnestyOnline)

OUTLAWED AND ABUSED

THE HUMAN COST OF CRIMINALIZING SEX WORK IN PAPUA NEW GUINEA EXECUTIVE SUMMARY

In Papua New Guinea, sex workers are beaten, raped, unlawfully detained and killed without recourse to justice. In a country where violence against women is high, sex workers face extreme levels of violence because of the stigmatization of sex work and because they defy social and cultural norms.

This report shows that acts of violence against sex workers are committed by police officers, clients, and members of sex workers' families and communities. These crimes are rarely reported or investigated. Some police officers abuse their power, extorting sex workers for sexual services, money or goods. Sex workers have been forced to chew or swallow condoms and subjected to cruel and degrading treatment during brothel raids and crackdowns on sex work. Criminal laws do nothing to improve safety for sex workers or protect them from violence. Instead, the law fuels antagonistic relationships between sex workers, the police and the community.

Sex workers also experience high levels of stigma and discrimination, especially in accessing health care. Gender inequality is a significant factor contributing to the high levels of violence, stigma and discrimination that women, gay and transgender sex workers face. This report includes recommendations aimed at ending violence and discrimination against sex workers.

Index: ASA 34/4129/2016

May 2016

Language: English

amnesty.org

AMNESTY
INTERNATIONAL 