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**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: AL G/SO 214 (53-24) G/SO 214 (89-15)  
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18 February 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 16/23 and 16/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **torture and murder of Ms. Kepari Leniata**, a 20-year-old woman who was accused of sorcery.

According to information received:

Ms. Kepari Leniata, a 20-year-old woman from Mount Hagen was accused of using sorcery to kill a six-year old boy.

It is reported that on 6 February, 2013, the boy's family stripped, tied up, and doused Ms. Leniata in petrol and then burnt her alive in front of a crowd, while attempts by law enforcement officials to intervene failed.

Concern is expressed that this case does not constitute an isolated incident and that sorcery and witchcraft related violence against women is on the rise in Papua New Guinea, in particular in the highlands region.

During the mission she conducted to Papua New Guinea in March 2012 (A/HRC/23/49 Add.2, forthcoming), the Special Rapporteur on violence against women received alarming reports of violence perpetrated against persons accused of sorcery/witchcraft, with women being affected disproportionately, particularly widows or other women with no family to protect them. During her visit to the Highlands region, she

witnessed the brutality of the assaults perpetrated against suspected sorcerers, which in many cases include torture, rape, mutilations and murder. The Special Rapporteur was informed that sorcery accusations are commonly used to deprive women of their land and/or their property, and that any misfortune or death within the community can be used as an excuse to accuse such person of being a sorcerer. Factors at the community level which allow for impunity for perpetrators include: the unwillingness to intervene prior to, or during, such attacks; fear of reporting and/or providing information to the police; and the use of the one-talk (wantok) solidarity tradition by which perpetrators are protected.

These findings mirror those of the former Special Rapporteur on torture, who conducted an official visit to Papua New Guinea in May 2010, and noted his concern regarding the lack of capacity to prevent and investigate crimes relating to domestic violence, tribal fighting and victims of accusations of sorcery in his country mission report (A/HRC/15/52/Add.5 at para. 36).

While we do not wish to prejudge the accuracy of these allegations, we would like to bring to your Excellency's attention to article 2 (f) of the Convention on the Elimination of All forms of Discrimination against Women, ratified by Papua New Guinea on 12 January 1995, which provides that State parties shall "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". By means of ratifying the Convention, States parties undertake to do so in their condemnation of discrimination of women in all its forms. States parties to the Convention are also under an obligation to take all appropriate measures to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes" (article 5 (a)).

Allow us to refer to article 4 of the United Nations Declaration on the Elimination of Violence against Women which underlines the responsibility of States to condemn violence against women and which calls on States not to invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

We would also like to recall article 4 (c & d) of this Declaration which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish

and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that “under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

In the context of the prohibition of torture, we would like to draw the attention of your Excellency’s Government to paragraph 2 of General Comment No. 20 of the Human Rights Committee, which provides that, “The aim of the provisions of article 7 [on the prohibition of torture and other cruel, inhuman and degrading treatment or punishment] of the International Covenant on Civil and Political Rights (accession of Papua New Guinea on 21 July 2008) is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.” (Adopted at the 44<sup>th</sup> session of the Human Rights Committee, 1992).

We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

As it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to my attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?

2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to these cases.

3. Please indicate whether any protective measures have been put in place to ensure the safety and integrity of Ms. Leniata's family and provide reparation to the family members.

4. Please indicate whether any measures have been undertaken by your Excellency's Government with a view to eradicate sorcery-related attacks and killings in the country.

5. Please provide details of any progress made to repeal the Sorcery Act of 1971, as recommended by the Constitutional and Law Reform Commission, and to ensure that all cases of assault or murder based on sorcery accusations are treated swiftly and effectively by the National Courts.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee respect for the rights and freedoms of persons whose situation is similar to that of Ms. Leniata and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and  
consequences