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**PROCEDURES SPECIALES DU
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**

Mandate 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 (89-15)
PNG 2/2011

15 September 2011

Excellency,

We have the honour to address you in our capacity 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 General Assembly resolution 60/251 and to Human Rights Council resolution 16/23 and 16/7.

We take this opportunity to express our appreciation to your Excellency's Government for its positive engagement with the human rights mechanisms of the United Nations and for its cooperation with the Office of the High Commissioner for Human Rights. In this sense, we wish to reiterate our commitment to work with your Excellency's Government to address the human rights challenges remaining in the country.

In this connection we would like to bring to your Excellency's Government's attention information we have received concerning the **sorcery related acts of violence reportedly committed against Ms. X and Ms. Y.**

According to information received:

Ms. X is married to Mr. X and together they have three children aged 10, 7 and 1. On 30 April 2009, a son from Mr. X's first marriage had a fatal bicycle accident. Following his death, Ms. X was allegedly accused of killing him through sorcery and received beatings, verbal harassment and threats from her husband. On one occasion Mr. X reportedly used an iron rod to hit her.

It is also alleged that Mr. X considers Ms. X as responsible for the death of two of his brothers, one who reportedly died during a surgery, and another one, who reportedly died of malaria.

It was further reported that on 3 October 2009, in the town of Goroka, Mr. X publicly assaulted Ms. X and accused her of sorcery, hitting her repeatedly and leaving her with injuries all over her body. Consequently, on 1 February 2010 Ms. X, who was then still pregnant with her third child, fled from Goroka to Kainantu with her two sons. As she could not find a job there she was forced to return to Goroka. Upon her arrival, Mr. X allegedly refused to let her back into the house and she was forced to live temporarily at a YWCA Girls Hostel. There is no available information on the current whereabouts of Ms. X.

In another incident, Ms. Y was attacked on 7 September 2010, in Wormai village, 10 kilometres from Kundiawa Town in Chimbu Province. She was allegedly accused of causing the death of her son, who died in September 2010, through sorcery. Five men (named A, B, C, D and E) the sons of her husband's brother (F) reportedly attacked her and forced a heated knife into her vagina. The case was allegedly reported to the police in Kundiawa, however, no action has been allegedly taken to bring the perpetrators to justice.

It is reported that Ms. Y finds it difficult to walk due to serious injuries caused by the attack. The knife reportedly damaged her bladder and womb. She is reportedly now living in hiding with her husband and daughter due to threats made by the family of her husband's brother.

Concern is expressed that these cases do not constitute isolated incidents and that sorcery and witchcraft related violence against women is on the rise in Papua New Guinea, in particular in the highlands region. It is alleged that there are incidents of increasingly violent acts, including the murder and physical mutilation of those accused of having practiced sorcery. Victims of sorcery-related attacks and killings are mainly women, in particular widows, or other vulnerable individuals who do not have any kin to protect them and who often become forcibly displaced from their communities. It is reported that allegations of sorcery are also one of the factors for inciting tribal fights in the highlands region. In May 2010, the former Special Rapporteur on torture conducted an official visit to Papua New Guinea 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 prejudice 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 the United Nations Declaration on the Elimination of Violence against Women, 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”.

We also wish to recall article 4 (g) of the United Nations Declaration on the Elimination of Violence against Women which notes the responsibility of States to work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

Without in any way implying any conclusion as to the facts of these cases, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. 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, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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 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 44th session of the Human Rights Committee, 1992)

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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and 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. X, Ms. Y and their families.

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.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

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

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