OL KALABUS MERI

A Study of Female Prisoners in Papua New Guinea

BY

ANNE BORREY

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PREFACE

This paper is based on a dissertation presented to the Law Faculty, School of Criminology, Rijksuniversiteit of Gent, Belgium, for the degree of Master in Criminology, in the academic year 1989-90. Since attaining that degree, the author has returned to Papua New Guinea to teach Criminology with the Department of Anthropology and Sociology, University of Papua New Guinea, and has also worked as a volunteer with the Foundation for Law, Order and Justice. Her further experience thus acquired has prompted her to update and expand certain sections of the paper, for publication by the Law Reform Commission in accordance with its reference of the Review of the Criminal Justice System. The paper contains many valuable insights into the operation of the country's prison system in relation to female detainees, and concludes with the author's suggestions for alternative methods of punishment and treatment of women who break the law.

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INTRODUCTION

My interest in criminology arose during my first visit to Papua New Guinea, from February to November 1985. During that time I had the opportunity to travel extensively through the country and I usually stayed in villages. Therefore I had to master the language rather fast in order to communicate to any extent with the local people. It was during that time too that I confronted crime, which was and still is a "public issue" in Papua New Guinea. Crime news often features on the front pages of the newspapers and is a widely discussed topic. Being thus indirectly affected by it, I kept on wondering how this situation came about, how things could be straightened out. Back home in Belgium (Europe) I decided to enrol for a Masters Degree in Criminology. When the time came to decide on a thesis topic, my husband was posted to Papua New Guinea. This presented me with a unique opportunity to undertake field study and research.

Travelling and living in Third World countries poses some fundamental questions. I often ask myself what rights we of the "civilised" countries have to impose our political, economical, sociological and ideological systems upon indigenous peoples, and moreover to act as if ours would be much better. Many more questions could be asked. What have been the implications of colonisation for the population? Did our knowledge bring about any improvement in their living conditions? What did the missionary work accomplish?

From a Western point of view, certain improvements in living conditions have been achieved - but at what cost? This country has been forced to lift itself to an international level both economically and politically, but for the general population this development has resulted in stress and disharmony. A nation which was still living in the Stone Age a century ago has been forced to adopt a western lifestyle in just a few decades, whereas it took us Europeans thousands and thousands of years to reach our present level. Papua New Guineans have been dropped into the "ocean of western civilisation" without being taught how to swim.

As my research mainly deals with female prison detainees, it is important to take a brief look at "crime" in general in Papua New Guinea, for women in jail have been labelled criminals. A valuable approach, in my opinion, is given by G.H.Boehringer.1 He states that criminology in the Third World cannot be viewed in isolation from the fundamental reality of imperialism, and sees it as the underlying determinant factor in the designation of behaviour as crime. He even goes so far as to define imperialism itself as crime.

To achieve an understanding of crime and criminology, it is essential to analyse imperialism. According to Boehringer, the formulation and implementation of the criminal law in Papua New Guinea contributes to maintaining the State and protecting

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the property of the elite. He criticises the criminology of Clifford\(^2\), who played a prime role in the development of criminology in Papua New Guinea, as one of class control instead of crime control. To support his point of view he gives a description of the evolution of neocolonialism, using the method of Third World critical criminology.

"In the case of Papua New Guinea, crime and its ideological counterpart, crime control criminology, have been used to attempt to create a more stable political order and at the same time provide an attractive haven for foreign investment. My argument presumes the existence of an exploitative colonial relationship and a transition to neocolonialism. ... Thus it is clear that by the beginning of the sixties changes in the administration of justice were seen to be necessary, and that these were going to be implemented as a part of the program of political and economic development on the path to independence. Australian Administration ideas about law, and crime, were changing as the relationship between Australia and Papua New Guinea changed.\(^3\)

One of the important changes that occurred in the early sixties was the decision by the Administration to prohibit racial discrimination:

"This move made easier the creation of a national elite. Nevertheless having embarked on a transition to neocolonialism, there was a continuing need for ideological domination as well as more direct repressive potential which would have to 'blend into the scenery' more than the previous colonial agents of repression had done. There was then a dilemma facing the administration. The need was for subtle, social control, both ideological and normative, which would allow the continued building up of a national elite which would, in turn have an ever increasing role in social control in order to gain a substantial grip on the country by the time Independence arrived. All of this had to be developed without jeopardizing the development of the indigenous elite necessary for the neocolonial linkage. A seemingly perfect device for resolving this dilemma was to substitute crime in place of race. By so doing, the administration created a social phenomena which could be used selectively against the urban working class, lumpen elements and others without impinging on the life-style or consciousness of the new elite. Crime would also be the excuse for developing a stronger police force which could be used to protect the government, State and interests of foreign investors."

In his conclusion Boehringer states -

"...that crime, and more latterly the Western social scientific explanation of crime, official-mainstream criminology (OMC), is ideologically useful to the process of replacing direct rule with indirect rule and, finally, neocolonialism. In this process OMC is only a part of the network of institutions and ideologies which make the country reasonably stable politically and therefore more attractive to foreign investors. Development of a concept of crime which essentially applies only to the working class and lumpen elements in the towns is part of conceptual imperialism.\(^4\)

\(^2\) Clifford was Director of the Australian Institute for Criminology and was invited by the PNG Government to study the problems of urban crime in Port Moresby. This resulted in the publication of an important report, which is often referred to in this study.

\(^3\) BOEHRINGER (1986) p. 40.

\(^4\) ibid. p. 41.
A closer look at the Report on Law and Order in Papua New Guinea written under the direction of Clifford⁵ leads us to challenge Boehringer's statement that Clifford pays no attention to the political and economical situation underlying the criminal problem. On several occasions the Clifford Report, which was published after Boehringer's comments, draws our attention to these phenomena.

"The political bandwagon has been crowded with opportunists whom the leaders had a responsibility to restrain and govern. Where this was not done the grabbing became endemic; and it is hypocritical now to imprison vengefully, with blind minimum penalties, the opportunistic 'rascals' whilst honoring the ones who did the same thing but with flair and more respectability."⁶

"... Law and order is a political problem which needs resolution by political leadership long before the technical problems are addressed."⁷

Nevertheless Clifford is less explicit than Boehringer. Even though Clifford may be aware of the political and economic problems that exist, he is not one to make revolutionary statements and proposals. He sees the problems and tries to make recommendations that will not endanger the existing system.

"It is important that members of the elite appreciate that their future security will depend more upon the informal system working and on the communities controlling the rascals than on the technical superiority of the formal system."⁸

Whether Clifford's recommendations have borne fruit is another question. Five years after the publication of the Report, few changes can be observed within the Corrective Institutions Service (C.I.S.). We could try to find out what the reasons are for this situation and it would have been interesting to analyse the official and non-official reactions in Papua New Guinea concerning the Clifford - and other⁹ - reports. It might give a hint as to where solutions should be sought and proposed, to alleviate the problems of the criminal system.


⁶ Clifford-Report, p. 103.


⁹ Besides the Clifford-Report, this study has drawn from the following reports:
- KEREPIA, Pious, Brief for the Minister for Correctional Services, s.l., 1988, (Kerepia Report).
Boehringer also analyses how, through the educational system, a sizable number of students is marginalised and channeled into the relative surplus population. It is this population which is criminalised and the object of concern of criminology.

"Education holds the key to participation in the modern economy. But this participation is limited to very few in Niuginian society .... It is inevitable .... that by far the larger proportion of students will in fact be drop-outs .... regarded as having failed."\(^{10}\)

The educated elite rules the nation, protecting their values which were inherited from colonialism and perpetuated by their education, which has in the main been acquired from Australian schools and universities.

The author also draws attention to the fact that even though criminologists admit that the appalling conditions in developing countries generate urban crime, they nevertheless focus on the suppressing of "criminals" rather than dealing with the political system and structures responsible for such conditions.

It was from this point of view that I approached my research on female detainees. It is also in this perspective that I want to place the proposals offered in Chapter 6. Prisons are one of the institutions through which imperialistic values can be implemented, as crime is a social definition.

I conclude that many women are wrongly imprisoned, according to their own moral value systems. Many female prisoners had never heard of "the law" and never understood what was meant by the court pronouncement: "You have broken the law of Papua New Guinea".

It is very clear that when the penal system was established during colonial times, no effort was made to take into consideration existing values and methods of resolving disputes and imposing punishment. This has led to an aberrant situation in the correctional institutions, where western standards prevail, the prison system itself being a western invention. The contradiction between the values inherent to the population and the institution, "prison", contributes to the demotivation of the institution's personnel, the lack of coherence of the system as such and the lack of unity between the country's different institutions. Later on we shall give a few examples of this lack of operational unity.

Nevertheless C.I.S. headquarters is becoming aware that the system does not function properly and measures are being taken to tackle the problems. But instead of trying to adapt the system to their concepts they turn back to the Australians (see Clifford being asked to analyse urban crime and make recommendations) who in turn make proposals to secure the system which would benefit them the most.

It is time for Papua New Guinea to formulate its own definition of crime and to find ways of handling breaches of its own laws. Every effort should be made to develop

\(^{10}\) BARNES, quoted by BOEHRINGER and GILES (1977) p.60.
substantial customary law whenever possible. We can consider the establishment of the Village Courts (Village Courts Act 1973) as a first attempt to adapt the inherited legal system to existing custom.

A Village Court can apply custom in the resolution of disputes. While remaining subject to the Constitution, the court is not bound by any Act which is not expressly applied to it. The Village Court is nevertheless subject to the requirement that custom should not be recognised if injustice would result or if recognition would be contrary to the public interest.\(^{11}\) It should however be noted that customary practice often conflicts with western notions of the rights and freedoms of the individual. The Constitution draftsmen who recognised this problem exempted Village Courts from following the formal protection of laws, but Section 37(22) requires that such powers and procedures be exercised in accordance with the principles of natural justice.\(^{12}\)

Because this paper deals mainly with women, it is appropriate to consider the overall position of women with respect to the law. Goal 2(5) of the National Goals and Directive Principles\(^ {13}\) calls for "equal participation by women citizens in all political, economic, social and religious activities ...". But Papua New Guinean society, especially urban society, has not implemented too much of this yet.

In considering the reintroduction of customary law, we should, more than in other fields, be guided by the principle that it must be exercised in accordance with the principles of Natural Justice. For example, it is quite common to find unacceptable practices (by western notions) in customary relations between genders - Papua New Guinea women are often the victims of domestic violence. On the other hand it appears that women have their own methods of getting their way. While wife-beating is a common practice, women also have their methods of "punishing" men. This should be borne in mind. By western standards it is easy to say that women are inferior. I refer to Chapter 3. On the other hand, we have to attempt to understand the position of women from the Melanesian point of view. In this context I would refer to Scaglion, who describes Abelam women as having a "separate but equal" status with men.\(^ {14}\) Similarly we can quote E. Cox: "Those women who still have close links with tradition don't seem to see their roles and status as in any way degrading."\(^ {15}\) But development can change and warp "custom". For instance, the custom of brideprice is increasingly changing its meaning and emphasis. Traditionally, the payment of brideprice was a mechanism for strengthening family ties and re-distributing wealth in closed communities. With the impingement of the cash economy on traditional society, brideprice is seen as "buying a

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\(^{11}\) JESSEP (1985) p. 46-47.

\(^{12}\) SCAGLION (1985) p. 35.

\(^{13}\) The National Goals and Directive Principles are part of the Constitution, but are more directives with a moral value than effective legal rules.

\(^{14}\) SCAGLION op.cit., p. 37.

\(^{15}\) See also COX (1987) p. 28-49.
woman", and men increasingly see this "buying" process as giving them the right to "own" their wives - with all the adverse consequences that the concept of "possession" brings.

It is clear that western law could have a positive influence on Papua New Guinean society if careful consideration is given to introducing it in such a way that it does not destroy the society in favour of domination by a western imperialistic coloniser.

As it turned out, western rules govern a population that was left in stress after Independence. To restore a harmonious society where customary and western law could coexist for the benefit of the lives of its citizens will take much time and effort. The right decision at the right moment will be vital.

But without a shadow of a doubt the system as it exists now (a domination of western values) will benefit, not the people of the nation, but the nations who have introduced this legal system to ensure their economic and political status.
CHAPTER 1

METHODOLOGY

1.1 Selection of the institutions

Due to limited funds and a short time schedule, field work was restricted to the study of five detention facilities. The selection was made prior to the commencement of field work after discussion with the Superintendent at Wewak. The selection of institutions was initially limited to those detention facilities in Papua New Guinea which provide facilities for female detainees. After the elimination of prisons which do not house female detainees, the list of institutions to be visited was selected so as to provide as wide a range of differing social conditions as possible, and therefore were representative of the coastal areas, highland areas, small towns and villages, and the major urban areas.

The names and locations of the selected institutions are:
- Bomana - Port Moresby
- Buimo - Lae
- Baisu - Mount Hagen
- Bihute - Goroka
- Boram - Wewak

1.2 Interviews and questionnaires.16

In visits to the selected institutions, the study followed two lines of approach: an examination of the living conditions of the female prisoners under the responsibility of the C.I.S., and questioning of the prisoners. This consisted of written questionnaires filled out by the female detainees and the wardresses, and personal interviews with them.

Because it deals with a criminology topic in a non-European environment, the study has used the methods of ethnographical science. Emphasis has been placed on qualitative rather than quantitative research methods, although both methods are integrated. The qualitative approach was used to focus on the detainees' experience of imprisonment and to investigate the lives of wardresses inside the C.I.S. Some quantitative research was involved regarding length of stay, ages, reason for imprisonment, etc.

The technique used consisted of taped interviews and questionnaires, which made knowledge of Pidgin a necessity. When comprehension difficulties were encountered during interviews, a descriptive definition would be given by the interviewee and this would then be compared to the definition given by another interviewee. The use of a tape recorder made it easier to discover the real meaning of different words. Pidgin is

16 See inter alia OSWALD SCHOPFLE and AHERN (1987)
a language that is changing and growing. In different parts of the country different words are used for the same concept.

The use of the English language, even though it is recognised as the teaching language, gave rise to some problems. The questionnaire handed out to the wardresses was drawn up in English as a means of showing respect for their level of education. But from the answers given, we could easily perceive that knowledge and mastery of the language were very poor. So most of the work was subsequently conducted in Pidgin.

The first draft of the questionnaire was commented on by Dr. Christine Bradley, an anthropologist working with the Papua New Guinea Law Reform Commission. The questionnaire was tested in Lae (where only a few women were detained at the time) and then fine-tuned.

The questions in the questionnaire and those put during the interviews were similar. The interviews were actually conducted to draw out more detail on some questions included in the questionnaire (e.g. reason for imprisonment, impressions of prison life, problems, relations with staff, other prisoners and family, expectations after release). Because of the higher number of prisoners at Baisu and Bihute, only long-termers (convicted for one year or more) were interviewed, though some exceptions were made, particularly for those who had been awaiting trial for long periods of time.

The interviews were conducted as conversations. For most of the women we interviewed, it was the first time they had been given the chance to share their thoughts and concerns with somebody from outside the C.I.S. sphere. Therefore we chose to leave the interviews open so that the interviewee could really open up. But during this process we made sure of getting the relevant questions answered. The process was thus rather time-consuming but it had the advantage of creating an atmosphere of familiarity between interviewer and interviewee and therefore revealed much interesting information.

We would like to draw attention to the fact that none of the stories collected from the prisoners was checked against other information, except for that to be found in the official files of the person concerned. This must be borne in mind when reading this paper. It would have been interesting to find out the point of view of others who were involved in the disputes but not imprisoned (victim, village members, Village Court).

During the taped interviews, notes were still taken on some matters to provide an overview at the end of the conversation. Working with a tape recorder lessened the likelihood of discrepancies emerging from our preconceptions when doing the transcripts of interviews.

Because of the difference in cultural background between the researcher and the study group, open-ended questions were chosen. In this way the subjects were given the chance to elaborate on answers and thus the researcher received an insight into the topics studied which would not have occurred had closed questions been used.

17 The questionnaires are set out in the Appendix.
Even though the specialised literature discourages the use of personalised questions, they seemed inevitable due to the nature of the study, which was mainly trying to ascertain detainees' living conditions during imprisonment and the attitudes of wardresses towards their work. As the interviews were conducted by a woman, there seemed to be less impediment to frankness in the conversation.

1.3. Library work and personal contact.

The information for Chapter 3 was collected through library work (University of Papua New Guinea - Somare Library in Port Moresby and Unitech Library in Lae), and personal experience acquired while working with women's resource centres and living in villages.
CHAPTER 2
CORRECTIVE INSTITUTIONS SERVICE

2.1 History.

Prisons in Papua New Guinea were introduced by the colonial administration and used widely, with small prisons established at almost every sub-district office and patrol post. The "Corrective Institutions Branch" was formed in 1957. The only corrective institution then was located at Bomana, although there were more than 150 institutions throughout the country staffed and administered by the Police and the Department of Native Affairs.

In 1959 a Development Plan was implemented with the appointment of some police officers and constables to the Branch. Institutions were gradually established and by 1969 the Branch administered 14 institutions. The Branch was renamed in 1971 as C.I.S.; and is today a Department in its own right. This means that the Commissioner of the Service is directly responsible to the Minister for Corrective Institutions and, where magisterial, judicial and other legal responsibilities are involved, to the Attorney-General. There are now 21 Corrective Institutions throughout Papua New Guinea.

2.2. General Information.

The corrective institutions are organised into four regions, each under the supervision of a "Regional Jail Commander". Most institutions cover the territory of a province. There is also a considerable number of rural lockups which are maintained by the Provincial Governments and used for short term detention.

One institution (Kainantu) was intended for female prisoners only, but this was closed in 1988 as a result of a request that women prisoners be held closer to their home areas to facilitate opportunities for visits.

I estimate that the average prison population, at any given time, is between 5000 and 7000 inmates.

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18 McGowan-Report, p. 22.

19 Northern Region: Buimo, Vanimo, Boram, Bihute, Bundaira, Beon;
   Highlands Region: Baisu, Barawagi, Wabag, Bui-ici, Tari;
   Southern Region: Bomana, Daru, Biru, Gili Gili, Ningerum;
   Islands Region: Kerevat, Kuveria, Lakiemata, Kavieng.

20 These figures are taken from UNDP documents. The CIS figures appear faulty in that monthly totals are then totalled for the year, without regard to the fact that prisoners' sentences often last longer than one month, thereby giving a number of approximately 26,000 prisoners. This is an example of the difficulties
2.3. Management and administration of the C.I.S.

The C.I.S. has built up a very centralised system of administration, where even the smallest decisions are referred to Headquarters. Beneath the Commissioner there are eight executive management elements, namely two Deputy Commissioners and six Assistant Commissioners. They form the chief executives and are an advisory body to the Commissioner and the Minister on administrative matters. The Commissioner retains ultimate decision-making power. It is claimed that this establishment and command structure eliminates or at least reduces chances of a deputy becoming disruptive, disloyal and generally upsetting the relationship between the Commissioner, his staff and other organisations.\(^{21}\)

It is significant to note that no women occupy key positions at headquarters.

A regional commander is appointed in each region to co-ordinate the use of resources in the region. The main task of this officer is to ensure communications between headquarters and the field. With the establishment of this office, delegation to the superintendents (provincial jail commanders) at the jails has been further cut.\(^{22}\) Furthermore each institution has a provincial commander who is responsible for the overall management of the institution. He is required to ensure that the institution is adequately run and that the welfare of the staff and prisoners is taken care of.

The staff: prisoner ratio differs between institutions, and information on this is contradictory. Figures\(^{23}\) mention a generous ratio of 1:2, but in reality casual wardresses have to be enlisted to carry out supervision of the inmates. Complaints of staff shortages were heard in the female compounds. However, it appears that women prisoner numbers can fluctuate greatly. Prisoner numbers can also reach exceptionally high levels at times of tribal fighting.

2.4. Policy and planning within C.I.S.

The lack of a strong policy is a weakness that has been mentioned in all the key reports over the last 10 years. Until now C.I.S. has been unable to put forward clearly stated goals, programs and needs. A statement of philosophy has never been clearly articulated. Some change did occur with the appointment to office of Commander Kerapia, notably an increased emphasis on rehabilitation and welfare.

\(^{21}\) Kerepia Report, p. 15; McGowan Report, p. 23.

\(^{22}\) McGowan Report, p. 24

\(^{23}\) McGowan Report, p. 20
Planning is mainly controlled by headquarters. The provincial jail commanders have little or no input into this process. As a consequence decisions are sometimes made without the benefit of full knowledge of the situation and relevant facts.

2.5. Problem areas.

It is generally agreed that C.I.S. personnel feel they are treated as the bottom of the heap in the judicial system. With a budget allocation of 11 million kina (in 1989; upgraded to 24 million kina in 1992)\textsuperscript{24} they feel deprived and unable to fulfil their requirements. Salaries are considered low compared to other public service departments. Many problems appear impossible to solve because of lack of funds. As of today (almost the end of the financial year of 1992) warders are wondering what happened to all the money, as they feel that their living and working conditions are still deteriorating.

A serious problem for the continuity of work inside the C.I.S. is the high turnover of officers, especially of superintendents. Discontent about this is widespread. Not only do the superintendents complain, but other staff members are continually required to readapt to new superiors who have their own ways of dealing with situations.

This problem places even more stress on the functioning of the institutions, as in most cases no duty statements are drafted and even where they are, only rarely is it stated how tasks should be carried out. If there is no consistent supervision, the whole case is lost. Frequently many decisions are not taken or implemented because the jail commander or other officer is under notice of transfer. Often transfer dates are set, only to be delayed. This whole situation not only affects work but also the family. On some occasions where wife and husband work in the same institution it happens that the man is transferred to another institution without consideration for the transfer of the woman.

The C.I.S. faces serious problems in staff housing. This sometimes leads to the appointment of officers depending on housing facilities, instead of on the needs of the situation.

Shortcomings exist in matters of water supply, sewerage, electricity, communication, transportation. Working and living under such circumstances is not encouraging. Much effort has to be channeled into overcoming these practical problems. Of course, this does not benefit the system.

Kerepia in his briefing to the Minister of Correctional Services refers to morale and discipline of the staff as "average".\textsuperscript{25} Morale can only be improved by providing better living conditions and creating higher job satisfaction. I elaborate further on this problem in Chapter 5.

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\textsuperscript{24} Compared with the 1992 allocation for Police (K61 million) and Defence (K57 million), the allocation is still paltry.

\textsuperscript{25} Kerepia Report, p. 17.
I think discipline will always be hard to achieve. Work and family environment are too closely entwined. Living and working in the same area will always affect discipline.

A problem raised quite often during the study is the lack of community involvement, which is vital if C.I.S. is to be successful in rehabilitating detainees. Yet it has been remarked that headquarters does not support the pleas of warders for outside help.

Some of the problems mentioned here will be elaborated in Chapter 5. For a further discussion of the C.I.S., I refer to the basic reports.
CHAPTER 3

POSITION OF WOMEN IN PAPUA NEW GUINEA SOCIETY.  

Four groups of women can be distinguished in the CIS institutions: 1) detainees, 2) wardresses, 3) casual wardresses and 4) wives of male staff. The major focus of this work will be on the conditions and interrelationships of the detainees and wardresses, and to a lesser extent, casual wardresses.

To be able to understand the circumstances preceding the commission of violent crimes by women and the situation of the women once they are in prison, it is necessary to outline the position of women in Papua New Guinea society as a whole.

Any examination of the position of women in Papua New Guinea society necessitates, firstly, a brief assessment of the rapid change that has transpired within the country in only a few decades. From an incohesive assemblage of isolated groups, each with unique traditional structures and well established gender roles, it has been moulded into a modern national structure epitomised by rapid transport and communication systems. Within the context of this vast ongoing social flux, the social position of women has been affected by the extreme changes and breakdown of the traditional social structures and ethnic diversity that once characterised Papua New Guinea, the rapid shift from a completely rural society to an urban society, and a great inequality in the educational opportunities available to women.

A brief comparison between the situation of women in the Pre-Modern Age to the situation of women in Modern Papua New Guinea follows.

3.1 Pre-modern age.

Three aspects of women in the Pre-Modern Age (roughly pre-World War II) are of importance: the traditional roles of the genders; land tenure and inheritance customs; and the customs and mores of traditional marriage.

3.1.1. Traditional Gender Roles.

The extremely rugged terrain of the island of New Guinea (with modern Papua New Guinea in the eastern half) ensured that small, isolated communities developed which were separated from adjacent peoples by high mountain ranges and deeply incised valleys. Only limited communication between groups took place. Suspicion of strangers, competition for resources, and a well-defined system of "pay-back" (the duty of kinsmen

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26 This chapter was inspired by: COX and AITSI (1989); ERRINGTON and GEWERTZ (1987); JOSEPHIDES (1985); WORMALD and CROSSLEY (1988).

27 It is well-known that the statistics show a high attrition rate for females through the whole educational process.
to avenge the death or injury of a member of the tribe) triggered continual unrest and occasional violent confrontation between groups.

Against this backdrop of ongoing confrontation, a regimented duality developed in the specific duties of the genders. Men, who, while possibly stronger, were also completely liberated biologically from pregnancies (occasional but potent hindrances to the pursuit of martial arts), became the Hunter/Warrior/Protectors, while women took charge of the maintenance of the home. In exchange for the security and fresh meat the men provided, women bore the load of responsibilities in the village: sowing, maintaining and harvesting garden produce, caring for livestock, attending to child-rearing, daily food preparation. Within the confines of the village, only those tasks of an intermittent nature, such as the clearing of land for garden plots, the construction of garden fences and dwellings, in some instances, construction of canoes, and the manufacture of ceremonial artifacts, were assigned to men.

As long as the need to hunt and provide protection to the village necessitated the sometimes prolonged absence of men from the village environs, this duality of duties based on gender made sense and worked well. Within the traditional village structure, women did not consider their roles as inferior or debasing in any way. An echo of this harmony and comparative satisfaction of the female members of traditional society is reflected in the modern observations of Elisabeth Cox when she states: "Those women who still have close links with tradition don’t seem to see their roles and status as in any way degrading. Instead they readily accept their roles and are proud of themselves when these roles are performed well."

3.1.2. Land Inheritance Customs.

a. Patrilineal.

The prevailing land inheritance customs that developed in traditional societies were based upon the patrilineal system in which land rights are passed down through the male members of the group. As the entire population lived a rural existence in traditional societies, land was the most important asset for these people. The group depended on the land and its resources to live. In patrilineal societies, women have no land rights. Land meant survival. Consequently, a woman was very dependent on her husband.

b. Matrilineal

A minority of traditional communities are matrilineal. In this, land is passed down by various mechanisms via the female members of the group. This gave the women a central role and influence over all community matters, such as land negotiations and disputes.

Nevertheless, political power remains in men’s hands. The important figure in the various matrilineal societies is actually the mother’s brother. He is the decision-maker for his sister’s children. Despite this, women seem to attract more respect from men than in patrilineal societies. However, the true matriarchal society does not exist in Papua New Guinea. Men keep the upper hand!
3.1.3. Traditional Marriage.

An interesting feature is the practice of polygamy. It can be considered as a source of inequality and discrimination against women. Women do not have the reciprocal right of marrying more than one man. In these circumstances one's gain is clearly another's loss. Polygamy is widely practised in the Highlands but recently it has also penetrated the coastal villages. This is probably due to increased migration, "mixed marriages", and last but not least to the advantages that polygamy brings for the male.

Even though educational standards have risen, communication between married couples is still at a minimum. Women keep to themselves and men lead their own lives.

Also, where brideprice payment has been made, this is often considered to give the father the right to the custody of the children when separation occurs. As Josephides states, the payment of brideprice is seen by men as the acquisition of complete rights over a woman's sexuality, her procreative powers and labour products.

Also relevant to the study is the factor of virilocal residence which weakens the status of women. In situations of unfair treatment she will find no support from kinspeople.


3.2.1. Changes in the traditional tribal roles of genders.

The advent of western man into the island of New Guinea, in the persons of missionaries and the more commercially motivated adventurers, resulted in a steady reduction of inter-tribal tensions. The constant tribal warfare which reigned prior to the advent of the white man was philosophically repugnant to the missionaries and bad for trade for those inclined more toward the commercial exploitation of Papua New Guinea. Some semblance of law and order, initially in the form of the kiaps and eventually, upon nationalisation, the national police force, led to a reduction in men's responsibilities as warrior/protector/hunter. Women's responsibilities remained intact.

At this point it is worth mentioning the theory that it was actually western civilisation which introduced the concept of inequality into gender relations. One author who stated this clearly was Elisabeth Cox: "Those women who still have close links with tradition don't see their roles and status as in any way degrading. Instead they readily accept their roles and are proud of themselves when these roles are performed well."

Modern Age has not wrought many changes in gender responsibility. The majority of people (85%) live in the rural areas where traditional roles, especially for women, are still performed. A walk into a village immediately reveals the important role of women in daily survival: sowing, maintaining and harvesting garden produce, rearing children, cooking and household duties. Women are also the ones who carry garden surpluses to market. It can take them up to several days to reach the nearest market place. For many families this is the only source of the cash needed to pay bride price, school fees,
compensation, and so on. We can conclude that women are the backbone of local economic life.

Men, on the other hand, will be found sitting in a group engaged in debate or telling stories. They are the ones to discuss village politics and deal with business and cash crops (coffe, tea, cocoa, copra). Other activities in which they are involved are tree cutting for new garden plots, building fences around the gardens, building houses and making artifacts.

We can assume that men are mainly responsible for periodic jobs and that women actually run the daily life in the village. Due to this, they can be considered as the pillars of the economic system.

3.2.2. Changes in Land Inheritance.

This was changed in the colonial period when the administration started to shift the focus of traditional organisations and values onto men. Consequently, a patrilineally orientated system is gradually taking over the whole of the country.

3.2.3. Changes in Traditional Marriage.

To understand the problem of domestic violence it is necessary to draw a picture of married life. Three forms of marriage are recognised and practised in Papua New Guinea society today: marriage according to custom, marriage according to church law and marriage according to state law. In urban areas a fourth form, the de facto marriage, is an increasing phenomenon, largely for the convenience of the couple involved.

The marriage union is arranged, solemnised and maintained according to varying social practices, and involves the partners in a number of reciprocal rights and duties. These rights and responsibilities are vested in the social roles held by individuals according to their status within a particular society. Husbands and wives have many roles within the context of marriage, the extended family and society at large. The expectations that the members of a society have of individuals in their roles are determined by social values and norms, and the failure of individuals to fulfill these expectations exposes them to criticism.

Urbanisation has altered the face of married life. Marriages are no longer always "arranged" between kin groups, and as previously mentioned, de facto relationships are on the increase. Men's stated reason for this is often that they cannot afford to pay the brideprice; and women often prefer not to commit to a formal marriage situation, as a means of keeping the children in the event of separation. In town, men and women cohabit as couples, whereas in traditional society, women shared a common life experience separate from and parallel to that of men.

28 The following paragraphs are drawn from the Monograph on Domestic Violence referred to in the next footnote.
This new style of "relationship" does not come without problems. On top of that, the new "couple" relationship suffers from additional problems such as pressure from wantoks (extended family members demanding a share of the fortnightly pay packet); the high incidence of alcohol abuse; incidents arising from sexual jealousy situations, etc. All these have contributed to an increase in domestic violence, especially in the upper levels of society.29

3.2.4. Rapid Shift from Rural to an Urban Society.

As mentioned previously, things are changing rapidly due to migration to the urban environment. For women, however, it has not brought about an improvement in their living conditions. They are confronted with new problems, such as a higher crime rate (rape, stealing) and higher dependency on their husbands for the supply of money and food. Some women try to generate their own income by applying for a loan and starting a business of their own: sewing, second hand stores, kerosene sales, crocodile farms, making bilums, surplus gardening. Also if problems arise, for instance with the husband, they often have nobody to confide in or to protect them as had been the case in the village. On the other hand, they have not been taught how to turn towards welfare or other organisations such as Lifeline to get needed help and advice. This can lead to a high level of distress and frustration which in turn can bring about violent action on the part of the women.

Women, without work, depending totally on their husbands and being away from family support, are subject to new pressures, in addition to the normal expectations determined by social values and norms. All this is hard to cope with.

3.2.5. Educational Inconsistencies.

As Elisabeth Cox states: "The differences between sexes seemed to be reinforced by the development of formal education introduced at first by the mission with then adapted courses". The author also mentions the relative inability of women to participate in formal education. This could actually lead to an inferior position in a changing society, by western standards that is. It has lead to a minority of women in top executive positions in the public and private sectors and also to ignorance about and hence lack of interest in the politics of the country. But this is changing slowly, often under external pressure. For example, I understand that Canadian grant money for extension studies will be allocated if the Department can guarantee that 50% of the grant will be allocated to women.

3.3. Personal observations and conclusion.

The above statements (3.2.2) are drawn from my own experiences in Papua New Guinea society and more specifically inside the C.I.S. Talking with men and women, both educated and non-educated, has confirmed them for me. But it should be stated that

29 LAW REFORM COMMISSION (1986)
exceptions for the better do exist and I had the chance to encounter them myself. Those exceptions mainly occur in families where both man and woman worked, but it could also be seen in family situations where only men supplied the cash income. Such couples also have different ways of relating to each other and shared a lot more about life than just the sexual aspect.

As can be found in the Law Reform Commission’s papers on domestic violence, the two main causes of marriage problems in rural areas are sexual jealousy and the wife’s failure to meet marital obligations (see infra reasons for imprisonment). Those problems are also important in the urban environment but alcohol (more accessible) and money (required for food and other essentials) create as many problems.

It is because of marital and sexual jealousy that most women are confined in jails.

Maybe after reading the previous pages we might get the idea that women in Papua New Guinea are seriously oppressed. But as with most issues we should also try to relativise the problem. Women can also be the instigators of the violence that is taken against them and their own violent actions are not always well-founded.

The idea that women are the weaker gender probably derives from the fact that women are lost and defenseless in the public arena. Their strength lies more in the daily round of domestic life where they can assume insulting or independent behaviour when displeased. And as Ann Chowning\(^30\) nevertheless considered the natural reaction of anyone who is angry or frustrated. This idea is generally accepted by women and men in Papua New Guinea. If you are in the wrong the beating is acceptable to a certain degree.

\(^{30}\) LAW REFORM COMMISSION (1985) p. 82.
CHAPTER 4

THE PRISONERS.

4.1 Introduction.

In the past several studies have been made of detainee facilities in Papua New Guinea. Why then this research on women? A survey of the relevant literature reveals clearly that it deals mainly with men in correctional institutions. Also the majority of men prisoners have reputations of being dangerous while this can not be said of most of the imprisoned women. There was a demand from women's associations and from those responsible in the criminal justice system for the collection of information on women prisoners.

The data are based on questionnaires, interviews and informal conversations with women imprisoned during the period December 1989 to March 1990.

Although this report concentrates on those women particularly, generalisations are put forward on many issues, as the situation in the prison system has not changed much during the last decade (see the interviews with long-term women prisoners), especially where female prisoners are concerned. Also from the interviews that we conducted and from the questionnaires that we collected, we can conclude that in many regards the same problems and concerns were brought forward by detainees. So actually the study of this group of detainees can be considered as representative for the whole population of female prisoners.

We also intended to compare the results of this study with statistics that had been compiled in the past. But this idea could not be implemented as in all the statistics that we could find, no distinction had been made between male and female prisoners.

Nevertheless conversations with specialist personnel revealed that during these last years there has been an increase in the conviction rate for women. However, in the year prior to the study (1988) a considerable decrease was noted due to the decriminalisation of adultery.

Data on the social stratification of prisoners are not available. Different social classes have not yet developed to such an extent as in our Western societies. "... the traditional situation with respect to production is less clear. Nevertheless modern aspirations and values confirm the economic distinctions between households that are undoubtedly greater today than in precolonial times."31

The economic and political changes in Papua New Guinea are leading to social stratification. Research into this has demonstrated that social stratification in the West

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31 Clifford-Report, p. 239.
also influences the prison population: people from the low social classes are more highly represented, as they are the most vulnerable group in society, and not because they are necessarily more crime-oriented. For Papua New Guinea though, we can not reach any conclusion due to the absence of data.

Most women in custody are not educated. The length of sentence varies from very short to very long.\(^{32}\)

4.2. Reasons for imprisonment.

4.2.1. General.

Table I (see Appendix) gives us a clear overview of the reasons for imprisonment. We must acknowledge the fact that those figures relate to a small group and a short period of time. Nevertheless the information is relevant as many of the prisoners, 51.7%, are sentenced for a long term (Table III, in Appendix) and therefore the female population can be considered as steady.

The most striking fact is that 65% of the interviewed prisoners were convicted for crimes against another person. This goes against the general figures given for 1987,\(^{33}\) although those statistics do not make a distinction between male and female prisoners. As the number of imprisoned men is much higher than that of women we can consider this number as the trendsetter for male prisoners. The largest group commits offences against property (45.5%). Offences against another person are found in third place with 19%. Due to this fact the number of male detainees convicted long-term is also much smaller (11%).

For a better understanding of this situation we refer to the next chapter which gives an insight into specific situations which impel women to use violence against others. Those specific reasons were encountered repeatedly in the interviews with the women prisoners.

4.2.2. Specific reasons.

In this context I would like to discuss two aspects that have often caused women to react very violently and end up in prison.

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\(^{32}\) See tables in Appendix.

a. Sexual jealousy.

The most common reason for women to commit an offence is jealousy, and more specifically "sexual jealousy". This term includes actions such as adultery, real or suspected, and behaviour on the part of a spouse which is considered loose or tantamount to adultery according to custom. In general, it indicates offended, suspicious or jealous emotions which have been provoked by the behaviour of a spouse towards members of the opposite sex. Certain regional trends were noted in sex-related disputes. Highlands societies were slightly more prone to such conflicts. The reasons for the quarrels may not simply be sexual: frequently the husband in a polygamous marriage may neglect one wife by not working with and for her, or sharing his services equally between co-wives, as he is supposed to. The chances are high that co-wives will resent each other and frequently resort to violence amongst themselves.

The findings of these reports are confirmed by the results of this study of female prisoners. Institutions in the Highlands have a higher number of women detained for murdering co-wives or other incidents caused by sexual jealousy.

b. Domestic violence.

Next to sexual jealousy comes domestic violence, which victimises women who sometimes react violently against their situation. Women are subject to a high incidence of wife beating. Yet when provoked into assault themselves by their husbands' infidelities, they are frequently imprisoned and alienated from their family and friends.

To understand the problem of domestic violence it is necessary to picture married life. Again we refer the results of the Domestic Violence Monograph -

"The survey term 'failure to meet obligations' covers a wide variety of unfulfilled cultural expectations concerning the behaviour of husband and wives in marriage. In the sample of villages covered, the prime concern was failure of the wife in traditional obligations, including household duties. The wives themselves agreed that such behaviour gave legitimate grounds for criticism, and although there is clearly the concept of a lazy wife, it was also clear during the interview that women may deliberately withhold services as a sign of dissatisfaction with their husbands.

'Failure to meet obligations' as stated by both male and female respondents was usually referring to the wife's rather than the husband's failings. Examples of traditional services which rural wives are obliged to perform include cultivating the garden, preparing food, looking after pigs and other

34 LAW REFORM COMMISSION (1986) p. 11.
35 LAW REFORM COMMISSION (1985) p. 126. The practice of polygamy is a contributing factor to this.
36 Ibid, p. 79.
37 See Chapter 3.
wealth, looking after and feeding relatives, giving the husband sexual access, contributing to general family welfare and performing ritual functions when necessary.\textsuperscript{38}

In an ethnographic description of Uma village, in the Southern Highlands, it was noted that women do more work than men:

"Wives show a lot of respect to their husbands by performing their duties properly in order to please their husband. On the other hand the men show little respect to the wives. They let the wives do a lot of work but do not let them participate in decision making. When sharing goods and possessions, often the husbands do not make a fair distribution and they keep the money after the sale of goods in market. They also hit their wife when she fails to do her work properly without realizing that wives are loaded with a lot of work. Beside this, the husbands often take a new wife, causing problems within the families.\textsuperscript{39}

4.3. Arrest and trial.

It would be very interesting to do a separate study on how people are arrested and tried. Because of limited research time this aspect could not be investigated. Nevertheless some interesting information can be found in the Clifford Report which can be confirmed by my personal findings. The information given in this chapter was collected from interviews with prisoners and wardresses or through informal talks in between working hours.

While waiting for court and/or before being transported to a corrective institution, many women are kept in the rural lockup at the police station. The living conditions in those places differ greatly, varying from very bad to reasonable accommodation. In the worst case women and men were confined together. I have heard accounts of women in custody being raped, either by officers in charge or newly detained suspects. No toilets were available and people were forced to deposit their excrement in a corner of the cell. Also in those cases hardly any food or drink is offered. Those women would arrive at the correctional institution in very poor shape, dirty and starving.\textsuperscript{40}

It was not uncommon to encounter women who had been waiting for months to appear in court. Even when the date of appearance had been announced, this was no reassurance. Often it would be postponed, even more than once.

Clifford mentions several reasons for these delays, especially in the National Court. In the study he conducted in 1984 it appeared that it is mainly the police and the Public Prosecutor’s Office who are responsible for most of the problems, the police because of their incompetent investigation, and the Public Prosecutors through their inefficiency in

\textsuperscript{38} LAW REFORM COMMISSION op.cit. p.9

\textsuperscript{39} WARUS, J. quoted by Stephan RANK and Susan TOFT in the report, referred to above.

\textsuperscript{40} I personally witnessed how a newly arrived detainee who had spent a few days in a rural lockup would eagerly finish another person’s plate of food, as she hadn’t eaten for days. It was a shocking sight.
prosecuting cases. The reasons for failure are the shortage of training, a lack of supervision and consistent overwork. It seems as if those reasons will be repeated quite often in this research. The drop in the conviction rate can be seen as a reflection of delays and ineffective prosecutions.

Clifford also suggests that this rate will keep decreasing due to the introduction of minimum sentences and the advent of more sophisticated criminals.

On the other hand it seems that the ability of the District Court to try cases has not changed, which implies that the justice system will primarily continue to prosecute, convict and imprison minor offenders. Moreover District and Local Courts rely mainly upon imprisonment as punishment.

From the women we often got the impression of abortive defence. Often the accused never saw the Public Solicitor before reaching the courthouse. No communication had taken place before the hearing. How can we speak about defence in those cases?

It was not uncommon to encounter a woman in jail who had been imprisoned for failing to appear before the court. Frequently those women had come to town on the given date but their cases were not heard. Often they do not live in town and have to travel long distances. If by the third or fourth occasion they encountered difficulties in getting to town, they would easily decide not to go as it was likely that the case would be delayed again. Who is to blame here?

There also seems to be a serious problem with court witnesses. By the time a case is finally called after several adjournments, many witnesses have already given up attending.

Another problem in the justice system is that of language. As serious crimes are handled in National Court which operates in English, a language problem frequently arises. It is often an expatriate judge who conducts the trial. If the woman does not speak English or Pidgin an interpreter must be found. On many occasions nobody can be found to interpret in the tokples (local dialect) of the accused. The accused does not understand what is being said in court and cannot adequately give her version of the facts.

We must also remember that women in traditional Papua New Guinean society were never expected or even permitted to express their point of view in a public forum. As a high number of convictions originates from rural areas, this fact implies a serious handicap for their defence.

Often in court cases, women may be sentenced to a fine to be paid to the victim or his/her family. The rate of these fines is quite often very high and consequently women choose, or are obliged, to go to jail instead. This is especially the case when the alternative penalty only lasts a few weeks. This situation was already considered in the McGowan Report: "During jail visitations it was not uncommon to see women and children incarcerated, having been unable to pay (for them) hefty fines or compensation
imposed at Village Courts. It was also not uncommon to discover that the fines imposed exceeded the limits allowed for the particular offence committed.\[^{41}\]

Many elements come into play against the position of women. We actually end up with a mixture of female prisoners so strange that we cannot but wonder what they are doing in prison.

### 4.4. Categories of prisoners.

There are two categories of detainees: adults and juveniles. We can also divide the group into remandees and convicts. Both groups should be separated in both cases. This is usually the case with male prisoners but for women these rules have not been implemented. One of the reasons for separation is to prevent youngsters from associating with adult convicts and thus adopting their criminal ways of thinking and acting. If we try to apply this principle to the situation for women detainees it is not a problem, in the light of their reasons of imprisonment. They are usually confined for minor offences, and even murder cases are mainly the consequence of a feeling that injustice had been done to them. It does not result from madness or from any mindless urge to inflict serious harm.

It would be unfair to label those women as "rascals"; this in contradistinction to their male counterparts. Fears that female remandees or juveniles will be adopted into the gangs that form in prison compounds as a reflection of outside gangs should not be taken seriously. During my visits no activities of this sort were noticed, and the interviews with the wardresses did not reveal any evidence of this either. It is true though that the long-term prisoners frequently introduce the newcomer to prison life, informing them about "he "do's" and "don'ts".

But I do not think that this is the reason why no separate provisions have been made for the different groups. In the organisation and planning of the C.I.S., women are usually not considered. If there is a lack of funding it is women who are affected first because they constitute a minority in penal institutions and therefore do not get the necessary attention. Maybe they are unconsciously considered as not dangerous. In this context I refer to the statement of Delgoda: "In the first place society expects a prison to be a place of segregation where dangerous offenders are put away under conditions of security so as to prevent them from escaping."\[^{42}\]

### 4.5. Treatment upon arrival.

When a woman prisoner is delivered to the institution, she is brought to reception where a female officer or wardress receives her. No introductory talk is given. The prisoner

\[^{41}\] McGOWAN Report, p.12

\[^{42}\] Delgoda Report, p. 4.
is asked to state her name, to surrender her private belongings and a questionnaire\textsuperscript{43} is filled out.

After that, she is taken to the female compound where she is given her prisoner's clothes. She is told a few things. When I asked the wardresses explicitly what was said it was very difficult to receive an accurate answer. So the information I collected was through the prisoners, and when a new prisoner arrived at the institution I asked if I could accompany the wardresses on "her introductory tour". First they were given their new possessions: clothes, blankets, laundry soap. They were not allowed to keep any personal belongings such as clothing or bi\textsuperscript{i}as (ornaments) and hanging up pictures was usually prohibited.

Pidgin is the obligatory language of conversation with the wardresses and other prisoners. They are told how they should address the wardresses ("boss"). The bulk of the other information is given by the prisoners themselves. No explanation is given to them on their rights as prisoners. Nor is any information given to them (if they still had to appear before court) about the Public Solicitor or the possibilities of probation. A new prisoner has to rely totally on the other prisoners who already have some experience of the workings of the C.I.S., although their information is not always objective or correct.

It would really be so simple to hand out a small booklet to the prisoners, or to have some leaflets in the compound explaining prison life, prison rules, the behaviour expected from the prisoners, the different services available (library, medical care, legal information, church services and so on). Of course not everybody is literate, but at least one person should be able to read, and to share it with her companions during the long hours of lockup.

From the questionnaires I only received information about the standing rules in Bihute. This is what was said to the prisoners upon arrival at the Goroka institution: obey warders and wardresses, do not call the wardresses by name, the only answer allowed is "yes boss", quarrels and fights with other prisoners will be regarded as an offence, do not talk with male prisoners, do not talk to civilians except during visiting hours.

As most women haven't a clue about law and correctional institution it would be very helpful to give them some information on the whole system. I frequently encountered frantic women who had been waiting months and months to appear before court but still had no idea what was going to happen to them. They often felt that they might die in prison as nobody was able to tell them what might happen to them, why they were not tried, and so on.

Fear of the unknown and long waiting periods are known to be the worst mental strain for the detainees. This is even more so in the case of women who consider themselves innocent and the victims of maltreatment by their husbands.

\textsuperscript{43} Included in Appendix.

4.6.1. The Compounds.

Although, as required by the Corrective Institutions Act\textsuperscript{44}, there was a separate compound for the women at all five detention centres visited, the facilities for the female inmates in the five institutions had not been standardised.

At Bomana, the female inmates are housed in the former juvenile building which is located at a considerable distance from the male compound. The section consists of three buildings: one building doubles as a dormitory and sanitary facilities, the second one is used as a workshop and the third holds the kitchen and dining room. The buildings all are very spacious and well lit.

The female compound at Buimo is situated next to the juvenile compound in close proximity to the huge male compound. The one building designated as the female detention area is enclosed within an extremely confined space. Although occupied by only seven women and a child, the facility within such a confined area seemed perpetually crowded. All activities such as sleeping, eating, "working", and washing are restricted to the one small dormitory. Only cooking is done outside the dormitory in a shed. The building is perpetually dark with only small windows along the top. Just outside the compound a \textit{hauswin} has been built, in which to conduct extra-curricular activities. For the period of this study, the shelter was mainly used by the wardresses.

The arrangement of facilities for the female inmates in Goroka and Mount Hagen is quite similar. One very long building is divided into several parts: a dormitory with sanitation facilities, a dining area and a small kitchen.

In Baisu, the facilities consist of two dormitories. This arrangement segregates the long-termers in one dormitory and the remandees and short-termers in the other. Both are situated close to the male compound. \textit{Sipsip} (weaving-looms) are housed in a lean-to shelter right outside the dormitories. There is no dining area, and meals therefore have to be eaten outside, or in the dormitory in bad weather.

In Wewak, the women's compound is situated on a hill partly overlooking the male facility. It consists of a small, poorly lit brick building with very small windows located along the top. Within this one building is a tiny kitchen, one room for separate confinement, a small dormitory with attached sanitation facilities and a central work space.

\textsuperscript{44} Section 112: "Female detainees shall be kept entirely separate from male detainees and shall, as far as practicable, be confined in different buildings from male detainees".
4.6.2. The Dormitories.

The Corrective Institutions Regulations stipulate that each inmate must be provided with a bed, blankets and pillows. In some of the institutions included in the study, only the letter of the law and not the spirit appeared to be applied. At Boram, all beds supplied for the use of the inmates were stacked in one small room while the women slept on the floor. In Goroka, the women slept on wooden benches infested with bedbugs. Where beds were supplied to the inmates, they consisted of simple springbeds or palang (plank) beds. The inmates commonly complained of back pains and general discomfort caused by the sleeping arrangements.

Each inmate is supplied with one or, in the Highlands, two blankets. The quality varied from institution to institution. In Goroka and Mount Hagen the women, although provided with two "blankets", sleep closely together to ward off the cold as the "blankets" are little more than rags. In most institutions, pillows are not provided and the second "blanket" (if provided) is commonly used as a pillow.

As the most common diseases in the tropics are transferred by mosquito bites, it is worthwhile considering investing in mosquito nets for each person. The use of these would reduce the incidence of illness. In only one institution (Bomana) were nets provided.

4.6.3. Clothing.

Upon entering prison, each woman is allocated two laplps, two blouses, a towel, and laundry soap. Little attention is paid to correct sizing. The uniforms are colour-coded according to the status of the prisoner: the uniform of the remandees is blue while the uniform of the convicts is blue with a red line across. The inmates are required to wash their civilian clothes which are then stored until the inmate's release.

As the female warders consider underwear a convenient "hiding place for smok" (tobacco, cigarettes), which they claim is strictly forbidden by the regulations, underpants and bra are confiscated upon arrival at the majority of institutions. Only during menstruation are inmates allowed to wear underpants. Punishment (at Mount Hagen) for those inmates who retain their underwear after menstruation often includes having the offending item confiscated and burned. This practice leaves the inmate with no underwear for her next cycle.

4.6.4. Food.

One sometimes hears the comment from the "outside" world: "Kalabus em olsem hap bilong malolo. Ol lain i save kisim planti kaikai na taim ol i luzim kalabus skin bilong ol i tait nogut tru." (The prison seems to be a holiday resort. Prisoners are being well fed and leave the institution in good health).

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45 Section 117.
However, I suspect most of the prisoners would not mind being less heavy and instead getting more variation in their daily diet. Although a list has been worked out with a large amount of variation, the menu each day is approximately the same. In the morning they have wheatflour scones with tea and sugar, for lunch and dinner brown rice and tinned fish or tinned meat.

Occasionally the prisoners are allowed to harvest some greens from their gardens, and once I also saw some beans, peanuts and peanut butter being eaten (probably because of a special occasion). Whether they get these extras or not depends totally on the amenability of the wardresses and of course on the state of the garden and the season. When we analyse the diet we must agree that prisoners' food costs are high, because they are being served store-bought food when other food could easily be produced in the C.I.S. grounds. Nobody could deny that more use could be made of their own garden produce which would help to cut down on expenses and give the detainees a more balanced diet. But produce from the gardens (if these exist) is often sold by the staff.

4.6.5. Hygienic conditions.

In general, conditions of sanitation are at least on the same level as in daily village life. Still there are many complaints, especially in the larger institutions.

While I was visiting Baisu, the institution was facing water supply problems. Water was restricted to a few hours a day without any advance notice. The female prisoners were confined to one dormitory at the time, whereas in normal conditions they would be separated into two different rooms, and only three toilets were available for about 60 women. Since they were locked up from 5 p.m. to 6 a.m. the toilets would block up. Children were crying and women kept from sleeping because of the strong odours spreading from the nearby toilets. I do not need to go into further detail to conclude that living under those circumstances would be sufficient to create a most unpleasant atmosphere and a health hazard. This situation had been going on for several weeks and no change was anticipated in the near future.

Toilets and shower stalls often do not have any doors. Privacy seems to be an unheard-of concept. Complaints were made about this.

Soap, toothbrush and toothpaste must be supplied by relatives. But because of the scarcity of visitors, women often receive no supplies. Either they depend on the goodwill of their companions who have supplies or on the help of the wardresses. There is a problem also of being able to afford these items. As there is no pay for work done, women seldom have money and depend totally upon friends and relatives.

4.6.6. Health.

All the large institutions are equipped with a first aid post. If a qualified wardress is present, women are checked upon their arrival for venereal diseases and provided with medication if available. Otherwise the patient has to be taken to the hospital for consultation. This is usually the case as there are very few trained personnel and no doctor is attached to the service.
4.7. Activities.

Women are divided into three groups: remandees, munmeri (short term convicts), and liameri (long term convicts). They do not live in separate blocks but all share the same area. (Exceptionally at Baisu prisoners are split up in two different dormitories.)

Remandees are not allowed to work, but the short and longtermers are allocated specific tasks. Usually these consist of the following activities: bik lain (heavy work), such as cutting grass, cleaning the roads; garden work; cooking; and finally special activities like sewing, weaving and bilum making. If there are remandees in prison they are responsible for cleaning the compound and turning bilum string or spinning sheep wool.

Every week there is a "dedication day". That is when people and organisations from outside come in for the afternoon to teach the prisoners something. It has been introduced as part of the rehabilitation program but much still needs to be organised and implemented. The general idea is very good.

So far it is mainly church groups who come in and give Bible classes. Some of them also give talks on family planning. And there are sewing and knitting classes. When I investigated the matter more closely, though, I discovered that it was usually those who already had some skills who would take up those activities. Moreover there were not enough sewing machines for all the women. So most of them end up making bilums and more bilums.

But religious matters dominate. Other groups should be invited so that a wider range of topics could be covered. I am thinking here about health care, nutrition courses, small business management, banking, legal and court system information, information about different awareness programs that are being run (and also about rehabilitation). If they had some measure of education in these matters, they would have more ability in future to impart life skills to their children, more skills to share with their communities after release. Help does not always have to come from the outside world. Wardresses and prisoners themselves have certain talents and knowledge that would be worth sharing with the whole group.

The most emphasised activity, apart from the normal workload, is the spiritual one. Different denominations are catered for and the Sabbath and church services are always observed. Most of the convicts were members of a church before imprisonment, but this does not mean they were practising. In prison this changes totally. Religion becomes a very important part of their lives and some claim that since their arrival in prison "Satan" has been driven out from them.

This religion approaches everything from a black and white perspective (good or bad, hell or heaven, God or Satan) and communicates its point of view to the prisoners at a very childish level. In every institution that I visited, somehow we always ended up talking about religion, especially with the wardresses. I suspect that in this instance religion functions as a talisman, a screen against reality and that the Bible is interpreted in a way that suits the religious teachers. They often succeed in instilling massive guilt
complexes and leave their subjects with a narrow view on how the world is and how they should behave. They also speak about the end of the world and use this approach to strike fear into the prisoners.

But maybe I shouldn't be so negative. Often prisoners have been helped to establish guidelines for future behaviour. But then on the other hand this could also be done through secular programs such as counselling and rehabilitation. The churches should not use the prison as an ideal arena to save souls.

A reflection of this situation is the fact that in almost all prisons only one kind of book is available, namely religious books and specifically the Bible. In theory a library is available. This is available mainly for the male inmates. Often the library is situated in the male compound and therefore the female prisoners can never pay a visit to the library. If they want reading matter, they must ask the wardresses to get them something. What they get is usually religious books. In Bomana though I saw a few magazines lying around for a change (more than 5 years out of date but still entertaining for women who could not read anyway). It is clear that as far as the library facilities are concerned, no special effort is made to provide women with interesting and entertaining literature.

In the evenings, after being locked in at 5 p.m, one person reads some passages from the Bible and the others just listen. It is true that a large number of women cannot read but the availability of books or magazines could provide an incentive to learn.

On the other hand we must mention that women who are interested and capable are given the chance to enrol in C.O.E.S. (Centre Of External Studies) courses. The enrolment fee is totally paid by the C.L.S. and these courses can contribute a lot to the wellbeing of the individual and to the development of her/his mental health. Especially for long-termers it is a stimulating activity. It helps them grow and gives them the impression that they are doing something useful in prison. The sad fact is, however, that very few prisoners take these courses. Maybe the wardresses should be arousing enthusiasm for the possibilities on offer and also encouraging prisoners to do the required study.

We should also bear in mind that a majority (or large number, see interview sheets) have received no basic education and consequently are illiterate. Others cannot even master one of the two major languages, Pidgin and Motu, and can only converse in their own tokples. But upon entering prison the detainees are told not to talk in their own language but to use Pidgin. It would be quite logical to have this rule if the means was also supplied to learn the language properly. Every warder is capable of teaching the basics of the language and could also teach women the basics of writing. But nothing really is done. They just wait for somebody from the outside world to do something. We think that wardresses are relying too much on other skilled people and forget too easily how much they themselves could do to help the prisoners towards positive rehabilitation.

46 See table in Appendix.
Some prisons offer the opportunity of watching a video movie. This is usually screened on Saturday or Sunday. The ones that I saw being shown were mostly in bad taste and violent. When I asked the wardresses who made the choice, they answered that it was up to one of the warders who would go into town to select a couple of movies.

In some cases though, an effort was made to find an educational one, revealing something about Papua New Guinea society and giving some information on women's rights. What was missing after the presentation was a short discussion on the topic. Women are often considered as not involved and not interested. Maybe it is the way they are treated which makes them this way.

Last but not least is the opportunity for playing sports. It is an activity that takes place once a week and that is much loved by all prisoners and wardresses. They organise games amongst themselves and it is a very relaxing time for both groups. The problem that arises though in small institutions is the shortage of prisoners to form a team. Maybe it would be a good idea to encourage the wives of staff members to join in the activities.

All activities in prison can be considered as a part of rehabilitation. Some activities are very specifically directed towards rehabilitation and will be discussed in the section on rehabilitation.


An additional problem that women in jail are confronted with is pregnancy and the presence of children.

Looking at this problem from a western point of view we would have to disapprove the practice of having children stay in jail with their mothers. In western society you can either rely on a family member or a specific organisation to take care of the child. In Papua New Guinea the only support system is the family and the village.

But then we must look a little further. Usually, a married woman lives in the village of her husband's family. If she has committed an offence against her husband the chances of being supported by her in-laws will be very slim. Also, in-laws are often entitled to take the children if brideprice has been paid. So in this situation, if the mother still has a small (0-2 year) child she will want to take that child with her in the hope of being able to keep one of her children, and maybe try to bring her other children to her village. Of course in serious cases there is the risk of payback against the mother's clan and therefore these people might be reluctant to take the children.

In a situation where husband and wife have migrated to an urban area there will usually be no immediate family close by, so that when trouble arises the mother has to take a small child with her because of the father's inability to look after little children. Children are often breast-fed until the age of 2 years or more. The C.I.S. allows mothers to keep their children until the age of 3.
I encountered an exception at Baisu, where a women had given birth in prison to a little boy. She was sentenced to 5 years imprisonment and kept the child throughout her entire period of detention. The reason was that, as she had killed her husband, her in-laws had the right to the children. They had already taken the other children and the woman didn't want to lose this child too. On the day of her release, special efforts were made to ensure that she would be escorted all the way to her village. The chances that her husband's wantoks would be waiting to kill her and to take the child away from her were quite high and had to be taken into consideration. The little boy seemed to live a fairly normal life surrounded by 60 women (until the previous year, this was approximately 200). Also he was not always the only child in the compound and the wardresses would also sometimes bring their own children along so that there would be some playmates around.

A problem for mothers who have their children with them in custody is that no extra food is allocated. The mother has to share her own ration. This does not seem to be a real problem. Other women do not mind sharing. Clothing is often provided by the wardresses or the churches.

For the other women the presence of the child(ren) makes life in prison less artificial. Women in the villages usually spend their time with other women and children, so this situation of a child relating to several women and being looked after by several women is not unnatural. It is also a way for the women to give and receive some affection. To me it seemed that the presence of a child made a bad experience more bearable for the women.

For pregnant women the situation is a lot more stressful. When highly pregnant they are relieved from the biklain and are generally allocated cooking duties. They often do not feel secure about giving birth in this "unfamiliar place" where they do not know anybody really well.

But such women are looked after well. They are taken to a hospital regularly for check-ups and when the birth is due they are taken to hospital for delivery. The mother stays in hospital for a few days before returning to the institution. Birth is considered a time of rejoicing just as it is in the outside world.

We can conclude that the presence of children in the prison compound is not so stressful for the mother and other detainees. For the child it might be an unnatural environment to grow up in but on the other hand in many cases the child is probably better off in prison than at home.

4.9. Visits and mail.

The close-down of the central female C.I.S. institution has already been mentioned.47 Women were detained too far away from home.

47 See Chapter 2.
The general rule concerning visits as stated in the Regulations allows prisoners 30 minutes of visiting time on Saturdays, and in large institutions on Sundays also. Visiting relatives may have to spend a lot of money (plane ticket) or sometimes several days on travel.

The questionnaire answers about visiting time indicate to us that prisoners are not happy with the small number of visits they receive or the limited time allocated for them.

The problem of lack of visits takes on a different aspect when we consider long-term prisoners. Most women who are in for the murder of another woman are left by the husband for a new wife. Because of this they will rarely or never get a visit from him or the children. Those women end up being totally isolated from their families and are desperate for some news of their children.

If a close relative of the prisoner dies, permission to attend the funeral will be only given if the deceased lived close to the institution. If that is not the case the prisoner is excused from work for a few days to allow her time to mourn.

As there are many illiterates, not very much mail is received.


The normal procedure for breaching the standing rules is to present the matter to the Visiting Justice who is supposed to visit the institution regularly. Normally punishment consists of decreasing the number of days of remission granted upon arrival at the institution.

But once again, standing rules and implementation do not go hand in hand. The wardresses' experience is that prisoners who know that the "VJ" (Visiting Justice) only attends the institution irregularly tend to breach the rules more often as the chances are high that nothing will be done to punish them. The wardresses, fearing a subsequent increase in disobedience, have adopted the practice of imposing punishments themselves. Sometimes prisoners are isolated pending a decision by the VJ. In Baisu the decision had been taken to move the long term prisoners from their dormitory and house them with the remandees, the reason being that one prisoner had been placed in isolation for corresponding by letter with a male prisoner. Because of one offender, a group of 60 women and children had to live in deplorable conditions, all of this because of the irregularity of the visits of the VJ.

4.11. Release.

Once again there is no general rule on the procedure for release. In some institutions the woman being released is invited to the office of the superintendent who proceeds to give a brief moral lecture about the woman's expectations upon release. More often
though it is just a matter of giving her back her private belongings and arranging transport for her to get back to where she was arrested, her home or village.

The release, especially of long-termers, is accompanied in many cases with excitement but often with as much anxiety. Often the women never received any visits from relatives, husband or children. In many cases the husband has already remarried. The woman is actually totally disoriented and moral support at this time would be welcome.

In cases where the woman in question is planning on trying to find work a recommendation letter could be drawn up. If there are possibilities of payback, it would be desirable to arrange through C.I.S., or preferably through the welfare service of the area or even the Village Court, a preliminary check on the likelihood of a violent reaction from the victim's family. A solution should be found to satisfy both parties. The mediation role of the Village Court could be important here.

We should not assume that just because the woman has undergone her punishment according to western standards, she will be able to walk out freely. As western concepts have not been fully accepted, the possibility of revenge according to traditional concepts still exists.

4.12. Relations between prisoners and wardresses.

From the interviews and the questionnaires it is more than clear that the relationship between prisoners and wardresses can differ greatly from institution to institution. As the whole system is characterised by a strange mixture of formal and non-formal attitudes, it is hard to infer a general attitude towards the prisoners.

Usually there is no social worker available to whom the prisoners can turn. In conflict situations the wardresses are there to make sure the rules will be implemented and then they adopt the status of "boss" and not one of "helper".

The prisoners are told that when they need any assistance or have any problems they can state this when lining up in the morning or the evening. Under those circumstances there is no privacy and it makes it even harder on women to speak out about their worries. There is no informal problem-solving mechanism other than resorting to the priest in institutions where these visit the prisoners regularly.

The duality of the two roles wardresses have to adopt makes it very hard for them to develop good relationships with the prisoners. In many instances where the wardresses lack motivation because they are dissatisfied with their working conditions, the relationship can be rather cold. Little respect is shown towards the prisoners who are called pigs and are not treated as human beings. This occurred especially in the larger institutions where a certain degree of anonymity reigned. The smaller institutions saw a more respectful contact with the prisoners. This attitude also depended greatly on the supervisor of the wardresses. At Buimo, Boram and Bihute a more respectful attitude
could be observed, mainly because the officer in charge of the female prisoners and warders was concerned about humane treatment and rehabilitation.

A noteworthy feature was the disdain shown by the wardresses towards higher educated woman who arrived in prison with fancy clothes and nail polish.

Between casual wardresses and prisoners, a more comfortable relationship was noticeable. This was usually because those wardresses themselves have very little authority. Their only task is to supervise and spend time with the prisoners. They often share the work, such as making bilums.

4.13. Relations between prisoners.

In the literature concerning the relationship between female prisoners in western systems, the problem of lesbian relationships and gang formation is mentioned.

When I asked questions about the first issue, it seemed obvious that in all cases people didn't know what was meant. It certainly highlights the absence of the problem. In the institutions I visited, at least, none of these problems existed for women. We should consider the fact that as women in Papua New Guinea society are used to living and working together this situation would be less likely to occur. Sexual activity between women seems to be of minor importance and it certainly is not a public issue. On the other hand as mentioned previously sexual jealousy is a serious problem but it is hardly an issue in the prison setting because of the segregation from males during the period of detention.

Even though fights occur between female detainees (mostly due to tensions caused by the abnormal living conditions) solidarity seems fairly high.


4.14.1 Introduction.

The penal system of imprisonment is often justified by the factor of rehabilitation. Through rehabilitation prisoners are to be reeducated to function properly in society.

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48 See e.g. GIALLOMBARDO (1966) p. 133-157.

49 In contradistinction to the male prisons, where sodomy and male rape, and even self-inflicted circumcision, are quite prevalent.
Rehabilitation has been analysed in the base reports.\(^{50}\) Lack of employment and idleness of the inmates has been observed. This represents a considerable loss to Papua New Guinea and to the inmates themselves. Imprisonment costs the community a lot, when there is no contribution in return. Rehabilitation seems possible in fields such as agriculture and technical training with tradeskilled or workshop employment. The role of the community is emphasised in developing and managing prison employment.

"The correctional services on their own can not play a decisive role in reversing a poor law and order situation. The community, led by the dedicated representatives, supporting the police and the judicial systems, and accepting offenders as products of its own inadequacies, must involve itself fully in the process.\(^{51}\)

In this section we shall cover -
- History
- definition and implementation
- situation for women
- conclusion


Through the study of Richard Sikani\(^{52}\) we can trace the start of rehabilitation in the history of Papua New Guinea C.I.S. back to the sixties. It was established in pre-independence times by the Australian colonial administration. When the Honourable Paul Hasluck was appointed Minister for Territories he ordered a reorganisation of the prison system. Reformative and educational training was seen as another form of control. The rules concerning the treatment of inmates were adapted to conform the United Nation's Minimum Rules. With the commencement of the **Corrective Institution Ordinance** (1957-63), seven policy guidelines were drawn up. The aim was to establish major central corrective institutions at suitable locations and all prisoners sentenced to more than twelve months were to be engaged in useful education and trade training.

In the Annual Report of 1966 to the United Nations by the Australian colonial administration of the Territories of Papua and New Guinea it was stated that corrective institutions had been developed and various agricultural and industrial projects were established in Papua New Guinea.

Detainees were classified under four categories:
- first class : remandees
- second class : defaulters
- third class : first offenders
- fourth class : recidivists

\(^{50}\) The Rooney, Clifford, Delgoda, Kerepia and McGowan Reports have already been mentioned as the basic source reports.

\(^{51}\) McGowan Report, p.6.

\(^{52}\) SIKANI (1990).
Rehabilitation only concerns the third and fourth class if sentenced for twelve months or more. For this purpose those detainees were brought to central institutions where better facilities, guidance and care for rehabilitation could be maintained.

The different projects were: livestock - cattle and piggery, poultry - ducks and chickens, forestry, mechanical and electrical tuition, plumbing, brick making and bricklaying, welding, painting and carpentry/joinery.

Since the time of Self-Government (1973) and Independence (1975) there has been little attention paid to rehabilitation. Many facilities have deteriorated and the lack of competent people capable of training the prisoners is obvious.

As we pointed out the notion of rehabilitation was introduced in Papua New Guinea a long time ago. But what about the real situation? Is rehabilitation only connected with teaching the detainees a skill or does it also mean to treat the prisoners as "human beings" with rights that need to be respected? Were the UN Minimum Rules being implemented?

With the appointment of Commissioner Kerapia (1985) new life was blown into rehabilitation. The concern grew to pay more attention to the possibility of the prisoner playing a fruitful part in the development of society by teaching him a certain skill. The new action would consist of the establishment of a rehabilitation and welfare committee and the introduction of the dedication or education day.

But a big gap remains between the introduction of this new way of regarding prisoners and how they should be treated to make rehabilitation possible, and the actual application of these new ideas by warders and wardresses.

Over time the C.I.S. has always been regarded by the politicians and public as "the bottom of the heap" and little financial resources were allocated. This also had an effect on the training and recruiting of warders. Emphasis was laid on physical and disciplinary training and the educational standard required was grade six. At this stage warders had total authority over the prisoners, a situation which could easily result in an abuse of power. When the officers tried to introduce new attitudes towards the reason for imprisonment and treatment of the detainees, the warders resented any concept of rehabilitation or even improvement. Only correction through punishment seemed acceptable to them.

This coincides with public opinion. Often comments can be heard about what a good "hotel" the _haus kalabubus_ (prison) is. This mentality is also reflected in the report of the Committee of Review into correctional services in Papua New Guinea:

"To be successful, the rehabilitation programmes must come to terms with the realities of detention and, in most cases, the obligation to hard labour. Further, it must fit in with the public demand for punishment".53

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53 Rooney Report, p. 70.
But, as Delgoda mentions, the man in the street hardly ever realises the hidden punishments that invariably accompany imprisonment. In many prison systems these hidden punishments are far more damaging than any other punishment. They are the loss of employment, the separation from family and friends, the public dishonour of being condemned to live with other "criminals", the mental agony and the routine and regimentation of prison life which automatically take place even in the best prison in the world.

For a couple of years attempts have been made to resolve the problem of the warders' attitude towards rehabilitation by giving appropriate training to new recruits. For the other warders refresher courses are being conducted. For further information I refer to Chapter 5.

4.14.3. Definition and implementation.

"Rehabilitation covers all those factors that can increase a detainee's chances of becoming a law abiding citizen on his release, thus reducing the incidence of repetition in crime, which in turn will reduce or at least hold steady the costs of maintaining Corrective Institutions".

Following this definition programs have been set up in three fields: rehabilitation through work programs, technical education opportunities, general education.

From our point of view rehabilitation does not only work through "education". It also implies a general attitude towards prisoners, who should be considered human beings who at one point failed and who are being given time to readapt to the demands of society. Also we can ask ourselves what is meant by general education. Does it imply literacy programs, health education and work programs or is it a way to impose western values upon the those imprisoned? It is all very vague.

What about the psychological effects of imprisonment on the detainee? Does rehabilitation not also need to establish a supportive mental attitude besides teaching a skill? Human beings should be considered as a unity of mental and physical aspects and through rehabilitation the person as a whole should be helped to prepare for life in the outside world. To reach this goal the prisoners should also be given the opportunity to talk about their "worries" and fears, their "mental agony" as Delgoda calls it. So many of them are in anxiety because they know little about the correctional and judicial system.

One of the programs that has been set up is the placement of chaplains in the correctional institutions. This objective had been already realized at Buimo and Bomana. Their main function is to care for the mental health of the prisoners. At Buimo the chaplain is also responsible for another nearby institution. The result is that

54 Delgoda Report, p. 5.
55 Rooney Report, p. 69.
56 Delgoda Report, p. 5.
he is overloaded with work. We can ask ourselves whether efficiency is still possible in those circumstances. Besides a chaplain, a more formal means of counselling should also be established, unless something can be changed in the training of the warders or wardresses so that they can offer the necessary support.

Even though the "Division of Welfare and Rehabilitation" has been established, it does not function very efficiently yet. Purpose, objectives, aim and role have been set up in a handbook. Two years after this report has been published, only one out of the nine principal aims can be found to have penetrated to the level of the detainees, namely the providing for the spiritual needs of staff, families and detainees. The delegates of the committee only visit the establishment on irregular occasions. Women, after sharing their concerns, often do not get feedback and have to wait for a long time before receiving any kind of answer.

To improve the situation a welfare or rehabilitation person should be stationed at each institution. Also, some wardresses have now attended counselling seminars and could be set up to do the work officially. Most of them have never taken the initiative to implement their newly acquired knowledge and skills.

Because of cultural factors and the reasons for imprisonment, we can suggest that a woman should be placed in office as a counsellor to deal with the problems of the female prisoners. It would be rather difficult for women to relate to a man concerning their specific problems. Nevertheless we should not generalise. Gender relations are changing. This mostly occurs in the urban environment though in the rural areas, where most convicts come from, relations still follow traditional rules.

In the only institution where counselling occurred in a formal way, it was done by a male officer. The female prisoners and the wardresses seemed to confide in him. The officer took his job very seriously and most of all knew how to get things done. He came from a matrilineal society and this may have influenced his attitude towards the women.

One of the current activities concerns the participation of female prisoners. I refer here to the "inmate-outmate" program that has been set up at Bomana and has had positive effects on the detainees.

Prisoners are chosen to go and speak in schools and certain organisations, mostly about themselves and about their experiences in prison. I had the chance to meet one of these speakers. Even though in the beginning she had a great problem of shame towards the "outmates", after a while she overcame it. She knew she had done wrong, she was undergoing her sentence and wanted to tell the people her story to prevent them from making the same mistake. However, she formed an exception to the normal criteria for women prisoners. She was an educated woman, imprisoned for misappropriation. It is possible that a less educated woman convicted of a crime of violence would be totally incapable of relating to the outside world in this way.

57 CORRECTIVE INSTITUTIONS SERVICE Handbook of Functional Responsibilities and Programme Developments of the Division of Welfare and Rehabilitation.
This program is still run as a pilot program and is directed from Bomana. It would be interesting to implement it in the other institutions. This program does not only help the prisoner but also creates law-awareness among the people that attend those gatherings. It is different and special enough to attract a lot of attention and interest, more than brochures or posters would, or even a class about law in PNG.

During the rehabilitation program detainees should also be taught what to do or where to go if new difficulties or tensions occur once they are released. Discharged detainees should be assisted and counselled. This has been taken up as one of the current activities by the "Division of Welfare and Rehabilitation". Again in relation to women, nothing of this was noticeable during my visits to the five institutions.

The questionnaire handed out to the wardresses also included the question: What happens to the women on the day of release? The answer was "nothing".

On one occasion I also observed that the office had not been informed or had forgotten about the release date of a woman and her child. As the day of her release came up this woman, who had already spent five years in jail together with her child who had been born in jail, did not leave the prison ground. The office had not anticipated her release and as some of the vehicles were broken down there was no transport available to take the woman home. She spent hours waiting outside with her child before she found out what was actually going to happen to her. Finally transport was arranged for the next day and she was able to spend the night at the house of one of the wardresses. As she had killed her husband during a fight and had already lost a child to her husband's family, she and especially the child had to be protected and escorted to the village. Revenge by the husband's family was expected by way of trying to kidnap the child who according to tradition belonged to them.

4.14.4. Situation from the women's side.

No specific mention is made of women in the rehabilitation schemes. We can assume that as the number of female detainees was low no special attention was devoted to them. Also we should keep in mind that from the western point of view, which has largely been adopted in the prison system, women are mostly considered inferior to men. Even though their number has increased these days still no sincere effort has been made to conceive an adapted rehabilitation program specifically for the female inmates.

In the prisons that I visited the following activities were implemented: grass cutting, making bilums, sewing, ironing, macrame, typing and weaving. Some got the chance to pursue their education through the external study centre. But out of the 94 women I only met two to whom this applied.

The situation for the women prisoners mainly depended on the initiative of the officers in charge of the females, and the wardresses. Nothing has been specifically designed for women and there is no overall policy on this subject. Some initiatives have been set up through the National Rehabilitation Committee but those do not specifically concern women. I refer here to the introduction of specific training courses and the establish-
ment of the dedication day. Also the presence of a prison minister should stimulate the implementation of rehabilitation.

The first thing that struck me during my visits to every prison was the "bilum mania" that I encountered both in prisoners and in wardresses. From morning to night they spend their time doing the same thing. This activity is only interrupted by grass cutting for the convicts and the cleaning up of the buildings for the remandees.

The rehabilitation facilities differed greatly in the institutions that were visited. Bomana is best equipped. As it is the most important jail in the country, the female compound exceptionally had a separate "workshop" where some activities could be undertaken. The activities being run at the time of my visit were the following: sewing, bilum making, gardening and the "big lain" grass cutting. I also saw a few typewriters, and cooking classes had been given in the past. The two women sewing already had some sewing experience. Missionaries or wardresses did the teaching. It would have been hard to give a real sewing class because only two sewing machines were available. So mainly the experienced prisoners got the chance to improve their skills while the inexperienced were not being taught. The main activities, as expected, were gardening and bilum making. As mentioned previously, the "in and outmate" program was also run here.

In the other institutions the situation was a lot worse. Efforts may have been made but the results were inadequate. A weaving course was set up by the mission at Baisu. The looms and the building providing necessary shelter had been paid for by the mission. One of the wardresses was put in charge of running this activity (not always with much success). Remandees were assigned to wash the wool and to spin it. The making of the blankets and carpets was a task for long-termers. After talking with one of the missionaries involved I could not help noticing his disappointment with the program. So much more could have been achieved. But it seemed that a lack of organisation and interest from the wardresses had made positive development impossible. I can confirm that after finishing a blanket or carpet the women really felt satisfied and proud about what they had achieved. It also taught women something useful that could be seen as an asset to their lives after release. Profitable production is far away though.

In the past, materials (sewing machines, typewriters) had been provided by organisations or missions to teach prisoners new skills. Many times though those machines would break down after a while and no money would be available for repairs. Three of the six sewing machines donated to one of the institutions by an outside organisation were confiscated by headquarters for redistribution to other institutions. On one occasion, a TV donated by Paradise Biscuits for women detainees was also taken away by headquarters with no reason given. Even though gardening has been successful at this stage in one of the institutions, it is rapidly declining, as the money needed to buy a simple garden hose has not been allocated by headquarters.

The YWCA offered to buy clothes and other handcrafts made by the prisoners for selling on. The money earned was then to be put into a savings account for the women who had produced the goods. This way, upon the woman's release, she would have accumulated some money, thus enabling her, for instance, to buy her own sewing machine and start her own income-generating activity and allow her to provide for
herself and her children (especially important when we consider that many women no longer have a husband to return to). But this proposal, which was channeled through headquarters for approval, has not been processed yet, and meanwhile a year has passed.

Good initiatives, both by wardresses and community groups, are emerging. But they are constantly defeated by the inadequacies and inefficiencies of headquarters. As the situation stands now, nearly all the money earned by the prisoners has to be returned to headquarters. Wardresses would prefer to see that money allocated back to its source, because those earnings could then be used to maintain machines and purchase materials to run the crafts programmes. This would encourage the prisoners and wardresses alike, as they see their programs expanding and new activities undertaken.

The female prisoners are really isolated from the outside world. Offenders do not get the chance to listen to the radio and do not have the opportunity to look at a magazine or newspaper. How would it feel to be released after ten years of imprisonment with very little idea about what has occurred in the normal world? We should not forget that rehabilitation means helping the person to readapt to society. Radio and magazines could easily be donated.

Evening activities are non-existent. Women are locked up from 5 p.m. until 6 a.m. It is a most stressful time, with opportunities available for boredom and worrying. No evening shift is provided which could permit the women to involve themselves in leisure activities. More and more we get the feeling that people are being sent to jail not as a punishment but for punishment. This goes totally against the aim of rehabilitation.

4.14.5 Conclusion.

To stimulate rehabilitation it would be useful to start off with small action plans that can be applied immediately to solve existing problems. These could also introduce a change of mentality in the personnel and the community as a whole concerning the task of imprisonment regarded as rehabilitation. They would offer a good basis for the more elaborate and ambitious actions and plans that have been presented in previous reports even though no specific reference is made to female detainees.

Rehabilitation should not only concentrate on teaching skills to the prisoners, but attention should also be paid to moral support and the living conditions of prisoners. If this is not taken into consideration, we should not be surprised at the negative attitude of persons leaving the prison towards a society which has inflicted on him a poor view of his treatment by the state.

The following measures could be taken within the context of the existing infrastructure and with existing personnel, at no extra cost:

(a) Upon entry into the institution, the prisoner should be given information on legal rights and duties as a prisoner.

(b) Counselling should be made accessible to prisoners in distress, either by trained wardresses or outside professionals (even on a voluntary basis).
(c) Wardresses could organise basic educational programs. Their own training could be provided by NGOs or other specialised organisations.

(d) Conflict resolution skills should be taught to the women, to discourage them from solving their problems in a violent and physical way.

(e) Money raised from crafts made by the detainees should be retained locally, to upgrade workshops and skills.

(f) Positive support from the community should be welcomed and encouraged, if it means enhancing rehabilitation or providing support upon release. The community should be praised and encouraged in its involvement with offenders, instead of being discouraged. It is the community as a whole which is responsible for the well-being of its members.

(g) Upon release, the prisoner should be given a list of organisations (Welfare, YWCA, provincial women's group, Lifeline etc.) to whom she could turn in situations of stress.

(h) In cases where payback is feared, special security measures should be taken and maybe previous contact should be arranged with village councillors.

With those remarks in mind I would like to suggest enlarging the field of rehabilitation to include personal counselling and special support upon and after release. It would also be very useful to specify the content of the fields mentioned above (work programs, technical education and general education) and means of implementation.

Much research has been done, many committees have been set up. All of them have made nice recommendations. It would be very useful if a committee could be set up to translate all those recommendations into practice so that the staff concerned could take the appropriate action. Everything seems to stay at the stage of "we should...."

Also on rehabilitation, everything seem to be related to male detainees. Specific programs for women should be designed. Also, the possibility should be offered to female detainees to participate in rehabilitation programs which have only been made available for men. I refer here to the agricultural and technical programs, such as poultry, piggery, brickmaking etc. Proclaiming equal rights in the Constitution and practising the opposite does not contribute to a healthy society.

The saddest thing in the whole rehabilitation story is that C.I.S. has female experts among the wardresses with agricultural degrees, others who have been taken special counselling courses, and I even encountered a woman who had been a nurse prior to entering the C.I.S. It would be so useful and cheap to use these people's skills to create a more fruitful stay for the prisoners in correctional institutions. Moreover the wardresses would feel and be treated as less inferior in relation to their male counterparts and this would stimulate a better work environment.
But the policy seems to be "let's wait for help from the outside world". We really are confronted with a lack of initiative. Here and there, though, good initiatives are being taken but which are then suppressed by lack of support from headquarters and by poor monitoring. Very little support is given to women, who turn out to be second-rate citizens in the prison system, as well as in the outside world.

My making recommendations on rehabilitation does not mean that I support the imprisonment of the women that I encountered in jail. But the desirability of prisons should always be linked with the provision of suitable rehabilitation. Otherwise we should be forced to conclude that imprisonment really is a waste of energy and money for the prisoner and for society. I will discuss this matter in more detail in Chapter 6.

4.15. Evaluation.

Although standards for the care and treatment of female prisoners are clearly outlined in the Corrective Institutions Act and Regulations, our investigation reveals shortcomings in the system.

1. The power of interpreting the rules and their subsequent implementation (or non-implementation) resides in the superintendent and the wardresses. Thus the treatment of female prisoners and the concern for their living conditions by the wardresses is of a capricious nature and can change daily.

An example: "A female detainee serving a sentence not exceeding six months may be permitted by the officer-in-charge to provide and wear her own night attire, underwear and footwear". The detainees I questioned about this regulation all said that they had never heard of it. There seems to be an attitude towards the prisoners that could be stated as follows: "If they don't know about it then there is no problem either". Those actions sound so childish and meaningless. When the female warders were asked why they would not let the prisoners wear their underwear they would reply: "It is a good hiding place for 'smok' - it is forbidden by the C.I.S. rules." Nowhere in the C.I.S. Act or Regulations is such a thing stated. It is once more clear that there is no overall rule concerning the Regulations inside the C.I.S. Again the capricious nature of wardresses is shown.

Bomana once again forms an exception to this situation. Women are free to wear their underwear and there are no complaints about the clothing! The worst situation I encountered was at Baisu where also the largest group of women are imprisoned. Because of the size of the group, the effect of a larger group of women daring to come out with their opinions can be rather dramatic. This brings upon them even harsher treatment: a vicious circle.

2. The higher officers within the C.I.S. seem to have no regard for the importance of the care and treatment of female prisoners. During interviews conducted on all levels, the common conclusion was reached that female prisoners existed within the system as "second class citizens". Although the same rules apply, equality seems to break down in
practice. This situation of inequality is even more obvious in the institutions of the Highlands, where women are reputed to be treated with even less respect, by western standards that is.

3. If the sincere will exists to provide female prisoners with everything to which they are entitled, shortages of money or inadequate distribution of allocated funds seems to render the C.I.S. incapable of providing the essentials.

4. Generally speaking, with the exception of the situation in Bomana, we can conclude that the "housing" is rudimentary. Even though we could argue that most of the detainees would not live in better conditions in the outside world, we also have to consider the fact that those women have to spend 13 hours (5 p.m. -6a.m.) together in one room (actually the dormitory) with no movement or activity going on other than some reading of the Bible (for the educated ones) or singing of church songs. Except in Bomana there is no proper space dedicated to educational or rehabilitation purposes.

5. Considering the lack of funding it would be appropriate to leave the earnings of the women's labour such as bilums, sewing and gardening in an imprest fund for women so that new programs could be introduced. Also women who do not get any remuneration for their work will find more satisfaction in their work. Long term prisoners especially will be able to notice improvements in their treatment and rehabilitation. As the situation stands now the imprisonment of females can be considered as a waste of money which only creates hatred towards the existing system.

6. If westernisation also means equal treatment for women and men then we are a long way from this goal inside the C.I.S. Female detainees do not get the same attention and opportunities to maximise their chances of rehabilitation. Even though rumours are spread by the wardresses that the women are not treated as roughly as men still they do not benefit from the same programs and liberties that men do.

Many ideas about changing the treatment of prisoners exist, also on paper, but the word stays inside headquarters or hidden in a drawer and detainees are being treated the same as ever. One could probably think that this is much ado about nothing, but let us not forget that most detainees lose a large amount of pride when sentenced to jail. Why make them even more uncomfortable by taking away something that may not mean much, but taking it away makes them feel that they are being treated as "pigs" (a label that was used quite often during my visits). If a prison is set up with the intention of rehabilitation, which is the case for the C.I.S. if we are to believe its policy, then this attitude towards the prisoners is totally out of place.

Once more we are confronted with the fact that a western solution has been applied in a society with a completely different cultural background. In no way does the imprisonment of women have a positive impact on the women themselves and on Papua New Guinea society as a whole. The whole system costs society a lot of money and does not bring any changes for the person involved. Women leaving the compound are much the same as upon arrival: no increase of knowledge, no better understanding of the judicial system. The only thing they gain, after staying a long time in jail, is the mastering of Pidgin in some cases; how to make bilums; on rare occasions sewing and some western
cooking; and a stronger involvement in western church. In many cases they have lost their husband, who remarried even though it is often his fault that an offence was committed. The majority of women receive very few visits as travel expenses are high for the local population. They spend every day wondering about the well-being of their children and wondering if their parents are still alive.

If Papua New Guinea finally chooses to adopt the western penal system, it needs to create better conditions for female prisoners. It seems quite strange not to involve women in the agricultural projects inside the C.I.S compound as it is women who traditionally cultivate the land and do the harvesting. They could also be involved in poultry and pig husbandry. But all the opportunities are reserved for men, and women are kept in a subordinate position.

Of course not all evaluations are as negative as this. During my visits to the different institutions I met people who were really concerned about the improvement of the conditions of female prisoners, but they find so little support both mentally and financially in the bureaucratic elite that they eventually become discouraged.

It is a female judge who achieved the abolition of imprisonment of women for adultery. In practice this brought about a serious reduction of imprisoned women, but today women are still found in prison because they could not afford to pay the compensation which was demanded by the court.

We must admit that traditional values are not always to the advantage of women. But does this mean that we should impose our western system on a foreign society without first looking at the existing system? The penal system as we know it in western society has not proved to be the best solution to criminality: the number of criminals keeps on rising and rehabilitation has not brought about any decrease in the recidivism rate.

Since 1975 several reports have been published accentuating what is going wrong inside C.I.S. and stating what should be changed. After 15 years not much has been improved. Many proposals are made to improve the buildings, administration, training and rehabilitation. Why try to extend a system that has proved in all other countries that it did not help? Too many people are sentenced to imprisonment where other ways of solving problems would be possible taking into consideration the traditional ways of settling disputes. Wouldn't it make more sense to dedicate time and money to working out more sensible means of penalisation? By this I do not suggest incorporating the alternatives of the western system (probation, weekend release, and so on) blindly. First the existing ways of dealing with transgressing social rules should be studied in depth. Different cultures have different ways of acting, thinking, working and from this study it is clear that the establishment of a western solution does not mean that it will bring improvement in the colonised society. The equal treatment of women has not been proved in the C.I.S. world.
CHAPTER 5
WARDRESSES.

5.1 Introduction.

As the purpose of this paper was the study of female prisoners I gradually realised as my work progressed that the conditions and treatment of the prisoners depended largely upon the attitudes, knowledge and situation of the wardresses who supervise them.

This is why I decided to undertake a study of the wardresses, similar to the one I undertook for the prisoners. The same methodology was used, namely interviews and questionnaires. Twenty-six questionnaires were collected in the five institutions that were visited. Much information was also gathered through informal talks. On several occasions I stayed with one of the wardresses while visiting an institution. This allowed me to have a closer look at their lifestyle outside their work environment.

The first wardresses were hired in 1980. Prior to that the wives of the warders would be assigned the job of custodial supervision over the female detainees.

The first meeting of female officers (6 of them) was held in March 1990. None of them holds a senior position in headquarters.

The different points that will be discussed are:

- living area and conditions
- work environment and motivation
- relationship towards the prisoners
- relationship towards officers
- training.

5.2 Housing.

Unlike the western system, the C.I.S. personnel live inside the institution's boundaries, where they are allocated a house. They are in certain ways separated from the urban community where the correctional institution is based.

The correctional areas provide a small store, an aid post and transportation for the children to the community school. On some occasions people from the institute (warders, wives of warders, wardresses) can rely on institution transport to reach town. The normal rule though will only allow the use of the vehicles if work is involved. So mostly people have to use PMV's (public motor vehicles - mostly trucks) to find their way to town. It is not unusual to have to walk long distances to reach the bus stop.
Life inside the C.I.S. also means that most activities are shared with other C.I.S. workers. There is little involvement with people from the "outside world". It becomes an isolated world in itself. Some of the wardresses referred to it as their prison. Single women often feel deserted with no possibilities of enlarging their circle of friends and activities. Life inside the compound also involves some rules. For example, no noise is allowed after 9 p.m. in order to allow all personnel to hear possible suspicious noises. C.I.S. people are on duty day and night.

The quality of the houses provided to the personnel differs greatly. One institution can have both permanent and kunai (bush material) housing. Another institution does not even provide water, electricity or sewage. The different institutions have been confronted with a shortage of housing for their personnel. As the financial allocation is insufficient the decision was taken to build kunai houses. The personnel are not pleased with this decision. Especially on women it places a big burden.

Of course we could state that most people would not have lived in better conditions if they had stayed in their villages. On the other hand we also have to consider the fact that in the case of C.I.S. personnel, and more especially for single people and married wardresses, the time needed to lead a normal life is not available due to their work schedule. Looking after the house and providing food is not the main activity for the personnel. The rudimentary nature of the facilities makes living inside the compound quite difficult. For some of them we can conclude that they are worse off than the prisoners themselves.

As Delgoda mentions even the permanent houses do not provide adequate housing. Most of them are run down and often C.I.S. personnel have to provide their own financial resources for repairs.

Because of the shortage of housing married couples are obliged to stay in single barracks and thus they are kept from leading a normal married life. This situation can go on for years and years. Added to this a rule says that men must not visit the single female barracks and vice versa. So women often cook the evening meal and arrange to meet their husbands somewhere on a grass field where they can share their dinner. If the couple has children (it happens even though sexual activity is only possible in hidden places or while staying with friends or in the village during holidays) they will share the small room (2 by 3 meters) of the women.

In some institutions the superintendent will allow men to share the female single barracks. However, this creates uneasiness for the single women who then have to share their facilities with families. On one occasion the female officer was so embarrassed by the state of the female barracks that she took me to sleep in the village of her husband who had been allocated a new job in the institution but still had not been provided accommodation for himself and his family.

As most of the socialisation happens inside the compound, there are many marriages between wardresses and warders. Exceptionally a wardress would be married to a non­warder. In this case the woman usually resides with the man outside the prison compound. Nevertheless the group of people living outside the institution is very limited.
It seems though that this number might grow as personnel shows more and more dissatisfaction with the housing facilities. Some would prefer to pay a high rent for a decent house than stay in the barracks offered at the institution, especially since promises by superiors have been made for many years but still have not been implemented. Also people living in the area try to arrange accommodation with their families or in their own village if it not too far away.

Even though this situation applies to both male and female workers it really puts an extra burden on wardresses because of the extra work in daily life which, on most occasions, they are still expected to fulfil (see Chapter 3).

The single women on the other hand have lost their privacy in the overcrowded single barracks and on some occasions do not feel very safe as offences committed by male warders do happen.

We can assume that women living inside the compound would feel fairly secure, which is mostly the case as they live inside a "prison" themselves. Still insecurity is felt when the houses are in a bad condition without windows, or made out of bush material. Women also fear becoming the victims of male prisoners when escapes are organised and when released prisoners recognise them afterwards outside the compound.

My involvement with the wardresses meant that I was also approached about the problems of the wives of warders, who also live inside the compound. These women are often faced with boredom as they do not have their relatives staying with them and as there is little contact with the nearby community. If access to town were made easier women could become involved in many interesting activities and introduce civilians to the way of life in prison, and in this way establish a more favourable attitude towards C.I.S. and its aims.

5.3. Motivation.

As motivation is a principal element affecting the work one is supposed to fulfil, it was very interesting to pay close attention to this variable. Looking at the different answers we can conclude that most have chosen the job either to help their country and its people or to punish the transgressor. Others chose to enter the C.I.S. because of the prestige that a uniform would bring and some others have the noble aim of rehabilitating offenders.

But this motivation as such does not add spice to the job. Most wardresses are actually very bored with their work. And talking from experience I have to admit I would also be bored after spending most of my working hours watching prisoners cutting grass, cooking or making bilums.

Of course proper initiative would be quite welcome. But I think that serious moral backup and support from the officers to bring about this process is lacking. When a
detainee is released it would be quite rare for wardresses to conclude that this person has learned a lot from being in prison. The job satisfaction is very low.

5.4. Relationships with officers and supervisors.

In general we can state that the relationship is rather good but also superficial. Most of the wardresses complain about the small degree of interest of the supervisor in their work and their complaints. The wardresses often feel left out when it comes to introducing work programs for the female detainees. No materials are given to them and when they ask for financial help to fix sewing machines and typewriters this is done to no avail. All priority seems to go to the men.

Often one can hear rumours that female wardresses will only get promotion if they are prepared to sell their bodies to officers. I do not know if we could establish this as a general rule but I have to admit that this was quite obviously so on one occasion. Spending work and leisure together does not make relationships easier.

The problem that the C.I.S. has been facing since the introduction of female warders was the fact that young wardresses attract the attention of the already married warders. This has led on many occasions to domestic problems that needed to be solved with lots of diplomacy as everybody involved lived inside the same compound. It would sometimes lead to transfers of one of the parties involved. We have to face that this is a general problem which is however of a higher occurrence due to the fact that all workers are living together and that opportunities for acquaintances with civilians are limited. Life is rather artificial inside the C.I.S. fences and it is doubtful that this creates the best environment to perform good work and get inspiration to kill boredom and bring innovation into the work environment.

Very few chances are offered to female warders to attend workshops. When it does happen, as when some wardresses got the opportunity to attend a workshop on rehabilitation, little is put into practice. The wardresses lack the initiative and the officers do not create a stimulating atmosphere. Follow-up and financial support are missing. Moreover initiatives to promote motivation and to improve working conditions would benefit the rehabilitation of the prisoners as well. No staff meetings are organised and very few duty statements are drawn up. If a duty statement does exist no instructions are given on how to carry out those duties. Because of their cultural background wardresses have a tendency to resign themselves to this situation. The lack of interest towards female detainees might change if wardresses were to be more outspoken and demanding regarding their duties. It is not unusual to hear from the female warders that they are being put down by men. The question is then whether they are in a position to claim more rights and attention from their superiors and headquarters. Will their requests be heard and their problems solved?

In the correctional institutions where an officer is in charge of the female compound with its wardresses and detainees we noticed quite a few positive changes in the overall attitude and possibilities for rehabilitation. This proved to be the case in Lae and Wewak.
Of course a new problem arises then, namely the high rate of transfer of those officers. At Boram once the officer had been transferred to Bihute the whole situation for women which had reached an encouraging level (contact with local women's organisations and volunteers improved the rehabilitation possibility for the detainees) deteriorated again as nobody had been trained to take over the task of the officer. The officer in charge had been transferred because her husband, a superintendent, had been allocated another post after only one year's service at Boram. It has been stated in previous reports that the high turnover of officers does not create the opportunity to improve the management of a correctional institution. The officer had been only placed there while waiting for housing to become available at headquarters where he had been assigned a new job. The wardresses and detainees were not looking forward to his departure as this man was creating a stimulating work environment, for example by holding a weekly refresher course of a couple of hours for the wardresses. The sad thing is that things could be much improved, even without extra financial support, if more attention were to be given to organising and leading such an institution. The human resources are certainly not lacking.

### 5.5. Relationship towards the prisoners.

This topic has already been handled in Chapter 4, where we referred to the duality of their roles. It is very clear that the way in which they relate to the prisoners will be a reflection of their contentment with the job. When analysing the questionnaires we have to conclude that job satisfaction is rather low. When asking themselves about their position towards the prisoners the answers would switch from punisher, supervisor to rehabilitator. Looking at the implementation aspect though, the attitude is one of a bored custodial supervision where a colonial attitude still perpetuates. Obedience is demanded. It is known that warders and wardresses are skeptical towards rehabilitation as they fear a loss of respect towards them and a decrease in their power over the prisoner.

It is not uncommon to receive complaints from prisoners who have been maltreated, beaten up. Nowadays prisoners can make their complaints to the Visiting Justice and the warder will then be disciplined. Nevertheless it seems as if prisoners are still reluctant to share their problems with the "VJ" because they fear retaliation by the "boss".

Sometimes while I was visiting the female prisoners, they would submit to me a few questions concerning family problems and legal procedure. When I told them they could go to the wardresses with their problems they often answered that they were afraid of them. Female prisoners live in anxiety, not knowing what will happen to them or to their children who are abandoned in the village with nobody to look after them as far as they know. As there is no social or welfare officer in the institution the only person they can turn to is the wardress. But the present relations between prisoners and wardresses makes it difficult to communicate about this sort of problem in a constructive way.
Even though the wardresses mainly act as bosses towards the prisoners, they often create a more human relationship when they bring along their own children during working time if no "babysitter" could be found. They readily leave the child in the arms of one of the women, who really enjoy these moments of affection. Often the children become playmates for the children who are in custody with their mothers. As no clothes are provided for these children, the warders' wives and wardresses will often provide the mother with children's clothing.

Some of them mentioned that they sometimes cook some special food to bring to the female detainees as they feel sorry for the fact that they get the same food every day.

It is interesting to note that many of the wardresses suggested good behaviour bonds and probation for the female detainees. They think that many of these women were the victims of maltreatment by their husbands and therefore reacted impulsively, which eventually led to their imprisonment. Also they acknowledge the important role a woman plays in Melanesian family as food provider and child carer and for this reason they recommend Community Service and probation instead of imprisonment. Some of the wardresses have been through a lot of family problems themselves and understand the situation of the imprisoned female.

### 5.6. Training.

Training could be regarded as one of the bottlenecks of the C.I.S. institutions.

The first group of female officers graduated from the training college in 1976. None of them (six) holds a key position at headquarters yet, for it is "a man's world". The first wardresses entered C.I.S. approximately four years later. They then took over from casual wardresses (mostly the wives of warders) who until then had been performing custodial supervision over the female detainees.

To be enrolled at the Training College an educational level of 10th grade was required. In the past you could become warden with a 6th grade certificate. As this rule has been introduced only recently the majority of warders are still 6th graders, while all the wardresses have gone through school until 10th grade. In recent years much has been undertaken to improve the training of the warders. Efforts have been made to introduce new courses so as to make implementation of rehabilitation possible.

The Training College was established in 1966. Before that people were trained in the prison itself. People who applied then had little education. The emphasis was on domestic duties, the little law book and the Ordinance. The warden had total power over the prisoners, expecting complete obedience from them. Human rights received no attention. The implementation of the UN Minimum Rules concerning prisoners remained a theoretical concept. At that time officers were all white with total authority over the native warders.
In the years that followed schooling was orientated towards physical and disciplinary training. No attention was paid to management.

The officers, on the other hand, attended the Service (army) College and were sent for a three month period to Australia to complete their training. The courses for officers dealt with leadership, basic supervision, battle and signal training and also basics report writing skills were acquired. With selfgovernment in 1973 it was decided that the training should be carried out in Papua New Guinea. Also a management course was planned but it was not adapted to C.I.S. requirements. At that time a movement arose which drew attention to the Melanesian Way which expressed the need for distance from the Australian legacy.

The Training College was closed in 1982 as rationalisation measure. The few recruits were then trained at the Police College. Since 1988, the College has finally been re-established with an allocation of K100,000.

The desire to bring rehabilitation to implementation level has encouraged headquarters to improve the training of the warders. Next to physical training a serious attempt is being made to introduce new courses and to hand out manuals to the students. Before, everything had been passed on verbally. Attention is now being focussed on counselling, character development, sociology, psychology, toxicomania, juvenile delinquency and training for trainers. However, up until now the necessary instructors have not been found.

Officers are sent to the University to take the Diploma course designed for Police and Welfare Officers.

The will to implement rehabilitation is growing at headquarters but as mentioned previously the biggest problem is still to be faced. There is a large group of warders and wardresses which is not eager to accept this change of attitude, mostly because they do not understand the purpose of this change in attitude. A refresher course is more than "necessary for all warders. What is happening now is that new recruits entering with their new concepts are being told by elders that this is all theory and that the practice goes by their standards. This improvement will proceed very slowly.

An interesting proposal was made by a female officer. She suggested that the people applying for training school should have already had another degree, as for example in agriculture, as a social worker, etc. Thus people would be a lot more useful inside C.I.S. and the problem of having to rely upon the outside world to train prisoners in certain skills would largely be solved. Now warders wait until somebody else comes and trains the prisoners. It would be quite useful if one or several warders would also follow the training and eventually become the future instructors. It does not seem to work this way though and we refer here especially to the female situation. Some wardresses already possess special training which could be implemented inside C.I.S.

Why is there so little action? We could cite several reasons. One of them is the lack of funds, as C.I.S. has always been regarded as "the bottom of the heap" in the law enforcement system. On the other hand, two-thirds of the money collected from selling
clothes and bilums made by the prisoners goes to headquarters. Only one-third stays inside the local institution. This does not give much incentive either to the prisoners or the wardresses.\textsuperscript{58}

A second reason could be the reluctance of female warders to take initiatives in organising new activities, inviting speakers to give information about health care, family planning, small business, functioning of banks, and so on. Is this a result of the fact that women never get the opportunity to manifest themselves in public matters, is it fear of failure in a man’s world? As the Chairman of the National Rehabilitation Committee mentioned, the woman on the Board hardly ever attends the meetings. Her presence though would remind the others not to overlook the woman’s viewpoint in the whole program. The problem is quite complex. It took us western women years and years to achieve the position that we have now.

The whole situation could be a lot better if only the right officers were at the right places and ... stayed there. It is certain that wardresses will need a lot of support to reach the level of confidence required to become good rehabilitators. As there are no welfare or social officers inside the correctional institutions, much more is demanded from them in comparison with warders in western jails.

For wardresses this situation is even worse, as the possibilities for establishing adapted programs for female detainees are far more limited. Women have to show even more eagerness and muster up even more energy to give female detainees the same rehabilitation chances as their male counterparts.

\section{5.7. Casual Wardresses.}

It is highly desirable to take a brief look at the position and work of casual wardresses in the correctional institutions of Papua New Guinea, as they were the first unofficial wardresses in the system. I encountered casual wardresses while working in the institutions of Boram and Bomana, where they were only used as custodial supervisors.

They are selected out of the group of warders’ wives and they have received no education at all or else just the basics. Their assistance is required in situations of staff shortage. None of them could speak English and they had to be helped by the official wardresses to fill out the questionnaire that had been handed out to them. Their work consists mainly of custodial supervision.

It was interesting to note that their job satisfaction was quite high. I suppose it had to do with the fact that those women had never looked for work in the first place and that they were very happy with the little extra money they could earn performing the job. Also, as mentioned previously, many wives are very bored and therefore feel useful while fulfilling this role. On the other hand it also does not require any special skill to carry out the supervision of female detainees. In the two institutions the number of prisoners

\textsuperscript{58} For example, the YWCA initiative described in Chapter 4.
was small and thus easy to supervise. Also woman prisoners do not seem to be preoccupied with escape plans and fights are rare.

Their relationship with the prisoners differs from that of the wardresses. There are several reasons for this. First these women do not wear any uniform, secondly they do not expect to be called "boss". Because of those factors, the prisoners confide in them more readily. The casual wardresses seem to understand the hardships of imprisonment a lot better than the regular wardresses do. We can indeed define their relations with the prisoners as casual. But there is an attendant problem. Even though the casual wardresses can create a certain atmosphere of ease, they are very limited in their effective support as regards rehabilitation, as they do not know much about legal and criminology matters. Also their skills are very limited and mostly restricted to bilum making.

Their positive contribution to the life of the detainees makes it clear that the presence of civilians inside the prison can be very useful. A campaign should be launched to find volunteers who can come in to other prisons to alleviate the daily routine of artificial life in prison. These persons could have certain skills with which rehabilitation programs could be started and this would not require an extensive financial input.

If an institution appears to cope with a shortage of personnel for a long period of time then it seems to me that casual wardresses should be given a chance to attend the Training College to become official wardresses or an effort should be made to teach them certain skills which would allow them to supply a more effective input in the rehabilitation of the women detainees. Many of those wardresses have done the job for many consecutive years without having gained any extra knowledge about the training of inmates. As mentioned earlier, the C.I.S. could get a lot more out of the employed personnel.
6.1 Introduction.

This chapter does not pretend to offer the one and only solution towards crime. The only thing we can try to aim for is to come up with models, ways to protect the community against the painful and destructive actions of some of its members. When considering this subject many aspects (what is considered as criminal? how did the Criminal Code came about? what attitude do the citizens of a country take towards the criminal law and the breaching of it? ...) should be taken into account and I personally think that a separate study should be set up to analyse this material in depth. Still, in trying to gain an insight into the problem of imprisonment of women, many thoughts have crossed my mind which I would like to share.

As the penal system is the last link in the judicial system (lawmakers, police, court) and also a reflection of the decisions and actions taken at those previous levels, it is logical that we must have a brief look at the situation and changes that have occurred in the other fields of the judicial system before analysing the possibilities of alternatives inside C.I.S. I shall only highlight some factors related to the law and to the Village Courts, as those factors determine the prison population in the first place. It would be going too far to look at the organisation and functioning of the police and moreover their functioning is mainly a reflection of the law, instructions and policy of the government.

6.2. Different tendencies in the legal system.

6.2.1. Legal change.

The colonisers, Britain and later Australia, made little attempt to incorporate local custom and methods of social control into the official legal system, or to officially recognise existing indigenous dispute settlement mechanisms. As Narakobi declares -

"Thus it was, from the beginning that the quest for gold, glory and god caused the imposition of foreign laws, foreign institutions and foreign values to indigenous religion, law and institutions of government and industry."

In the late 1960's a movement towards Independence set in. With it there was also an anti-colonial nationalist sentiment which rejected Western institutions in favour of the national ones.


60 NARAKOBI (1983c) p. 13.
Traditional PNG societies do not easily assimilate Australian law and internalize its values; but try to exploit it where they think it is to their advantage or stand aloof from it on the grounds that it creates more difficulties than it eliminates. The ordinary villager cannot be expected to assimilate a legal system which is entirely foreign to his social system.\textsuperscript{61}

Thus after the colonial interlude, legal development has made a full circle back, in a limited way, to the traditional indigenous methods of dispute settlement.\textsuperscript{62} The reintroduction of customary law has been supported as well as rejected. To distinguish legal rules from social conventions and usages is not an easy task because of the existing conflicts between the customary regimes of different social groups and even conflicts within one group.\textsuperscript{63} The establishment of a customary law more often acts as a point of departure for continued negotiations than as a rule of law which is absolutely dispositive of the rights and duties of the contesting parties.\textsuperscript{64}

The solution would adapt Melanesian concepts such as group responsibility, strict (civil) liability, and compensation as the major elements in dispute settlement. This should be achieved without attempting detailed codification. Customary moots are generally characterised by negotiation, mediation, compromise and reconciliation, rather than by the strict application of rules of law to the facts of the dispute. The most important difficulty would arise from the fluid and uncertain nature of customary law itself. McRae\textsuperscript{65} also attracts our attention to the opposition between on the one hand the common law, based upon individual rights, freedom and equality, and on the other hand the customary law and social structures which subordinate the rights of the individual to the well-being of the group, thus being more group orientated.

Clifford too refers to the numerous characteristics of the law and order solutions to crime and conflict in Papua New Guinea which are parallel to the most progressive and advanced developments in the western world. He refers to the traditional methods of conflict resolution, the vital partnerships between the judicial system and the communities, the significant contributions of community churches, the role of the family and the social control by the community, and so on. Those are all attributes that other countries with supposedly advanced legal systems but little community life are struggling to achieve. Clifford also remarks though that those positive advantages, oddly enough, stay unappreciated and inadequately supported in Papua New Guinea.

If the government is aiming for an efficient law and order system it should study the forces in Papua New Guinean society which tend towards peace and order. Against this background it should contemplate its own role in maintaining law and order in Papua

\textsuperscript{61} Member of Parliament Naipuri Maina, as quoted in PALIWALA (1983) p. 196.

\textsuperscript{62} CHALMERS (1983) p. 185.

\textsuperscript{63} WEISBROT (1983) p. 89.

\textsuperscript{64} WEISBROT op.cit. p. 89.

New Guinea society. The study of informal structures is a necessity. Examples of informal institutions given by Clifford are self-help by individuals or groups, negotiation, mediation by kin or leaders and moots. Clifford notes then that the formal system can act as a support for informal mechanisms and both do not need to be in conflict or competition with each other. It is known that the formal system will be more effective and necessary in the urban area where less homogeneity and community-based mechanisms are available.66

Bernard Narakobi MP pleads vigorously for his own approach. He emphasises that before colonisers arrived, Papua New Guinea had developed its own social, political and trade organisations in their own right. The law of the British and Australians was a far cry from an independent and impartial system of punitive or distributive justice. From his point of view the law was very much an instrument of oppression, and expropriation which inevitably led to injustice:

"Papua New Guineans were discriminated against and robbed of their unwritten laws, their social organizations, their communal systems and of their pride, dignity and self respect."67

He agrees that changes are necessary but he stresses the fact that it must be a change towards Papua New Guinean forms of consensus and consultation.68

Law is written as if it is intended to be applied equally. In practice it is applied unequally. Narakobi considers that the rich, educated and powerful have one set of laws. If the law is to be applied equally, the entire legal system needs to be deprofessionalised and made accessible to people in their own language.

Narakobi calls for Papua New Guineans to wake up out of their sleep. He proposes that they shake off lethargy and take control of their destiny.69 Talents should be recognised and used to the betterment of mankind.

"This is infinitely better than imitating the West and coming out second or third rate. Let us use modern techniques, if we must, but only to enhance our own uniqueness and identity."

At Independence in 1975, the Law Reform Commission was conceived and established. Its task consists of recommending changes and promoting the development of the "underlying law" to make the law more responsive to the changing needs of the country and its people.70

66 Clifford Report, p. 234.
67 NAROKOBI (1983a) p. 86.
68 NAROKOBI (1983b) p. 86.
69 NAROKOBI (1983a) p.45.
70 NAROKOBI (1983a) p. 87.
From the literature we can conclude that steps are being taken to restore traditional customs and laws. There is a growing tendency to return to customary dispute settlement procedures which involve the whole community. But as some of the authors mention, this is accompanied by problems. Also the new tendency is not accepted with the same degree of enthusiasm by all citizens.

6.2.1.1. Critique of the Melanesian Way from the viewpoint of women.

"You know what men are like. Sitting all day long chewing betelnut, smoking, eating, drinking and fornicating from woman to woman. What else do they need? Of course, brideprice for their daughters so the money and food can last. Oh, what a lovely Melanesian life! And what a hell of a life for us women!... One of the worst crime orientated people in the whole wide world. Papua New Guineans are the biggest woman-bashers in the world. And this is not funny. Not because women are adapting to Western civilisation, but because they are finding an equal place in the community. Because of that they are paying a high price. Like men bashing them."71

Not everybody shares the enthusiasm for the "return to Melanesian ways".

Extremes must be avoided. I am sure that the best results can be attained by basing the formulation of the law on a foundation of generally accepted customs and involving the western viewpoint where this implies improvements for the citizen. I am thinking especially here of securing equality for women which is a non-existent notion in traditional values and ideas. One example of a step in the right direction is the awareness campaign of the Law Reform Commission drawing attention to the prohibition on wife-beating.72

Dianne Johnson undertook a study analysing the effectiveness of equal rights for women in Papua New Guinea.73 It is generally acknowledged that discrimination against women in Papua New Guinea is unconstitutional. But what does practice teach us? To find this out the author studied the background to the drafting of the Constitution. She found out that no women filled decision-making positions.

The Final Report of the Constitutional Planning Committee formulated the objectives of the constitutional provisions dealing with women's status:

"We have also emphasized the importance of women being able to make their full contribution to the welfare of the country, on an equal footing with men. In recent years women have played a significantly greater part in the cultural activities. But more effort should be made by government to hasten this development. Obstacles to education and other opportunities which face women at present should be removed, and insofar as it is in the power of the Government to do so, the difficulties facing women who wish to involve themselves in the affairs of the nation should be reduced."74

71 Narokobi himself mentions this opinion from a female reader in NAROKOBI (1983a) p. 147.

72 WOMEN AND LAW COMMITTEE (1988).

73 JOHNSON (1983) p. 149-166.

74 ibid, p. 151.
After analysis the author concluded that the thrust of the statement was not geared towards affirmative action to redress the admitted imbalance of power (for example, difficulties are only to be reduced, not removed as they should be). Also the author recognised that the issue of the subjugation of women had not been investigated.

Johnson also describes meticulously how sanctions against discriminatory practices are to little avail even though they are stipulated by the Constitution.

6.2.1.2. Limits of legal change.

In this limited study, we will only quote two striking comments, to make clear that legal change can not be isolated from the broader context.

"The National Goals and Directive Principles, which stirred the hearts and minds of leaders at the time of Independence, calling for the reduction of inequalities in society, for the strengthening of political sovereignty and economic self-reliance, and for development according to PNG ways, are rarely mentioned these days, as the economy develops - or underdevelops - through agricultural and mineral exports to world markets, while remaining heavily dependent on foreign aid and investment, and class formation and inequalities are enhanced. While much that is laudable and important has been achieved in terms of the statute book, the effectiveness of law as a tool for true social change is necessarily bounded by the political and economic realities of the nation. In the end, the kind of society that PNG is becoming will have more to do with the political economy of dependence that with the reform of the legal system."75

"There will always be conflicting opinions about whether law can bring about social change. However, there can be little doubt that inappropriate laws, with unsuitable courts administering them, must hinder development and political initiative."76

6.2.2 The Village Court.

6.2.2.1. General Information.

Lack of planning and neglect produced a colonial court structure alien to the people for whose benefit it was purportedly introduced. With Independence a step was taken to find a way back to traditional indigenous methods of dispute settlement. The Village Courts were established by the Village Courts Act 1973.77 The primary function of these courts is to try to reach decisions by compromise and agreement. The Village Courts have been freed from making distinctions between civil and criminal jurisdiction. The criminal jurisdiction of these courts pertains to all community offences, such as minor assaults, drinking, damage to property and disturbing the peace. The punishments imposed are fines up to K50. Imprisonment is only possible if Village Court orders are...
ignored and when a local court magistrate ratifies the order of imprisonment. Community work can also be ordered.

In the introduction we also emphasised an important aspect of the Village Courts structure: they can apply traditional law.

6.2.2.2. Reasons for establishment.

Chalmers notes that the establishment of Village Courts has not answered the issue of adaptation of the adopted law to the circumstances of Papua New Guinea. Still, in his view the establishment of these courts illustrates the central government policy of handing back to the people the primary responsibility for dispute settlement. This last viewpoint is not shared by several other authors.

Paliwala gives another reason for the establishment of Village Courts. The author refers to the considerable strains on the rural social control mechanisms due to changes in rural society, leading to changes in the system of dispute settlement. The development of capitalist production, strains on the land through cash cropping, the effect of western religion and education and changes in political leadership were accompanied by the growth of unruliness among the young, an increase in disputes, in particular disputes about land, and tribal fighting. Due to those circumstances there was a need not merely to control the unofficial dispute settlement machinery but to strengthen it by giving it State backing. Paliwala considers that this double need has led to the establishment of the Village Courts. The State intervenes to provide a stronger form of control.

The village people view the courts as another step in a line of governmental and semi-governmental instrumentalities meant to control the village. Obviously the group that will benefit most from the courts will be the new village elite. This group is interested in law and order, the protection of their new property, such as trucks and trade stores, and in an efficient dispute settlement system.

6.2.2.3. Functioning of the Village Courts.

According to Paliwala, Village Courts in practice are relatively authoritarian and do not give much scope for community involvement and party consensus, which were the features of the pre-existing system of dispute settlement.

Some characteristics of the functioning of Village Court are as follows: the style of dispute settlement differs from that of the informal mechanisms; there is often little audience access to formal courthouses, meaning there is little community involvement in the judicial process; the courts enforce two sets of law, the customary law and the government’s law, the latter allowing them to impose fines, community work or even imprisonment. It enables them to make decisions irrespective of the desires of the parties. As a result of permitting criminal sanctions the initiative has shifted from the parties to the court officials.
6.2.2.4. Further development.

Should the development of the Village Courts be encouraged? It is a difficult question to answer. The Clifford Report supported the Village Court system and recommended that they "should become the Court of original jurisdiction in a certain range of cases."\(^78\)

The following diagnosis and recommendations were formulated in the McGowan Report.\(^79\) Village Courts require intensive training of village magistrates and court officials; they lack adequate supervision of their functions; overstep their powers of jurisdiction; mete out harsh penalties for comparatively minor breaches of law; must be educated to use alternative forms of sentencing, other than imprisonment or inappropriately heavy fines which result in imprisonment for non-payment. Mediation processes should be encouraged together with use of restitution and work orders. Sentences and orders must be subject to regular inspection and powers to review should be rigorously exercised where inappropriate sentences have been given.

6.2.2.5. Position of women.

Women and children in particular are harshly treated by this system, as they are imprisoned, having been unable to pay (for them) the hefty fines or compensation imposed by Village Courts. The fines imposed often exceed the limits allowed for the particular offence committed.

Women are even more oppressed and disadvantaged by this system, as they are expected to take a passive role and must depend on their male kin to assert their rights. Women may have a strong position in daily village life but they have never learned how to stand up for their rights in public.

6.2.2.6. Conclusion.

The conclusion is given in a nutshell by a statement of Chalmers:

"Unless a system of courts and laws is tailored to fit the existing pattern of social circumstances and attitudes, the credibility of the administration of justice in Papua New Guinea must not be seen to have inherited the alien and authoritarian characteristics of their colonial forerunners."\(^80\)

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\(^78\) Clifford Report, p. 88.

\(^79\) McGOWAN Report, p. 12.

\(^80\) CHALMERS o.c., p. 184.
6.3. Alternatives within correctional institutions.

Against this background we should like to analyse the possibility of introducing alternatives. Two possibilities present themselves: alternatives that have already been tested in western cultures, or a self developed Melanesian alternative. The study will be made from the position of female prison detainees. Of course it is quite obvious that some proposals will also concern male detainees but special attention will be paid to the situation of female prisoners.

Time spent in the institutions always gave me the impression of unproductiveness and a lack of control over the whole situation. It seemed obvious that people had been dropped into a system which they themselves had not created and which they experienced as completely alien to them. The C.I.S. faces problems of organisation, administration, training, lack of community support and finance. So far, it has asked for and received advice and financial help from the Australian government to surmount these difficulties. The invited organisations and specialists have presented several reports with many recommendations to improve the situation. But up until now few of those recommendations have been implemented.

6.3.1. General.

Alternatives to imprisonment have been part of the punishment regime for some decades now in Western countries. The most common ones are probation and the community service order. The initial motivation to introduce those alternatives came from pressures caused by the increasing number of imprisonments, with correspondingly increased costs to the State. Also, introducing rehabilitation in isolation from society did not seem to bring about the results that were hoped for from establishing this expensive therapeutic treatment inside prisons.

Even though it has been proven that alternative sanctions are less expensive for the community, the most common sentence remains that of imprisonment.

Alternative sanctions have been applied by the courts but have not contributed to a downturn in custody sentence figures. What has happened then? Sentencing has been extended to a larger number of people. Persons who previously would not have been considered for a prison sentence are now being caught by alternative sanctions, which means that the introduction of such sanctions has permitted a greater interference by the State in private lives.

On the other hand, parts of the criminal justice system have not been very cooperative in implementing the alternative sanctioning system. Policies are unlikely to be successful if the attitudes of those with sentencing power remain unchanged. Also correctional staff who see their jobs endangered start lobbying for more support and greater use of their

81 See the various Key Reports.
facilities. Pratt mentions that resistance to reform may also come from within the agencies responsible for administering alternatives to custody sentencing projects. Social workers operating as probation officers have to overcome both traditional social work values and their ethic of autonomy.

During the process of introducing alternatives to custody sanctions, it is usually stated that those alternatives should not be applied to hard core or violent offenders. This gives rise to another ontological problem: how do we define hard core criminals?

But Pratt insists that success can be achieved on the following conditions:

- that the punishment has features similar to imprisonment in the sense of regulating, monitoring, keeping surveillance on the conduct of their clients while at the same time being able to rectify the litany of failures which have come to be associated with the prison. The author refers here to some day training centres, juvenile treatment centres, ....

So what we getting here is the notion of the institution being developed within the community.

- policy should be geared towards a halt to all new prison building and a redistribution of resources on community-based projects.

- there should be a political will to ensure that such sanctions will be used for the appropriate offenders.

On the other hand Andrew von Hirsh also draws our attention to the ethics of community-based sanctions. He refers to the proportionality constraints, restrictions against humiliating or degrading punishments, and concerns about intrusion into the rights of third parties.

Even though there appear to be many problems to surmount, abolitionists have pointed out that already many "offences" have been resolved successfully outside the criminal justice system.

After all this has been said it is quite clear to us that alternative sanctions to custody should be introduced very carefully. The community has to be readied for looking after its offenders and human rights should be ensured. Cooperation between the parties involved is imperative.

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83 ibid. p. 153
84 VON HIRSCH (1990)
6.3.2. The situation for Papua New Guinea.

The time may have come for Papua New Guinea to reflect on its penal situation and question whether it is desirable to retain the western correctional system. The current system faces many problems: overcrowded institutions; lack of financial resources; inefficient training of personnel; organisational and administrative problems; inefficient rehabilitation programs; lack of efficient links with the community.

In addition, no attention is paid to victims or their relatives, whereas in Melanesian tradition the victim's concern is the foundation of the customary law. In western-derived law the emphasis is on the offence and the offender. Under this system, restitution for the victim may be possible if he or she knows how to go about getting it - and if the offender can pay it. The devaluation of the victim by modern law has aggravated the law and order situation in Papua New Guinea because the dissatisfied victim aims for revenge and causes further disruption. During the visits to the female compounds, I met several cases where compensation had been paid to the victim. This had usually been taken care of by the offender's kin. The offender, because of her imprisonment, had no way to make restitution and could not assist in making up the loss of goods or money that had been used to obtain the compensation. As a result the clan or family actually suffered more than if traditional means of dispute settlement had been employed.

From what I have experienced during my visits with female prisoners I am convinced that imprisonment should be abandoned in favour of other alternatives which could be instituted within communities. Community links are still very strong in Papua New Guinea, and the practice of compensation has persisted despite the introduction of the western sanction of imprisonment.

In Papua New Guinea the situation permits a smoother introduction of alternative sentencing. Whereas community alternatives can be viewed as 'new' ways of sanctioning in Western society, we can state that Papua New Guinea society has never outgrown this system. Large population groups are still practising mediation and compensation and prefer dealing with offences in their own way rather than resorting to State sanctions.

Also because of the inefficiencies experienced in the formal system, people even in urban areas have resorted to their own dispute settlement mechanisms in situations where this was possible. This does not occur without problems and could in the near future evolve into a situation whereby people start taking the law into their own hands. To avoid this situation the State should seriously consider formalising these informal mechanisms and making them available in a way whereby supervision can be organised to guarantee objectivity and justice.

At this stage Papua New Guinea is walking a tightrope between the traditional informal and the western formalised system. At the correctional institution level the time has come to expand and modernise the system to justify imprisonment.

85 Clifford Report, p. 141.
From Papua New Guinea's own experience and also experience worldwide, it is clear that prisons have failed as "correctional" institutions and have proved to be very expensive for the society. So why should Papua New Guinea go through the whole cycle to evolving community-based sentencing before realising that the initial practice was most suited to its mores?

The introduction of alternative sanctioning has started in industrialised societies. We know that this has not occurred without problems. But it could be different for Papua New Guinea. One positive aspect is the fact that the community as a coherent entity predominates in this country and therefore community based sanctions could readily be introduced. "Village arrest" as such could become a sentencing option for the courts. The content of the community work order could be discussed with all involved parties (offender, victim, community responsible, judge or magistrate and preferably a welfare officer). To guarantee the fair treatment of women, at least one woman should be involved in the whole process of decision making.

The political climate seems to favour making the step towards community sanctioning with the establishment of the Village Service Scheme. Bringing services to the rural area could go hand in hand with the transfer of law and order powers. The community could be given back the responsibility over its members. If members offend, then they should also be given responsibility for restoring peace. If social control in the communities can be re-established, many law and order problems could be reduced to a minimal level. Only "uncontrollable" and "dangerous" people would then need to be transferred to the prison system, which would count a minimal number of "residents", thereby reducing the expense for the State to a minimum and focussing intensively on rehabilitation.

We must also acknowledge that in Papua New Guinea, the "State" as such is fundamentally ineffectual. It has proved incapable of controlling the unethical actions of police and the defence force. The respect of citizens for law enforcement has long vanished. Initially, the community demanded increased State intervention, with calls for increased police numbers and budgetary allocations to law enforcement agencies, but this has shown no results. The introduction of a community-based sanctioning system would therefore be welcomed by the society. The chances of such sanctions being culturally acceptable are a lot higher. This would also induce more respect for the "formal law" as it would be regarded as more appropriate and efficient.

The abolitionists have shown that much of this informal justice process has been applied in situations of white collar crime, whereby agreements between the parties involved are reached. Instead of criminalising a new group of offenders we could recognise these informal mechanisms and incorporate them into the formal system on a large scale.

In the process we should beware of abuses of power. Therefore a supervisory body should be established to ensure that the rules are followed and that no unacceptable sanctions (out of proportion to the offence committed, or violating human rights) are imposed.

As sanctioning will be carried out at the community level adaptation to social change will occur more readily and rapidly than is possible in the existing rigid system.
The ideal system will never exist. Human beings can never be controlled to a point where no offences are committed. Also what is considered as "criminal" changes in time and within different cultural contexts. Problems such as uncontrollable youth will always occur.

Due to the multi-ethnicity of most urban areas it might be more difficult to introduce a community based sanction system whereby the community has a maximal input. On the other hand it would be an incentive to bring people closer together, diminish anonymity and create a more stable environment. People as a group would be more concerned with the behaviour and unemployment of their youth and collaborate to solve certain problems. The switch from an anonymous court system to a system whereby community participation is required would also be a way of confronting community members with their responsibilities. In the case of juvenile offenders children are being taken to court, parents are not attending and often do not know that one of their children has ended up in prison.

6.3.3 The situation for women.

For the large group of female offenders who are illiterate, this return to community sanctioning would mean an improvement, provided a woman is part of the decision-making body. Also, taking the dispute settlement process out of the courthouse would do away with the language problem and the uncomfortable position a woman finds herself in when forced to operate in the public arena in a system totally alien to her. The crime committed could be more adequately put into customary perspective than just being labelled as "murder" for instance. A community sentence would allow the offender to participate in the restitution process which often is still demanded by community members. Children would be less affected by the sentence imposed on their mother.

In the literature we can find suggestions about reintroducing the "shaming" process as an alternative sanction. Personally I have my reservations about this process. There is no way of controlling due proportionality in this sanction. Each individual's nature could be either less or more susceptible to the shaming process. For some people the process could even lead to suicide as has been revealed in anthropological writings. Because of women's inferior status in Papua New Guinea society, it would seem that shaming would have a stronger influence on women than men.

Looking at the effects of shaming reminds me of the stigmatisation of the offender when undergoing imprisonment. Labelling has proved a most difficult experience for the offender to overcome. It makes reintegration into society difficult and often leaves the offender with low self esteem.

The specific type of alternative sanction should be assessed in all its aspects before being implemented.

6.3.4 Impact on the CIS.

One of the real deterrents to launching alternative sanctions is the resistance to reform which comes from institutions reluctant to give up their jobs.
In the case of Papua New Guinea, research has revealed that warders, wardresses and officers are in dismay about their working and living conditions. Because of the difficulties encountered, morale and motivation are low.

Overall, personnel need refresher courses if prison efficiency is to increase. This might be the right time to redirect the aim of the courses. C.I.S. personnel could be trained in specific tasks so as to enable them to assist in the realisation of alternative sanctions. Organisational and counselling skills will be required alongside administrative knowledge. Personnel could be based in their home areas which would allow them to assist in making the right decision, as they are familiar with the customs of that area. Warders would be living again within the community and would not be secluded in a "prison" far away from the "real" world. Their support in the community would be very valuable to the offender and his/her family. Also the victim could be looked after if that is required.

Some C.I.S. personnel would need to stay on at the various institutions to concentrate on the rehabilitation of the few imprisoned offenders. The aim in prison would then be to prepare the offender as fast as possible for transfer to an alternative sanction instead of finishing off the full term in prison.86

Currently, AIDAB has committed itself to supporting the C.I.S. in improving its overall functioning and enhancing the working and living conditions of warders and prisoners. Construction of new buildings and fences is part of this project. We agree that things need to be improved, but we should be more critical of this move towards expansion.

I would rather see the project emphasising the re-orientation of C.I.S. towards a direct commitment to community-based sanctions. If the Australian Government is genuine about contributing towards a more law-abiding society in Papua New Guinea, then it should also be considering the best options for Papua New Guinea, and should not pressure the country along a road which has proved to be ineffective, not only here but in Australia and elsewhere also. Leading criminologists in Australia are currently promoting alternative sanctions. So why this hypocritical attitude towards Papua New Guinea?

6.4 Conclusion.

Probation and community work orders have been used in Papua New Guinea already, but as mentioned before it has not helped to decrease the number of people imprisoned. Instead it has allowed the State to enlarge its scope of operations to cover a larger number of people who once would have walked free without any form of punishment.

Judges and magistrates have been reluctant to hand out alternative sanctions as they are concerned with overburdening the probation officers. Their number is still low and

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86 Exceptions would still have to be arranged for serious crimes attracting a sentence of life imprisonment.
financial restraints have kept them from taking on more cases. In this regard we need to state that the C.I.S. too is burdened with overwork and lack of funding.

The politicians have to make up their minds about what they want for their country and then in accordance with that decision, make the appropriate financial arrangements to institute an efficient system.

I would suggest that they choose a solution which relates closely to the Melanesian Way of solving disputes. Therefore prisons should not be expanded, but rather upgraded so as to make meaningful rehabilitation possible for the small group of people who would still require imprisonment. The excess money could then be channeled to support alternative sanctions.
CONCLUSION

Crime is a social evil that characterises every society. Bringing punishment to community level, instead of isolation by imprisonment, will also help the community to accept a certain amount of crime and grow more tolerant. Community service brings about restitution of the consequences of crime at a community level, and therefore the local population will feel more supportive. Also it will be easier for the local judicial services to rely on local traditions to evaluate the gravity of the offence and the nature of the punishment. So, what should be aimed for is "positive punishment", which benefits both victim and offender as part of the community.

Community based sanctions as an alternative for imprisonment have many advantages:

1. less financial input;
2. use of existing infrastructure;
3. recycling a portion of existing personnel who can fulfil new tasks;
4. more job satisfaction from closer contact between the community, the offender and the personnel;
5. family problems can be reduced to a minimum;
6. the victim's needs are taken into account;
7. the community is more closely involved in the fight against crime and can be more supportive of the judicial system;
8. social control will increase as community members are more closely involved with the process;
9. the system can be applied in rural as well as urban areas;
10. the system accords more closely to the Melanesian way of life, and will therefore be easier to apply.

This study does not intend to delineate the entire implementation structure of the proposed alternative. That must wait. This study has been limited to a description of the present situation, in order to make it clear to the reader that the proposed alternative must not be disregarded as utopian, as it takes into account the "Melanesian Way".
QUESTIONNAIRE: DETAINES

DE: ..............

Nem bilong yu :
(Sapos yu gat laik long raitim nem)

Hamas krismas bilong yu:

Yu bin skul tu? Long wanem grade yu bin go long skul?

Yu bin kisim wok bipo? Sapos yes, raitim ol samting yu bin wokim bipo?

Ples bilong yu:

Tokples bilong yu:

Lotu bilong yu:

Yu save go long lotu?

Yu i marit?

Sapos yes : Nem bilong man:
   Em bin skul tu? Sapos yes, em wanem kind?
   Em i gat wok? Sapos yes, em wanem wok?
   Ples bilong em?
   Lotu bilong em?
   Em save go long lotu?
   Em laik bilong yu long kisim em long maritim yu?
   Em baim yu pinis? Sapos yes, long hamas?
   Tokples bilong em:

Hamas pikinini yu bin kisim? (nem wantaim krismas bilong ol na nem bilong papa)
Hamas istap yet?

Husat i save go long skal na em i stap long wanem grade?

Yu save lukaut tu long narapela pikinini? Sapos yes em wanem nem bilong ol, krismas bilong ol, education bilong ol?

Long wanem samting yu istap insait long kalabus?

Long wanem samting yu bin wokim dispela rong? Yu gat special rison long dispela pasin bilong yu?

Em i tingting bilong yu tasol long wokim dispela rong o yu bin kisim help long narapela man/meri?
Yu tingting wanem long rong yu bin wokim?
Long wanem dei yu bin kam insait long kalabus?
Long wanem dei bai yu lusim dispela kalabus?
Husat i bin kotim yu?
Hamas taim yu bin weitim kot insait long kalabus bipo yu kamap long kot?
Taim yu kisim kot yu gat wanpela loya long kot?
Wanem tingting i bin kamap long yu taim polis i bin kisim yu?
Yu kisim halivim long dispela taim? Husat i bin lukautim yu long dispela taim?
Taim polis i bin kisim yu em i bin toksave long ol raits bilong yu? Sapos yes wanem ol raits em bin tok long yu?
I gat sampela man i bin toksave long yu long ol raits bilong yu taim yu kamap long kalabus na kot? Sapos yes, em tokim wanem?
Em wanem nem bilong dispela man o meri?
Husat i bin lainim yu long rot bilong yu insait long kalabus na kot?
Sapos yu bin wokim sampela rong long taim bipo hai husat bai mekim save long yu na wanem kain mekim save bai yu kisim?
Yu ting wanem long:
  ples bilong slip;
  kaikai:
  hap bilong waswas:
Yu gat wok insait long kalabus? Sapos yes, em wanem kain?
Ol lain bilong kalabus i save lainim yu long sampela samting? Sapos yes em wanem kain em save skulim yu?
I gat taim long pilai? Wanem kain pilai?
Yu save go long lotu taim yu istap insait long kalabus?
Yu inap toktok wantaim ol wardresses? Em save helpim yu? Sapos yes, long wanem samting?
Husat i save kam na lukim yu taim ol lain inap kam insait? Yu save hamamas long dispela?
Yu save raitim na kisim sampale leta? Sapos yes, long husat?

I gat books long kalabus yu save ritim? Em wanem kain?

Yu save istap poro wantaim narapela meri kalabus?

Yu tingting wanem long meri igat bel na em istap insait long kalabus? Husat mas luk out long pikini taim meri ibin karim em pinis?

Sapos yu gat pikinini yu inap lukim em? Yu gat wanpela i save istap wantaim yu? Pikinini i save istap orait insait long kalabus? Sapos nogat em wanem bikpela wari bilong yu?

Yu save tingting wanem, taim yu istap insait long haus kalabus?

Ol lain bilong yu i save tingting wanem long yu taim istap insait long haus kalabus?

Yu tingting dispela taim yu stap insait long haus kalabus bai helpim yu kamap gutpela meri?

Wanem tingting bilong yu bai yu wokim taim yu lusim kalabus?

Bai yu wokim wanem samting taim yu lusim kalabus?

Em wanem namba wan wari bilong yu?

Husat ibin raitim dispela pepa?

Tenkyu!
QUESTIONNAIRE: WARDRESSES

PERSONAL DATA
Name (optional): age:
Number of years in service: name of institution: no of years:
Married: yes no
Employment of husband:
Number of children:
Age of youngest and oldest child:
Do you have adopted children (number and age):
How many children are still in the family? (mention age)
Who looks after the children during daytime?
Are you happy about your family situation? Explain.
Place of origin:

EDUCATION-TRAINING
Educational level: grade
Higher education:
Were you trained to be a wardress: yes no
If yes: do you think further training is necessary? yes no
what are the positive points of the training?
what should be improved about the training?

MOTIVATION
Why did you decide to become a wardress?
Are you satisfied with your work? Explain.
What, for you, is the aim of imprisonment?
Could this or those aim(s) be reached by other means than imprisonment?
Is imprisonment for you the best solution for convicted women - explain.

**WORK CONDITIONS**

How do you find living inside the jail compound?

Do you think there is enough safety? Explain.

Are you satisfied with the accommodation? Explain.

Do you think that the "houserules" are reasonable? Why?

Do you have suggestions for changes? If yes, what are they?

How do you get on with your superiors?

How is the relationship with the warders?

Is the prison overcrowded?

Do you think there is high crime rate? If yes: what is (are) the reason(s)? What could be done to reduce crime?

**FEMALE DETAINNES**

What is your opinion about:
- treatment on arrival at the prison
- accommodation of the female prisoners
- food
- hygienic conditions
- activities of female prisoners
- moral support (from inside the prison, from outsiders)
- pregnancy and childbirth
- children accompanying the mother

How do you relate to the detainees?

Are there any special arrangements for the detainee on the day of release? If yes, what are they?

Is there a person or organization in charge of the following up of the detainee after release?

Do you have any suggestions for helping detainees?

Do you think a separate prison should be constructed for female detainees - explain.

Thank you for your cooperation!
### Table 1: Offences committed by women (convicts and remandees) December 1989 - March 1990

<table>
<thead>
<tr>
<th>Offence</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offences against persons</td>
<td>55</td>
<td>65.0%</td>
</tr>
<tr>
<td>Offences against property</td>
<td>9</td>
<td>10.5%</td>
</tr>
<tr>
<td>Offences against public order</td>
<td>14</td>
<td>16.5%</td>
</tr>
<tr>
<td>Contraventions</td>
<td>2</td>
<td>2.5%</td>
</tr>
<tr>
<td>Adultery</td>
<td>5</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>85</td>
<td>100%</td>
</tr>
</tbody>
</table>

### Table 2: Schooling grade of women (convicts and remandees) December 1989 - March 1990

<table>
<thead>
<tr>
<th>Grade</th>
<th>Bomana</th>
<th>Mt.Hagen</th>
<th>Lae</th>
<th>Goroka</th>
<th>Wewak</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>5</td>
<td>40</td>
<td>5</td>
<td>8</td>
<td>-</td>
<td>58</td>
<td>68.2%</td>
</tr>
<tr>
<td>1 - 3</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>4</td>
<td>4.7%</td>
</tr>
<tr>
<td>4 - 7</td>
<td>-</td>
<td>6</td>
<td>2</td>
<td>3</td>
<td>-</td>
<td>11</td>
<td>12.9%</td>
</tr>
<tr>
<td>8 - 12</td>
<td>3</td>
<td>6</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>12</td>
<td>14.1%</td>
</tr>
</tbody>
</table>

### Table 3: Length of prison sentence (convicts) December 1989 - March 1990

* The court sentence is automatically reduced by 1/3 for remission immediately upon arrival in the institution. The periods in this table take remission into account.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 days - 1 month</td>
<td>5</td>
<td>8.3%</td>
</tr>
<tr>
<td>1 m. - 3 m.</td>
<td>6</td>
<td>10.0%</td>
</tr>
<tr>
<td>3 m. - 6 m.</td>
<td>12</td>
<td>20.0%</td>
</tr>
<tr>
<td>6 m. - 12 m.</td>
<td>3</td>
<td>5.0%</td>
</tr>
<tr>
<td>12 m. - 18 m.</td>
<td>3</td>
<td>5.0%</td>
</tr>
<tr>
<td>18 m. - 3 years</td>
<td>7</td>
<td>11.7%</td>
</tr>
<tr>
<td>3 y. - 6 y.</td>
<td>15</td>
<td>25%</td>
</tr>
<tr>
<td>over 6 years</td>
<td>9</td>
<td>15.0%</td>
</tr>
</tbody>
</table>
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Abbreviations:

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IASER: Institute of Applied Social and Economic Research
UPNG: University of Papua New Guinea


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Key reports, in Chronological order:


### WARRANT COVER

<table>
<thead>
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<tr>
<td>Escape date</td>
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<tr>
<td>Time</td>
<td></td>
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<tr>
<td>Recapture date</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td></td>
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### TRANSFERS

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<tr>
<td></td>
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### MEDICAL EXAMINATION ON ADMITTANCE

### MEDICAL EXAMINATION ON RELEASE

### DETAINEE PROPERTY

<table>
<thead>
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<tbody>
<tr>
<td>Amount in cash K</td>
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<tr>
<td>Receipt No.</td>
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### REMARKS:

<table>
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<tr>
<td>Height</td>
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</tr>
<tr>
<td>Build</td>
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<td>Marks</td>
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### RECIDIVIST:

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<tbody>
<tr>
<td>Previous convictions</td>
<td>Yes/No</td>
</tr>
<tr>
<td>(If yes, how many times)</td>
<td></td>
</tr>
<tr>
<td>Previous Detection</td>
<td>Yes/No</td>
</tr>
<tr>
<td>(If yes, how many times)</td>
<td></td>
</tr>
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### REMAND:

<table>
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<tbody>
<tr>
<td>Date due for court</td>
<td></td>
</tr>
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I certify that I have received ALL my property and claim form for my money.

Signature of Detainee

Witness

### CORRECTIVE INSTITUTION

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<td>Register No.</td>
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<td>Name</td>
<td></td>
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<tr>
<td>Religion</td>
<td></td>
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<td>Sex</td>
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<td>Marital Status</td>
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<td>Town</td>
<td></td>
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<tr>
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<td>Money</td>
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<tr>
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<td>** Unfit</td>
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<td>** Not Stated</td>
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### DETAIL of next of Kin

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<tbody>
<tr>
<td>Name</td>
<td></td>
</tr>
<tr>
<td>Address</td>
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### Date of sentence commence:

### Offence committed with others:

<table>
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</thead>
<tbody>
<tr>
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<td>Yes/No</td>
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</tbody>
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### Due Date of Release without Remission:

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<th>Information</th>
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### Due Date of Release with Remission:

<table>
<thead>
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<th>Information</th>
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</thead>
<tbody>
<tr>
<td>Date</td>
<td>19</td>
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</tbody>
</table>

### Signature of OIC