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Constitutional and Law Reform Commission Act 2004

CLRC REFERENCE No. 7: REVIEW OF THE LAW ON SORCERY AND SORCERY RELATED KILLINGS

I, Hon. Dr. Allan Marat LLB, LLM, D.Phil., (Oxford) MP, Minister for Justice and Attorney General, having regard to:

- the fact that sorcery still to date causes great fear amongst the people of Papua New Guinea and often causes fighting, killing and other social problems; and
- the upsurge in the reports in the local print media of sorcery related killings; and

note that on 7th April, 1977, the then Minister for Justice, the late Sir Ebia Olewale MP issued a Reference to the former Law Reform Commission and the Commission only produced four Occasional Papers on the Reference but did not complete same by producing a Report and consequently, that Reference has lapsed—therefore by virtue of the power conferred on me by Section 12(2) of the *Constitutional and Law Reform Commission Act 2004* (the Act) refer and direct the Constitutional and Law Reform Commission (CLRC) as follows:

- (1) Enquire into and report on the extent of enforcement of the *Sorcery Act*, Chapter No. 274 with a view to identify problems etc; if any, in the enforcement of the Act and propose and recommend appropriate remedial action;
- (2) Review and report on the appropriateness of the existing offences and their penalties under the Act;
- (3) Review and report on the appropriateness or otherwise of any defences or mitigation considerations under the Act;
- (4) In performing its functions in relation to this reference, the CLRC will consider:
 - (a) all the Occasional Papers (Occasional Papers 4, 8, 10 and 11) of the former Law Reform Commission;
 - (b) all available literature, whether published locally or internationally for appropriate comparative purpose and value;
 - (c) whether or not there is any role at all for the law to play in dealing with sorcery.
- (5) In the conduct of this Reference, the CLRC is directed to consult widely with appropriate law enforcement agencies, research institutions, the Law Society and academia and conduct necessary educational and informative programs through public address, seminars, workshops, conferences and the publication and dissemination of such proceedings.

CLRC Reference No. 7: Review of the Law on Sorcery and Sorcery Related Killings—*continued*

- (6) The CLRC shall report to me within 18 months of the date of publication of this Reference in the *National Gazette* with appropriate draft legislation proposing suitable law reform if and where necessary.
- (7) This Reference shall be referred to as CLRC Reference No. 7: Review of the Law on Sorcery and Sorcery Related Killings.

Dated this 13th day of February, 2009.

HON. DR. A. MARAT, LLB, LLM, D.Phil., MP,
Minister for Justice.