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**National report submitted in accordance with paragraph 5 of  
the annex to Human Rights Council resolution 16/21\***

**Papua New Guinea**

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## Introduction

1. The Government of Papua New Guinea (*“the Government”*) welcomes this opportunity to provide information on its follow up to the recommendations received at the first reporting cycle of the Universal Periodic Review (“UPR”) and reaffirms its strong commitment towards the advancement and protection of fundamental principles and values of universal human rights enshrined in the *Universal Declaration of Human Rights and the Charter of the United Nations*. As stated in Papua New Guinea's first UPR report in 2011, the Government reiterates that the cornerstone of a democratic society is underpinned by the promotion and safeguarding of fundamental human rights.

2. This National Periodic Report (*“Report”*) is in compliance with Papua New Guinea's United Nations obligation pertaining to the second cycle of the Universal Periodic Review. It encompasses human rights developments and key developments related to the progress of the human rights situation in Papua New Guinea since the first UPR cycle. This Report is also submitted in accordance with Paragraph 5 of the Human Rights Council resolution 16/21 of March 2011.

## I. Methodology and consultation

3. This Report is the result of work undertaken by the National Universal Periodic Review Taskforce core committee which comprises of central Government Agencies comprising the Department of Foreign Affairs, Department of Justice and Attorney General, Department of Community Development and Religion, and the Ombudsman Commission who had the task to collect, analyse and compile information provided for the report.

4. Other Stakeholder Departments and Agencies consulted for inputs include Department of Education, Department of Labor, Conservation and Environment Protection Authority (CEPA), Climate Change Development Authority (CCDA), Constitutional Law Reform Commission (CLRC), Papua New Guinea Immigration and Citizenship Services (PNGICS), Correctional Services (CS).

5. The Government conducted a workshop in consultation with the Office of the High Commissioner for Human Rights (OHCHR), the South Pacific Commission (SPC) Regional Rights Resource Team (RRRT) and the Pacific Islands Forum Secretariat (PIFS) from 30<sup>th</sup> May to 1<sup>st</sup> April 2015 in preparation for the second cycle of the Universal Periodic Review Report. Government Agencies and civil society organizations participated in the workshop. The workshop was important for the Government with assistance from resource persons from South Pacific Commission and the Pacific Island Forum to assess the extent of the implementation of the recommendations from the first UPR cycle and for the preparation of the second cycle of the UPR report.

6. In fulfilling the requirements in presenting the UPR report, which is holistic, credible and representative, extensive consultations were conducted between November and December 2015 in Goroka (Eastern Highlands Province), Kundiawa (Simbu Province), Kerema (Gulf Province), NCD (Central Province), Madang (Madang Province) and Buka (Autonomous Region of Bougainville) to have an appreciation of the promotion, protection and advancement of human rights in Papua New Guinea. The consultations were carried out with each of the Provincial Administrations including Non-Government Organizations such as Care International in Papua New Guinea, Eastern Highlands Province Family Voice, Churches and Women's Groups.

7. The Human Rights Forum chaired by the Secretary for the Department of Justice provided information from all stakeholders including the government agencies and other donor partners.

## II. Development of normative and institutional framework for human rights

### A. Normative framework

#### **The Constitution of the Independent State of Papua New Guinea**

8. The *Constitution* of Papua New Guinea underscores that, subject to any restrictions imposed by law on non-citizens, all persons in Papua New Guinea are entitled to the fundamental human rights and freedoms of the individual.

9. This means, the fundamental human rights of an individual, regardless of their race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate public interest, to each of the following: (a) life, liberty, security of the person and the protection of the law; (b) the right to take part in political activities; (c) freedom from inhuman treatment and force labour; (d) freedom of conscience, of expression, of information and of assembly and association; (e) freedom of employment and freedom of movement; and (f) protection for the privacy of their homes and other property and from unjust deprivation of property; and have accordingly included in the *Constitution* provisions designed to afford protection to those rights and freedoms, subject to such limitations on that protection as are contained in those provisions, being limitations primarily designed to ensure that the enjoyment of the acknowledged rights and freedoms by an individual does not prejudice the rights and freedoms of others or the legitimate public interest.

#### **United Nations Charter**

##### *Universal Declaration of Human Rights (UDHR)*

10. The PNG Constitution is one of those few Constitutions around the world that contains all those rights and freedoms articulated in the Charter of the UN and more particularly under the Universal Declaration of Human Rights 1948. The above rights and freedoms are specifically enforced by the Judiciary. The National Goals and Directive Principles is a set of guidelines set out in the Preamble of the Constitution which calls for integral human development, equality and participation of all Papua New Guineans.

##### *Core Human Rights Treaties*

11. Papua New Guinea (PNG) ratified six (6) core human rights treaties:
- International Covenant on Civil and Political Rights (ICCPR);
  - International Covenant on Economic, Social and Cultural Rights (ICESCR);
  - Convention on the Elimination of All Forms of Racial Discrimination (CERD);
  - Convention on the Rights of the Child (CRC);
  - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
  - Convention on the Rights of Persons with Disabilities (CRPD).

*Specific commitments by the Government to promote and protect human rights*

12. Since the First UPR Cycle, Papua New Guinea invited and facilitated the Special Rapporteurs to visit the country to review specific aspects of the human rights situation in the country, which included:

(a) Mr Christof Hynes, Special Rapporteur on Extrajudicial, summary or Arbitrary Execution, visited Papua New Guinea from 3–14 March 2014; and

(b) Ms Rashida Manjoo, Special Rapporteur on Violence against Women, its causes and consequences, visited Papua New Guinea from 18–26 March 2012.

13. Papua New Guinea believes that the special procedures mechanism continues to strengthen the human rights process at all levels.

14. Papua New Guinea's commitment to ratifying the International Convention on the Rights of Persons with Disabilities (CRPD) was fulfilled on 26 September 2013.

15. Progressive and ongoing measures have been taken by the Government in improving and strengthening detention facilities and training of law enforcement officials on human rights.

16. Papua New Guinea remains steadfastly committed to the establishment of an independent National Human Rights Institution (NHRI) despite ongoing challenges, this work is in progress.

17. Notable progress has been made by the Government towards ratifying the Convention against Torture (CAT).

## **B. Institutional framework**

### **National Human Rights Commission/Institution**

18. The Government is continuing work to establish an independent National Human Rights Institution (NHRI) in accordance with the Paris Principles.

### **Office of the Ombudsman Commission**

19. The mission of the Ombudsman Commission is to promote and protect the integrity of leaders at all levels of government and to improve the work of governmental bodies and investigate any complaints against leaders and governmental bodies to ensure good governance, accountability, transparency and quality leadership in the public sector.

20. The mandated role of the Ombudsman Commission is to:

- ensure that all governmental bodies are responsive to the needs and aspirations of the people of Papua New Guinea;
- assist the work of governmental bodies to eliminate any unfair administrative practices and discrimination;
- help eliminate any unfair or defective legislations affecting the operations of a governmental body; and
- supervise the enforcement of the Leadership Code under Division III.2 of the *Constitution*.

21. There have been attempts to curtail the powers of the Ombudsman Commission including proposed legislative change which would require the Ombudsman Commission to comply with the provisions of the *Evidence Act* to increase burden of proof to the criminal standards to be imposed.

22. The Government has plans to establish an Ombudsman office in the Autonomous Region of Bougainville (ARB) and have commenced the process to establish it.

#### **Independent Commission Against Corruption (ICAC)**

23. The Government has begun work towards establishing an independent anti-corruption commission which will be known as the Independent Commission Against Corruption (ICAC). The ICAC will have the mandate to, *inter alia*, investigate and support prosecution of complaints of corrupt conduct in the public and private sectors.

24. In 2015, the Organic Law for the establishment of the ICAC was presented to the National Parliament for deliberation.

#### **The Electoral Commission**

25. The mandated role of the Electoral Commission is to encourage the right to vote and the right to stand for public office. The Electoral Commission also engages civil society to advocate and promote awareness on citizens' right to vote throughout the country.

26. The Electoral Commission has also been instrumental in promoting and encouraging gender equality in the political sphere and to further strengthen the representation of women in the National Parliament as well as in the lower levels of government in Papua New Guinea.

#### **Constitutional and Law Reform Commission (CLRC)**

27. It is the mandate of the Constitutional and Law Reform Commission (CLRC) to review, revise and develop constitutional and law reforms.

28. The CLRC is further mandated to investigate and report to the National Parliament and to the National Executive on the development and the adaptation to the circumstances of the country, of the underlying law, and on the appropriateness of the rules and principles of the underlying law to the circumstances of the country, from time to time.

#### **National Court Human Rights Track**

29. The National Court Human Rights Track was established in 2011 to enforce constitutional human rights and provide remedies for violations and abuses.

30. The recent inclusion of Order 23 under the National Court Rules provides the court procedure for human rights breaches. The purpose of Order 23 is to facilitate a quick and just resolution of court proceedings instituted under Sections 57 and 58 of the *Constitution* for enforcement of the Basic Rights (human rights) and for the enforcement under Section 23 of the *Constitution* of prohibitions, restrictions or duties imposed by the Constitutional Laws and of related matters. The court procedure has been simplified and deals with human rights proceedings exclusively. This allows for the expeditious facilitation of human rights cases and remedies.

### **III. Law and justice reforms**

#### **Key legal reforms undertaken following the first review areas**

31. The *Family Protection Act* 2013 passed by the National Parliament on 18 September 2013 provides a comprehensive legislative framework to combat domestic violence against women in Papua New Guinea and to provide for family and interim protection orders. It also criminalises domestic violence; allows for neighbours, relatives and children to report

domestic violence; as well as gives police the power to remove perpetrators from their homes to protect the victim. Penalties for breach of the Act include fines up to K5,000.00 (US\$1,650.00) and 2 years in prison.

32. Recent amendments to the *Marriage Act 1963* and *Matrimonial Causes Act 1963* addresses gaps in existing laws on discrimination against women in relation to custody and rights to matrimonial property and other related matters.

33. The *LukautimPikinini Act 2015* provides a comprehensive framework on the protection of the female child and introduces provisions for women with children and pregnant women in custody.

34. The *Juvenile Justice Act 2014* provides protection and welfare for juveniles, including female juveniles, in custody or detention with emphasis on non-custodial sentences and shortest possible period of time in detention.

35. The *Criminal Code (Amendment) Act 2013* criminalises the acts of human trafficking and people smuggling and grants immunity from prosecution to victims of human trafficking, which includes women and children, for any criminal offence including prostitution as a direct consequence of trafficking.

36. A further amendment to the *Criminal Code (Amendment) Act 2014* criminalised sorcery-related violence and killings and provides protection for women who have been accused of sorcery-related activities.

37. The *Civil Registry Act 2014* expands the identification services for Papua New Guineans and provides for the registration of one wife to have access to property and matrimonial rights. However, this has raised the issue of the rights of the second wife and that of her children. This issue is being addressed by the Government.

### **National goals and aspirations**

38. The Government has developed policies, plans and strategies to address and eliminate all forms of discrimination and abuse against women as per Article 2 of CEDAW. All the policies below are comprehensive and address several human rights issues in consistent with the National Constitution of Papua New Guinea. These include:

- Papua New Guinea Vision 2050, which is a long-term national development roadmap;
- Millennium Development Goals (MDG) 2000-2015;
- National Strategy for Responsible Sustainable Development (STARS), which addresses the 2030 Agenda on Sustainable Development Goals (SDGs) 2015-2030;
- Medium Term Development Plan 2 (MTDP) 2016-2017, usually a 5-year development rolling plan;
- National Public Service Gender Equality and Social Inclusion Policy (GESI Policy);
- National Security Strategy 2013;
- Development Strategic Plan (PNGSDP) 2010-2030.

### **Promotion and human rights education and public awareness**

#### **Training**

39. The Government, through the Ombudsman Commission, expanded its human rights training and programs in key areas and with key groups such as the law enforcement

personnel (the police, correctional service), local-level government ward councillors, and media personnel. This is an ongoing program with support from the Government, OHCHR and non-governmental organisations (NGOs).

### **Police oversight**

40. The Ombudsman Commission is mandated to investigate allegations of human rights abuses by the Police, Correctional Service, and other law enforcement agencies. The investigation is then referred to the concerned agency, such as the Police Internal Affairs Unit and other disciplinary forces, for further action.

### **Detention monitoring**

41. Detention Monitoring is a mechanism implemented by the Ombudsman Commission in response to the recommendations of the May 2010 Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment. This mechanism addresses human rights violations for persons in detention, rights of incarcerated persons, degrading conditions of detention facilities, and provides control mechanisms for excessive periods of detention.

42. There has been an improvement in detention conditions in the Highlands Region of Papua New Guinea under this mechanism with work in progress for implementation in the other regions as well.

### **Training for Village Courts on human rights issues**

43. The Government, through the Ombudsman Commission, has conducted workshops to increase human rights awareness for key groups at the local-level government and village level which includes training and programs for district court and village court magistrates. The trainings and programs also provide relevant awareness materials in line with the international standards.

44. The Village Courts and Land Mediation Secretariat, has incorporated human rights issues into its training manual and programs for village court officials and land mediators. Through this program village court officials and land mediators are trained in cross cutting issues such as gender, family and sexual violence, HIV and AIDS.

45. The *Village Courts Act 2014* (as amended) in Section 3 explicitly stipulates an objective for Village Courts to “improve access for women to Village Courts and to eliminate discrimination against women in Village Court proceedings; provide access to justice for all Papua New Guineans regardless of where they live; and to promote practices and procedures that are consistent with the basic rights guaranteed by Division 111.3 (Basic Rights) of the *Constitution*”.

46. The Act further stipulates under Section 3.2B (Village Courts Principles) that “if a matter before a Village Court involves a child; the Court is to act in the best interest of the child”.

47. Village Courts in PNG are mandated by law to uphold basic Human Rights as guaranteed under the *Constitution* in relation to protection for women and children from all forms of violence.

### **Magisterial services**

48. The Government, through the Magisterial Services, has commenced training for district court magistrates on human rights in general and in relation to the protection orders under the *Family Protection Act* to protect women and children, including men, against domestic violence including threats and intimidation.

49. The Magisterial Services have also taken the initiative to set up a complaint desk for the general public to lay their complaints of human rights abuses.

## **Specific human rights**

### **Children**

#### *Prohibition of corporal punishment*

50. The Government banned corporal punishment (the use of physical force against a student) in elementary and primary educational institutions. The Behaviour Management Policy (2009) was developed to address behavioural issues in schools. This policy clarifies the roles, rights and responsibilities of schools, parents and guardians, teachers and students in improving student discipline and raising achievement.

51. There is no specific legislation prohibiting corporal punishment, however, certain laws such as the *Juvenile Justice Act* and *LukautimPikinini Act 2015* provides for the protection of children in relation to the use of excessive force against children as punishment. The *LukautimPikinini Act* in particular prohibits the use of harmful practices against children.

52. The *LukautimPikinini Act* in particular prohibits the use of harmful practices against children; further promoting the option of community based sentencing, even if not diverted, for juveniles to serve in communities, and increased the criminal responsibility age from 7 to 10 years old. This seeks to contribute to minimising the exposure to violence or other harmful practices such as corporal punishment to be used against a child/juvenile.

#### *Successful programmes to keep adolescents out of the prison system where possible*

53. The *Juvenile Justice Act* provides diversion options for juveniles with emphasis on the police and courts to consider diversion options where possible.

54. The Government partners with NGOs and faith-based organisations to run diversion programs in accordance with Government standards.

55. The Government, through the Office of the Civil Registry, has the mandate to register all births of children in the country. Awareness programs on the role of the Office of the Civil Registry and the requirement to register all births has been conducted nationwide.

56. In 2014, the Government initiated the National Identification Project which addresses the issue of registration for all Papua New Guinea citizens. Under this initiative, all Papua New Guinea citizens are required to be registered.

#### *Challenge*

57. There is no accurate registration statistics for the number of births throughout the country, particularly in the rural areas of Papua New Guinea.

### **Disability**

#### *Vision 2050 and other development plans*

58. The intention under Vision 2050 and other national development plans and policies is inclusive participation for every Papua New Guinean.

*National Disability Policy (2015–2025)*

59. The goal of the National Policy on Disability is to establish and strengthen policy implementation, infrastructure and coordinated systems to improve the lives of persons with disabilities on an equal basis with other citizens.

60. These objectives are delivered through three (3) corresponding strategies:

Strategy 1: Advocacy, rights and responsibilities;

Strategy 2: Improve access to quality services and support programs for Persons with Disabilities;

Strategy 3: Develop an effective institutional, legal and financial framework for the Disability sector.

61. The Policy on Disability calls for the enactment of legislation to protect persons with disabilities; reduction of stigma and protecting persons with disabilities from discrimination; introduction of *Sign Language* as the fourth official language for all government business programs (launched on the 17<sup>th</sup> April 2015); setting up of an office and supports the implementation of CRPD.

*Proposed National Advisory Committee on Disability*

62. Under the Policy on Disability, a National Advisory Committee on Disability (NACD) is being established to oversee the performance of the Policy implementation.

*Creation of a database regarding persons with disabilities*

63. The Government in partnership with the Australian Aid (AusAid) and Japanese International Cooperation Agency (JICA) developed a database for persons with disabilities with a pilot project being administered in three (3) provinces of the country.

**Law enforcement and alleged abuses****Measures to address police abuse**

64. The Government has set up a cooperation mechanism through a Memorandum of Agreement (MoA) with the Ombudsman Commission to prevent abuse and violence by police officers.

65. The *LukautimPikinini Act* in particular prohibits the use of harmful practices against children; further promoting the option of community based sentences, even if not diverted, for juveniles to serve in communities, and increased the criminal responsibility age from 7 to 10 years old. This seeks to contribute to minimising the exposure to violence or other harmful practices such as corporal punishment to be used against a child/juvenile.

66. Papua New Guinea Constabulary (RPNGC) renewed the MoA to address issues on allegations of police brutality and other human rights abuses. The MoA aims to restore integrity in the work of the Police Internal Affairs Division (IAD) and restore discipline, accountability, transparency and the integrity of the RPNGC. The MoA also envisions enactment of legislation to establish a Police Ombudsman.

67. The RPNGC in partnership with the Ombudsman Commission and the OHCHR are conducting human rights training as part of the Police Training curriculum for new recruits into the RPNGC. The International Committee of the Red Cross (ICRC) has also assisted the RPNGC with training and support material on human rights and basic principles of humanity. The training conducted by ICRC has focused on International Police Standards,

Exercise of Police Powers and promotion of basic humanitarian principles for Senior Police Officers.

### **Protection for human rights defenders**

68. The Ombudsman Commission conducts training for law enforcement personnel and NGOs which provides vital information on the predicament faced by Human Rights Defenders on a daily basis. Such training includes the distribution of awareness materials through the use of media (both written and visual) to advocate for protection of Human Rights Defenders.

69. The *Constitution* also provides for the protection of the law for all persons.

## **Human trafficking**

### **Criminal Code (Amendment) Act 2013**

70. In 2013 the *Criminal Code* was amended to criminalize the act of trafficking in persons for exploitation purposes and provides for the protection of trafficked persons. This includes protection for girls and boys under the age of 18.

### **National Action Plan to combat Trafficking in Persons (TiPNAP)**

71. The Government, through partnerships with the International Organisation for Migration (IOM) and the US Government, developed the Trafficking in Persons National Action Plan (TiPNAP) (2015–2020) and the Standard Operating Procedures (SOPs) for the identification, referral and prosecution of human trafficking cases in the country. The TiPNAP and SOPs set the framework for cooperation between agencies in trafficking cases, identification of victims and prosecution of offenders and the provision of training for stakeholder groups involved in counter trafficking efforts.

72. The TiPNAP sets out specific goals, objectives and activities aimed at ensuring adequate support and protection is provided to victims of trafficking (VoTs) and that the necessary legislative and policy mechanisms are in place to bring the perpetrators of human trafficking to justice. The key objectives of the TiPNAP are:

- Prevention of Trafficking in Persons (through training and other methods);
- Protection (of VoTs and the community);
- Prosecution (of offenders); and
- Policy (development).

### **Standard Operating Procedures (SOPs)**

73. The SOPs establishes the National Referral Mechanism for victims of human trafficking and prosecution of traffickers and prevention of other transnational crimes. The SOP sets out the processes which will be used by State Agencies and NGOs to:

- Identify victims of trafficking;
- Assist in the Protection and Rehabilitation of victims of trafficking; and
- Arrest and Prosecute persons who commit the criminal offence of trafficking in persons.

## **Governance and corruption**

### **Establishment of the Independent Commission against Corruption (ICAC)**

74. The Government has taken the step to establish the Independent Commission Against Corruption (ICAC) to investigate, *inter alia*, any allegations of corrupt practices and activities in a governmental agency. The Organic Law on ICAC has been developed and was tabled in the National Parliament in 2015. In comparison, the Ombudsman Commission's jurisdiction extends to ensuring decisions and actions by governmental bodies are done in compliance with laws, processes and set procedures.

75. The establishment of ICAC aims to enhance the transparency of public decision-making and the use of public resources for public purposes. The establishment of ICAC complements the Ombudsman Commission's work and aims to enhance the transparency of public decision-making.

76. The Public Finance Management Act in the Public Service of Papua New Guinea governs and manages the use of public funds and other capital resources of the Government. Government has made efforts to streamline and improve the domestic financial systems and processes to eliminate corrupt practices, including the adoption of the International Monetary Fund Government Financial Statistics 2014 reporting standards.

## **Economic and social development**

### **Measures to improve economic and social development**

77. The Government has developed measures to improve the economic and social development of the people of Papua New Guinea. The Government on 18 February 2016 launched the National Small and Medium Enterprises (SME) Policy is a classic example of a measure to improve the economic wellbeing of the people.

78. The Government also developed the National Strategy for Responsible Sustainable Development (STARS) to provide a guide for government and all the stakeholders to create opportunities for personal and national advancement through economic growth, smart and innovative ideas, quality of services, and ensuring fair and equal distribution of benefits in a safe and secure environment for all citizens.

79. The Government has funded the National Women's Bank for women in the informal sector to commence income generation and assist in expanding business ventures. Such initiative has given women income earning opportunities and also access to banking services.

80. The Government's District Support Improvement Plan (DSIP) of providing K10 million (US\$3,265,000.00) to all 89 Districts and other similar fiscal measures such as the Public Investment Programme (PIP) have enabled capital and financial resources to be decentralised to the District levels in the country for infrastructure development, including roads, wharfs, schools, health centres and economic opportunities to support improve the lives and livelihoods of the majority of citizens who live in the rural areas.

### **Programmes and measures aimed at ensuring universal health services**

81. A priority under the current Government was to ensure health and educational services are rolled out throughout the country, particularly to areas which have been neglected in the past. In 2014, the Government established District Development Authorities (DDAs) to ensure that those basic services are rolled out in the districts. A

major achievement that is supporting primary health services for citizens is the Government's Free Health Policy for primary health care and services.

82. The Government developed the National Health Plan (2011–2020) which aims to strengthen primary health care for all and improve service delivery for the rural majority and the urban disadvantaged. The Health Plan contains eight (8) Key Result Areas (KRA's) of target for the National Health Sector:

- (a) Improve service delivery;
- (b) Strengthen partnerships and coordination with stakeholders;
- (c) Strengthen health systems;
- (d) Improve child survival;
- (e) Improve maternal health;
- (f) Reduce the burden of communicable diseases;
- (g) Promote healthy lifestyles; and
- (h) Improve our preparedness for disease outbreaks and emerging population health issues.

83. Some of the health sector policies developed by the Government to implement the Health Plan:

- Infant and Young Child Feeding Policy;
- PNG Health Sector Gender Policy;
- Integrated Management of Childhood Illness;
- Newborn Health Policy;
- National Sexual Reproductive Health Policy.

*KRA 5: Improving Maternal Health*

84. The Government developed the Health Plan with an emphasis on the improvement of Maternal Health.

85. Achievements in relation to improving maternal health:

(a) Increased Family Planning Coverage to every health facility. The development of the National Family Planning Policy 2013 which will ensure that every facility has the capacity to offer family planning services at all times.

(b) Increased capacity of the Health sector to provide safe and supervised deliveries through training of health workers in Maternal and Obstetric care.

(c) Improved Access to emergency obstetric care.

(d) Improve awareness on sexual reproductive health for adolescents through training.

(e) Decrease neonate deaths through training and the development of the Infant and Young Child Feeding Policy 2013 and the National Newborn Health Policy 2013.

*Maternal Mortality*

86. Policies Developed with direct goals to reduce Maternal Mortality rates;

- (a) The National Family Planning Policy 2013;

- (b) The National Sexual Reproductive Health Policy 2013;
- (c) Infant and Young Child Feeding Policy 2013;
- (d) National Health Sector Gender Policy 2014;
- (e) National Nutrition Policy 2015 (Final draft ready for NEC Submission).

#### *Family Support Centres (FSCs)*

87. The Government developed and established hospital based Family Support Centres (FSC) to assist victims of violence with a one-stop shop for coordinated medical, psychosocial and referral services, and case-management support has improved the situation of women survivors of gender-based violence (GBV). The establishment of FSCs is in line with the National Health Plan (2001–2020), which emphasises on the value of rolling out FSCs as a strategy for addressing the poor indicators related to maternal and child health and HIV/AIDS and STIs, and to improve healthy lifestyles. The FSC guidelines were finalised in 2012 and disseminated in 2013.

#### **Universal primary education**

88. A measure undertaken by the Government in achieving Universal Access to compulsory Education is the introduction of the Tuition Fee-Free (TFF) Policy in 2012, which enabled equal access for students to free primary education. This was a major undertaking by the Government in increasing the enrolment number of students at primary level and improving the literacy level in the country.

89. Consequentially, gross enrolment for basic education almost doubled in 2014. The overall gross enrolment rate for basic education improved to 96 percent in 2014, compared to 71 percent in 2000. Although Papua New Guinea has not fully attained the MDG target on universal primary education, Papua New Guinea has made measured progress in this area whilst also exceeded its national enrolment target of 85% set in the Medium Term Development Plan (MTDP) 2011-2015.

90. The Government also endorsed the Standard-based Curriculum in response to declining education standard which is enforced through the National Education Plan (2015-2019) which is complimented by the Universal Basic Education Plan (2010–2019) and other literary and education reforms in the country.

91. Although the TFF Policy was effectively implemented, challenges still remain to ensure continuing access to education for the significantly increased enrolment. The measure has also resulted in capacity constraints on primary educational facilities and the teaching force to provide for the increasing number of students.

#### **HIV and AIDS**

92. The Government has made significant progress towards combating HIV/AIDS in the country. The Government has scaled up efforts in almost all parts of the country to address one of the leading causes of morbidity and mortality. The Government has joined efforts with the donors and civil society organizations to reduce the HIV prevalence rate to 0.65percent. Provision of Antiretroviral (ARV) commenced in 2004 and has expanded to 90 facilities around the country, 29 of which offer paediatric ARV treatment. These achievements are made due to the intense HIV/AIDS testing and counselling (HTC) run by church health services. Significant advances have been made in increasing HTC sites from four in 2004 to 356 in 2012. In the last ten years there has been widespread mobilisation of services and improved service delivery to contain the rapid spread of HIV/AIDS.

93. The Government acknowledges that young women are highly vulnerable to HIV infection. Therefore, the Government has made more efforts to ensure both men and women, including young children at the age of 15 years, are receiving the required treatment. As of July 2015, 86 percent of adults and children living with HIV were receiving treatment.

## **Climate change and environment**

### **Regional and international efforts**

94. As the chair of the Pacific Islands Forum (PIF), the Government has been taking the lead in addressing climate change issues at the regional and international level. A notable initiative of the Government aimed at combating global warming at the international level is the REDD-plus (*reducing emissions from deforestation and forest degradation and promote sustainable management and conservation and enhancement of forest carbon stocks – REDD+*).

95. During the 2015 Conference of Parties (COP-21) to the United Nations Framework Convention on Climate Change (UNFCCC) discussion in Paris, The PNG Government led the negotiations for REDD+ inclusion in the Paris Agreement. REDD+ is addressed within Article of the Paris Agreement, which insists that Parties take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse, and encourages Parties to take action, implement and support results based payments with guidance from decisions already agreed upon in the convention. Another achievement includes having loss and damage as a separate article in the Paris Agreement.

96. The Government enacted the *Climate Change Management Act 2015* which establishes the Climate Change and Development Authority (CCDA) with the mandate to address climate change issues through adaptation and mitigation measures. This Act provides for the Free Prior and Informed Consent (FPIC) process which recognizes the rights of customary landholders with respect to all projects affecting their customary land. The Act further stipulates the requirement for mandatory consent of 85% of all adult members residing on the land at the time before implementation of any project agreement. These rights include that of State and Freehold Landholders.

97. The Government has engaged in partnerships with relevant government agencies and NGOs such as IOM to combat issues on impacts of climate change on the lives of the people, including the issue of climate-induced migration. The Climate Change Development Authority has three prioritised responsibilities under the Adaptation Division, these areas include, coastal flooding, inland flooding and food security. Awareness, Training and Capacity Building with communities have been conducted on the impacts of climate change under the Enhancing Adaptive Capacity of Communities to Climate Change related Floods in the North Coast and Island Region of PNG. This will continue in the Building Resistance to climate change program. The Adaptation Interventions will be implemented by national agencies and will involve community participation by including women, children and the elderly etc.

98. The Government developed the National Climate Change Compatible Development Management policy to implement the Climate Change (Management Act) and to promote the strengthening of national capacities and subsequently commence mitigation activities in the most effective sectors such as energy production, transport, agriculture, forests and other land use, waste and industrial processes.

99. The Government has received support from donor partners including the United Nations Development Program (UNDP) and the United States Agency for International Development (USAid).

## Judicial review and compensation

### *Environment Act*

100. The Government established the Conservation and Environmental Protection Authority (CEPA) to address environmental impact and landowner issues (indigenous communities) under the *Environment Act* 2000.

101. The *Environment Act* provides for the regulation of environment impacts of development activities in order to promote sustainable development of the environment and the economic, social and physical well-being of people for present and future generations and avoiding, remedying and mitigating any adverse effects of activities on the environment. The Act further stipulates serious penalties for non-compliance with the provisions of the Act.

102. The main challenge has been the enforcement of the provisions under the Act, especially in relation to conducting preliminary environmental impact assessments. This has led to environmental damage to the ecosystems and the people's rights who largely depend on the environment as their means of survival.

### *Climate Change (Management) Act 2015*

103. The endorsement for the enactment of the Climate Change (Management) Act was made on 29 July 2015 which gave continuity to the National Climate Compatible Development Management Policy 2015 and sets the pathway for Papua New Guinea to a low carbon economy. It establishes the basis for the creation of Institutions, Legal Frameworks and Financing to move towards the low carbon economy.

104. The Act has changed the Office of Climate Change and Development into the Climate Change Development Authority (CCDA) which is responsible for compiling the National Emissions Inventory, ensure collaboration in the development of strategies, plans, programmes, instruments and actions related to sustainable development, the environment and climate change, and will help in the evaluation of renewable energy and energy efficiency policy including REDD+. The Act further stipulates serious penalties for non-compliance with the provisions of the Act.

105. The Climate Change (Management) Act 2015 further provides a comprehensive framework for the recognition of customary landholder's rights with respect to any climate change related projects affecting or that may potentially affect their customary land. The Act also provides for Dispute Resolution process for any disputes or complaints which may arise in a climate change related project. The CCDA is further empowered by this Act to prosecute any offence under this Act subject to consultation with the Office of the Public Prosecutor (OPP).

106. The National Climate Compatible Development Management Policy provides a clear demarcation of roles and responsibilities for coordination, implementation and review of climate change strategies including but not limited to the utilization of existing service delivery mechanism such as the Organic Law on Provincial Government and Local Level Government (LLG). This provides an avenue in fostering greater indigenous participation from communities, while encouraging district and LLG implementation through the Provincial Climate Change Office (PCCO) coordinating and facilitating all climate Change activities.

### *Forestry Act*

107. The Government enacted the Forestry Act 1991 which provides for the management, development and protection of PNG's forest resources and environment in a sustainable

manner. The Act also provides for the rights of customary landowners to be recognised and respected in all transactions affecting the forest resource.

108. The Government developed the National Forest Plan to implement and enforce the Act. The Government has also conducted nation-wide awareness and advocacy on deforestation.

*Efforts to improve and conserve the environment*

109. The fourth goal of Papua New Guinea's *Constitution* states that the country's natural resources and environment should be conserved and used for the collective benefit of all and should be replenished for future generations. The Government has developed a Protected Area Policy to that effect which will guide Papua New Guinea to develop plans to improve and conserve the environment.

110. The Government has taken significant measures to address the impacts of climate change and the improvement and conservation of the environment through law reforms, trainings and awareness for communities on the impacts of climate change, environmental pollution and degradation in the country and the region.

111. A number of national policies provide the platform for the framework underpinning the Policy on Protected Areas, which includes the commitment to environmental sustainability contained in the PNG Vision 2050, the New Strategy Directions (2007) that provides for decentralization of plans and strategies, the National Strategy for Responsible Sustainable Development for PNG (2014), the PNG Development Strategic Plan 2010-2030, the *Environment Act* (2000), the *Conservation Area Act* (1978) and the Mid-Term Development Plan (2011–2015) and 2016–2017.

*Strengthening of relevant laws*

112. The recent enactment of the *Climate Change Management Act* gives the mandate to the Climate Change Development Authority (CCDA) to address climate change issues through adaptation and mitigation measures.

*Provision for education and awareness regarding the impacts of climate change, environmental pollution and degradation*

113. The Government has conducted trainings and awareness with communities on resilience measures on adaptation and mitigation to deal with impacts of climate. A major program carried out by the Government was the Mangrove Rehabilitation Project for the coastal communities of Papua New Guinea which involved the planting of mangroves in coastal areas to reduce shoreline erosion and increase the resilience of coastal communities against the bad effects of climate change such as coastal flooding (rising sea levels). In addition to the REDD+ mitigation option, under the PNG UNREDD Programme (2011–2015) and to be continued under the World Bank Forest Carbon Partnership Facility REDD+ Readiness Project (2015–2018); the Government in partnership with relevant NGO's and Civil Society Organizations conducted REDD+ Training of Trainers throughout the four (4) main regions of the Country aimed at developing capacity on the REDD+ Mitigation option at the Provincial level to be further disseminated at the District and Local Levels of Government.

## Access to Justice

### **Undertake effective measures to ensure the accessibility of legal and judicial services to persons in rural and remote areas (Rec. 79/49)**

114. Under the current national development priority of Law and Justice, the Government provides access to justice in the rural and remote areas through the establishment of Village courts throughout the country. The primary purpose of the Village Courts is to promote peace and good order and to deal with minor crimes. Cases of serious crimes are referred to higher courts.

115. Currently there is over 1,600 village courts and over 16,000 village court officials. Awareness and training of court officials are conducted within the Local Level Government in conjunction with the village court secretariat. In addition, the increase incapacity building and increased remuneration incentive for village court officials allowed for improved accessibility of justice in rural areas.

116. The Magisterial Services has also provided awareness and training to village court and District court officials on the protection available under the *Family Protection Act* and related human rights legislations.

## Gender Equality

### **Develop further and implement policies and legislation aimed at gender equality and the empowerment of women, including combating all forms of gender-related violence (Recs. 78/16, 78/17, 78/18, 78/19, 78/20, 78/48, 79/22, 79/23, 79/24, 79/27, 78/47)**

#### **Utilising a comprehensive approach through the law and justice, civil society and health programs (Rec. 78/51)**

#### **Addressing problems in impunity by strengthening law enforcement and the judicial system (Recs. 78/52, 79/48). Undertake a national awareness campaign about the lasting negative effects of gender-based violence (Rec. 78/35)**

#### **Support efforts to create safe places for women who have been victims of gender-based violence (Rec. 78/36)**

117. The Government has developed a number of policies and legislations to promote gender equality.

### **Existing legal framework**

#### *Women and Gender Equity Policy (2011–2015)*

118. The National Policy for Women and Gender Equity provides for women empowerment for equal participation and beneficial in all areas of economic, social, political and spiritual development.

#### *GESI Policy (2013–2015)*

119. The Gender Equality and Social Inclusion (GESI) Policy provides a progressive mechanism for the empowerment of women and girls within the Public Service. The GESI is specifically aimed at promoting, building skills and capacity of women to be leaders in the Public Service and the wider community. It also provides for the protection of women from gender-based violence and exploitation in professional settings.

*Enactment of the relevant legislations*

120. The Family Protection Act 2013 criminalises domestic violence and provides for family protection orders for victims of domestic violence.

121. The National Council of Women Act 2013 provides for equal participation in political and public affairs.

122. The Incorporated Land Group (Amendment) Act 2009 provides for the inclusion of women in decision-making on customary landownership and the management of the land.

123. The Constitutional Amendment No. 32, Equality and Participation Law 2011 promotes equality in political participation, giving effect to the second goal of the National Goals and Directive Principles of Equality and Participation adding “a number of women elected from a single member women’s electorate as defined under an Organic Law”.

124. The Informal Sector Development and Control Act 2004 and the National Informal Economy Policy (2011–2015) provides for the framework to support the informal economic activity which makes up about 85% of the PNG rural workforce, the majority of whom are women.

125. The legal status of the practice of Polygamy in PNG has been referred to the Supreme Court (Polygamy Supreme Court Reference (SCR)) for interpretation of its constitutionality.

*Ongoing developments*

126. The Government has taken steps to review laws to protect women against discrimination and gender-based violence and to promote gender equality in the country. The Government is in the process of completing a Report with recommendations to harmonise CEDAW with domestic legislations.

127. The Government has developed the Papua New Guinea National Strategy to prevent and respond to Gender Based Violence (2015–2025). This Strategy is aimed at strengthening and institutionalizing all initiatives and work on gender based violence in order to achieve zero-tolerance towards gender based violence. The Strategy will focus on the prevention of gender based violence and family sexual violence and on the delivery of quality services to survivors of gender based violence and family sexual violence. It also focuses on strengthening existing structures and interventions based on best practises at national, regional and international levels rather than re-inventing previous work.

*Challenges*

128. Papua New Guinea has made significant progress to date, but has not achieved gender parity in education. Representation of women in parliament is also low. Papua New Guinea is a signatory to several international conventions and instruments to support gender equality and empowerment including CEDAW, MDGs and the SDGs. Targets under these instruments has been domesticated and progress has been made, such as MDG 3 which focuses on the inclusion of women and girls in education and economic and political empowerment. However, Gender Based Violence (GBV) remains a concern as it is endemic which continues to pose major obstacles to development. The Government remains committed to addressing these issues. To a large extent, Gender equality and women’s empowerment are dependent on freedom from violence, and an enabling environment to give all women and girls the opportunity to participate in all aspects of development. The global Gender Development Index and Human Development Index for successive periods persistently continue to place Papua New Guinea amongst the lowest ranking countries in the world.

129. The Gender Parity Ratio for elementary and primary education increased from 85 percent and 79 percent respectively in 2002, to 90 percent and 80 percent in 2014, while for elementary education, gender parity is quite high and has improved over the last ten years. However, enrolment rates for males continue to be higher than females, particularly in secondary education.

## **Violence against women and girls**

130. The Government established a multi-sectoral technical working group which started the process to develop a sexual and gender based violence strategy (Sexual Gender Based Violence Strategy (2015–2020)). The Government has also conducted training programs on sexual and gender based violence for relevant stakeholders.

### **Measures/achievement**

131. Some of the measures being implemented by the Government to address violence against women and girls include:

- The creation of domestic violence centres and family support centre which are accessible in the urban and provincial centres;
- Gender mainstreaming within different government departments through the GESI Policy;
- Criminalising gender-based violence.

## **Sorcery related killing**

**Accelerate its review of the law on sorcery and sorcery related killings and strengthen the enforcement of relevant legislation (Recs. 78/21, 78/22, 79/27, 79/45, 79/46)**

### *Legal Framework*

132. Following a nationwide consultation on the issue of sorcery, the *Sorcery Act* 1971 which provided for sorcery allegations as an offence, was repealed in 2012. Given the nature of serious crimes being perpetrated against alleged sorcerers, a new offence of wilful murder has been inserted into the Papua New Guinea Criminal Code on account of accusation of sorcery and carries the maximum penalty.

### *National Action Plan*

133. In 2015, the Government endorsed the National Action Plan Against Sorcery and Witchcraft-related Violence (SNAP) as a practicable mechanism through which sorcery and witchcraft-related violence can be addressed. The vision of the SNAP is for Papua New Guinea to be free from sorcery-related violence through strengthened partnerships with relevant stakeholders.

134. The Government also endorsed the establishment of national and provincial committees to oversee the implementation of the SNAP in the country. The national committee and provincial committees include relevant stakeholders both from the government and civil society.

## **Women's political representation**

**Take measures to ensure greater representation in Parliament for women (Rec. 78/49)**

**Amend its legislation to include the principle of equality between men and women; Parliament should adopt the equality and participation bill to enhance gender equality in the political sphere (Rec. 79/20)**

*Measures to ensure greater representation in Parliament for women*

135. The Government has enacted the *Constitutional Amendment No. 32. Equality and Participation Law* (2011) which promotes equality in political participation. This law gives effect to the second goal of the National Goals and Directive Principles (NGDPs) of Equality and Participation adding "a number of women elected from a single member women's electorate as defined under an Organic Law."

136. The Government also enacted the *National Council of Women Act* 2013 which provides for equal participation in political and public affairs. The *Constitution* also provides for the principle of equality between men and women in all areas.

137. Recognizing the disparity of women's representation in parliament at the regional level, in 2012 the Pacific Islands Forum Gender Equality Declaration, which Papua New Guinea is a State party, committed to adopt measures to accelerate women participation, such as temporary special measures to establish reserved seats for women and political party reforms. Despite efforts to improve this situation there remains much work to be done.

138. Despite the obstacles, Papua New Guinea has made some progress over the past 3 to 5 years, at both the National and Sub National levels. There are now three female MPs in Parliament compared to one woman in the previous Parliament. Over 20 women were also elected at the last Local Level Government Elections; and Political Parties are getting more women into party leadership. This is due to advocacy from women's groups, development partners including UNDP, EU, USA and Australia.

## **IV. Follow-up and implementation of recommendations and commitments undertaken in the previous review**

**Consider ratification of core international human rights treaties and optional protocols (OP-CEDAW, CAT, OP-CAT, CERD, CRPD, OP-CRC-AC, OPCRC- SC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 1954 Convention relating to the Status of Stateless Persons, 1961 Convention on the Reduction of Statelessness) (Recs. 78/1, 78/2, 78/3, 78/4, 78/5, 78/6, 78/7, 78/8, 78/9, 79/1, 79/3, 79/4, 79/5, 79/6, 79/7, 79/10, 79/11, 79/12, 79/13, 79/14)**

139. Papua New Guinea has made a commitment to ensure the ratification of all core human rights conventions to safeguard and advance the rights of its citizens and it has therefore accepted recommendations to consider ratifying the treaties.

*Optional Protocol to CEDAW (OP-CEDAW)*

140. Papua New Guinea has not ratified the Optional Protocol to CEDAW (OP-CEDAW). However, Papua New Guinea has a number of domestic legislations and policies that are already addressing the issues that the Optional Protocols are aimed at addressing i.e. Domestic Violence is now a crime under our criminal codes, Sexual Violence Act criminalises underage marriage, marital rape, attempt rape etc.

*Convention Against Torture (CAT) and Optional Protocol (OP-CAT)*

141. PNG has commenced the process to ratify the CAT and its Protocol.

*Convention on Enforced Disappearance (CED)*

142. Papua New Guinea has not ratified the CED. There is a need for wider consultation on the importance of this treaty to the country.

*Convention on the Rights of Persons with Disabilities (CRPD)*

143. Papua New Guinea ratified the CRPD on 26<sup>th</sup> September 2013.

*International Convention on Migrant Workers (ICMW)*

144. Papua New Guinea has not acceded to the ICMW. The government is committed to ratifying the Convention on Migrant Workers; however attention is made on current issues faced in the country.

*Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OP-CRC-AC)*

145. Papua New Guinea has not acceded to the OP-CRC-AC.

*Optional Protocol to the CRC – Sale of Children (OPCRC-SC)*

146. Papua New Guinea has not acceded to the OPCRC-SC.

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*

147. Papua New Guinea has commenced the process to ratify the Protocol on Trafficking in Persons. Pending the ratification, however, there have been developments made to the domestic laws to criminalise the act of trafficking in persons and provide protection for victims of trafficking.

*1954 Convention relating to the Status of Stateless Persons*

148. Papua New Guinea has not ratified the 1954 Convention relating to the Status of Stateless Persons.

*1961 Convention on the Reduction of Statelessness*

149. Papua New Guinea has not ratified the 1961 Convention on the Reduction of Statelessness.

**Withdraw the reservations issued to seven articles to the Convention on the Status of Refugees (Rec. 78/10)**

150. The Government has withdrawn the seven (7) reservations to the Convention on the Status of Refugees. In 2013, the seven reservations were withdrawn to address regional issues of asylum and provision of equal opportunities for genuine refugees.

151. The Government has established a Refugee Division within the PNG Immigration and Citizenship Services Authority (PNGICSA) to deal with refugee issues. The refugees in PNG comprise the West Papuan Refugees, Migrants (border crossers) and Asylum Seekers.

152. A National Refugee Policy was launched on the 12<sup>th</sup> October 2015. The Policy outlines five (5) principles that guide Papua New Guinea's approach to managing refugee

issues into the future and meeting its international obligations under the 1951 convention on the Status of Refugees and related 1967 Protocol.

153. The Refugee Division is tasked to implement the National Refugee Policy. This includes removal of citizenship application fees for refugees, refugee status determination process, creating a refugee visa, providing employment opportunities for refugees, regional processing for asylum seekers, and criminalise people smuggling and trafficking.

154. There are over 10,000 to 15,000 West Papuan refugees living in East Awin, Papua New Guinea. The Government has granted 1,300 applicants citizenship through the naturalization process. In offering durable solutions, the Government has also allocated 6,000 hectares of land in East Awin, Western Province for long term Melanesian Refugees to support themselves through traditional farming. Additional land has been acquired for settlement of 3,000 refugees in other parts of Papua New Guinea for the integration of West Papuans in the society.

155. Under the Regional Resettlement Program between the Australian Government a total of 1,200 Asylum Seekers are been processed at Manus Asylum Processing center. 450 Asylum seekers have been granted refugee status and six 6 refugees have been settled in the country.

156. The Government has close and ongoing cooperation with the United Nations High Commission for Refugees, the International Organization for Migration and other International Organizations, for the protection of West Papuan refugees and asylum seekers.

**Improve its cooperation with the United Nations treaty bodies by reporting on the implementation of its obligations under the Conventions it has ratified; namely, the ICCPR, the ICERD, CEDAW and the CRC (Rec. 78/39)**

**Request technical cooperation and assistance for the preparation and submission of reports to the UN treaty bodies (Recs. 78/40, 78/41)**

157. There is reasonable level of ongoing cooperation between Papua New Guinea and the United Nations treaty bodies with regards to human rights protection and advancement. Papua New Guinea has ratified a number of human rights treaties however due to resource limitation the Government is not able to implement and report on all these treaties. The Government remains committed to report on the ICCPR, ICESCR, ICERD, CEDAW and CRC. This can be further strengthened by focused capacity building support in this area from development partners, including the UN system as well as simplified reporting templates which at present are burdensome.

**Extend a standing invitation to special procedures mandate holders as a way of informing and supporting human rights reforms (Recs. 78/42, 78/43) including extending an invitation to the Special Rapporteur on violence against women (Recs. 78/44, 78/45, 78/46)**

158. The Papua New Guinea Government has been open and frank in addressing human rights issues in the country. Papua New Guinea has an enviable track record of allowing UN human rights related Special Rapporteurs visits to the country in the last twenty (20) years unlike many other countries, where we welcomed the scrutiny and the opportunity to interact on these matters as they relate to Papua New Guinea. This is attested by the invitations accepted and visits made to the country by four human rights related Special Rapporteurs, these included the following:

- 3–14 March 2014: Mr Christof Hynes, Special Rapporteur on Extrajudicial, summary or arbitrary executions pertaining to the right to life and human rights protection;
- 18–26 March 2012: Ms Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences, where her findings and recommendations have been made to the Government to address the issues and which are being addressed;
- 14–25 May 2010: Mr Manfred Novak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment related to detention centers, jails and law enforcement entities brutality against citizens and others;
- 23–28 October 1995: Mr Bacre WalyN'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions regarding particularly the Bougainville Crisis.

159. The only outstanding and pending request for the Government is the 25 September 2014 request related to Professor Francois Crépeau, the United Nations Special Rapporteur on the Human Rights of Migrants, to visit the Australian Regional Processing Center in Manus Province. The main objective of the proposed visit to the Manus Regional Processing Center is to assess the situation of human rights of migrants in Papua New Guinea at this Center. It followed on the heels of the adoption of the Human Rights Council resolution 26/19 in Geneva, Switzerland on 26 June 2014. This is pending further consideration by the Government.

#### **Engage civil society in the UPR follow-up process (Rec. 78/75)**

**Implement the recommendations of the Special Rapporteur on the question of torture in order to address the violations to fundamental rights highlighted by him during his visit, notably, the generalized ill-treatment of detainees, the total absence of rights of incarcerated persons, the degrading conditions of detention and the absence of a control mechanism, leading to excessive periods of preventative detention (Rec. 79/29)**

**Circulate and implement the recently adopted rules on the treatment of women prisoners and non-custodial measures for women offenders, otherwise known as the Bangkok Rules, and seek necessary support from such relevant agencies as UNODC and OHCHR (Rec. 79/47)**

160. The Government has engaged and partnered with civil society through the Human Rights Forum in preparation for the UPR report and addressing common human rights issues throughout the country.

161. Human Rights Training for CIS officers have also offered training on best approaches to handling detention and treatment of detainees. The CIS has identified different activities which have reduced prison breakouts, which includes engaging detainees in labourial duties, release programs and provision of adequate food for consumption. Low Risk detainees have been granted leave of absence to integrate in the society again. Although the condition of detention facility do not meet international standard, it is adequately inhabitable and clean.

162. Measures have been taken by the Law and Justice sector to increase the number of judges and magistrates to hear cases of women offenders in Papua New Guinea. OHCHR is currently developing training for RPNGC, including on detention standards and rights of detainees and women offenders.

163. The Government has recently passed the *LukautimPikinini Act 2015* which, *inter alia*, provides for special treatment and care to be given to pregnant inmates and inmates who have children living with them who are under the age of three.

## V. Achievement and challenges

164. Although the Government has faced a lot of challenges in its efforts to promote and protect human rights, the Government has made great progress to domesticate its international obligations under the various core human rights treaties. Some of these achievements and challenges include:

### Achievements

- Enactment and amendments of laws to enhance the protection and promotion of human rights for all;
- Capacity building and training for law enforcement officials and coordination and technical assistance for key law enforcement and implementing government agencies improved detention facilities and conditions;
- Forged partnerships with NGOs, development partners and relevant stakeholders for the effective implementation of programs;
- Coordination and integration of positive programs towards addressing the issues of discrimination in all sectors.
- Increased level of human rights Special Rapporteurs visits to Papua New Guinea in the past decade and implementation of several recommendations from the respective visits.

### Challenges

- Cultural, language and communication barriers in conducting training and awareness for the communities on human rights and related issues;
- The need to strengthening the national structure at the highest level to coordinate follow up and reporting on recommendations for reporting
- Lack of coordination and capacity constraints;
- Need for a central database to monitor, evaluate, collect and manage data;
- Lack of legislation on Disabilities and funding support;
- Resettling and integration of refugees with different cultural and ethnic backgrounds is a key challenge and resource intensive;
- Pursuing efforts with regional and international communities in seeking financial and technical assistance to advance human rights in PNG;
- There is no government body taking a lead on human rights education and with the establishment of the National Human Rights Institute this mandate will be properly defined.

165. The Government is of the view that these challenges can be addressed through enhanced efforts to establish partnerships and network with all stakeholders, including both local and international civil society and NGOs, where provision of assistance in terms of funding, capacity building, and technical nature would be most useful. Nonetheless, national leadership and ownership of human rights protection and fulfilment remains the prerogative of the Government of Papua New Guinea, which is well recognised.

## **VI. Conclusion**

166. The Submission of this second UPR Report by Papua New Guinea Government to the UN Human Rights Commission underscores Papua New Guinea's continued commitment in upholding its international obligations as a State Party to various international legal instruments that protects, promote and fulfil the basic human rights for all people as enshrined in the UN Charter and the Universal Declaration of Human Rights.

167. This report culminates from the recommendations made by the UN Member States in the first UPR Report, tasking the Government of the Independent State of Papua New Guinea to take affirmative action to improve on certain areas in both law and policy that the Member States considered paramount.

168. This report reflects a whole of Government effort in partnership with other relevant non-government stakeholders highlighting the efforts made by the Government in addressing human rights issues in Papua New Guinea.

169. The Government of Papua New Guinea remains steadfast and will endeavour to ensure that appropriate policy and legislations are implemented with a view to fully realize the advancement and promotion of human rights for all in Papua New Guinea.

## **Acknowledgement**

170. The Government of Papua New Guinea acknowledges and extends its appreciation and gratitude to members of the National UPR Taskforce, for their tremendous effort in the preparing this UPR Report.

171. The Government of Papua New Guinea also acknowledges with appreciation the valued support, cooperation and guidance received from the following development partners:

- Office of the High Commission for Human Rights in Port Moresby
- UPR Working Group / UPR Core Committee
- Relevant Government agencies
- Development partners.

## Glossary of Terms and Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CCDA	Climate Change and Development Authority
CEPA	Conservation and Environmental Protection Authority
CRC	Convention on the Rights of the Child
CLRC	Constitutional and Law Reform Commission
COP	Conference of Parties 21
PNG	Independent State of Papua New Guinea
The Government	Refers to the Government of the Independent State of Papua New Guinea
OHCHR	Office of the High Commissioner for Human Rights
OC	Ombudsman Commission
MoA	Memorandum of Agreement
MDGs	Millennium Development Goals 2015
IOM	International Organisation for Migration
NGOs	Non-governmental Organisations
RPNGC	Royal Papua New Guinea Constabulary
UPR	Universal Periodic Review
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UNDP	United Nations Development Program
US Government	Refers to the United States Government
COP21	Conference of Parties (COP-21) of UNFCCC

## References

- Papua New Guinea Vision 2050
  - The *Constitution* of the Independent State of Papua New Guinea
  - Papua New Guinea National Review on the Implementation of the Beijing Declaration and the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the General Assembly (Beijing +20), August 2014
  - Papua New Guinea National Policy on Disability (2015–2025)
  - National Refugee Policy, June 2015
  - Papua New Guinea Policy on Protected Areas 2015
  - Community-based Mangrove Planting Handbook (Mangrove Rehabilitation Project) 2013
  - National Health Policy / Plan
-