

JOINT SUBMISSION DTP ONLINE PROGRAM

NATIONAL PERIODIC REVIEW & UNIVERSAL PERIODIC REVIEW

‘TEAM PORGERA’

SUBMISSION TO:

The National Periodic Review Reporting Team & Universal Periodic Review Reporting Team;

The United Nation’s Office of The Higher Commissioner for Human Rights (OHCHR), United Nations Development Program (UNDP), Business & Human Rights Resource Centre (B&HRRC), Pacific Island’s Association of None Governmental Organisation (PIANGO), Citizen’s Constitutional Forum (CCF) Foundation Fiji, Diploma Training Program Organisers (DTP), University of New South Wales (UNSW), Institute of Global Development (IGD) and The Independent State of Papua New Guinea.

Introduction 1

DTP Online Program Participants:

Group One (1)

We permit our identities; you may be free to use our names to do publication if needs be

1. Karath Mal Waka (**Team Leader & Author**)
2. Judy Layp
3. Janet Pan
4. Peyam Andamale
5. Regina Kuala
6. Cressida Kuala

Group Two (2)

You are not permitted to use their identities however they are compromised on the content of the recommendations;

1. Ruth Tindip
2. Lynn Haris
3. Wendy Parakis

Group Three (3)

You are also not permitted to use their identities, They are also from Porgera however they are compromised on the human rights issues at Porgera, they are also working individually on the same issues that we are working and they are also working with other groups as well as they are writing and doing recommendation in various areas of advocacy;

1. William Kuala
2. Lelly Kisa
3. Everlyn Goupe
4. Jane Dow 1 (she works with companies and she does not want her identities)
5. Jane Dow 2 (she works with government and she does not want her identities)

The Team Porgera in line with the UN’s Vision 2050 target to leave No One Behind. A framework policy designed by OHCHR and It’s our role and a shared responsibility to begin by now. Team Porgera highlights the following after intensive advocacy activities in and around the Porgera mine vicinity in the last Twenty (20) years and other provinces in Papua New Guinea.

Human rights standards and guidelines that correspond to Basic Human Rights & Guiding Principle’s three (3) pillars, Protect, Respect & Remedy are violated by huge multinational companies and Asian-Indian business enter-prices taking our city centres expending into rural areas. Pacific Island countries

This is the joint recommendations made by DTP Online Participants from Porgera; we have selected 20 key recommendations on various issues affecting our daily lives. Our Recommendations are among other recommendations made during the time of National Periodic Review (NPR) and Universal Periodic

Review in 2020;

Author: Karath Mal Waka

degradation, increasing poverty, women and young girls into prostitution, deteriorated kid's education, increase of health and education problems, extra-judicial killings using excessive forces by company (ies) and state hired security forces and for a classic example, Barrick Gold Corporation which is a Canadian Gold Mining Company operating in partnership with Barrick Niugini Limited (BNL) who runs the Porgera Gold Mine. The company had been discharging the raw, toxic mine waste directly into the nearby river systems and polluted the environment for thirty (30) years and the impact is felt when many people got conducted by the mine waste and some got sick and died while others are suffering from chronic painful disease, some even giving birth to deformed babies without limbs or some even giving birth to babies with twin heads. This is just like you experiencing impacts after wars from toxic chemical boom shells.

Even companies from the 37 member states affiliated in Organisation for Economic Cooperation & Development (OECD) takes impunity despite OECD sets out guidelines for multinational cooperation's to adhere to Basic Human Rights & Guiding Principles *Act 2011* looks promising in fact violators. Huge Cooperation's has no respect for Basic Human Rights & Guiding Principles after the law is ten (10) solid years old.

Huge multinational enter-prices take advantage in the weakness of our national judiciary system expending into all corners of Papua New Guinea and the Pacific Region. There are laws that protects our citizen's rights however the penalties are too low and the judiciary is weak in nature. The government of Papua New Guinea enjoys text deductions while citizens suffer the worse impacts while hosting huge multinational cooperation in our communities.

Huge profit making companies claims they are the gate keepers of economic developments in the country. Government benefits from the text deductions whereas citizens are like sheep without a shepherd devoured by Asian Dogs swallowed whole like Chines and Indian Anacondas.

Elites cannot stand and watch our citizens dying mercilessly. The UN has a plan in progress to rescue the entire people living all over the world in which we stand to move towards reaching the UN's 17 Sustainable Development Goals by the year 2050.

Human rights are violated everywhere in Papua New Guinea and the Pacific Island Countries, huge multi-national cooperation's taking advantages of weakness in the judiciary. Government is limited to penalty when rights are violated. Not even a single company adheres to the three (3) Pillars of the Basic Human Rights & Guiding Principles on Business and Human Rights as well as The Universal Declaration of Human Rights *Act 1948*. Multinational enterprises Taking impunity, the government needs to wake up from its' slumber. It is the state duty to Protect, Respect and Remedy if rights are violated. Despite investors are the key people in the community for economic developments but a tough law must be drawn for penalizing perpetrators in Papua New Guinea and the Pacific Region.

We have chosen our homes, some lives in the highlands in between huge mountain terrains, some lives in the low lands while some lives near the coastal waters and some lives in the island waters while some have chosen cities and town centres as their homes. We have the right to live and enjoy our freedom of movement. No one has the right to disturb our freedom of movement.

Human rights violators must face justice by providing remedy according to what degree of harm that a person may suffer. If it means capital punishment then the perpetrator deserves capital punishment. Tough laws must be implemented for the benefit of citizens and their freedom of movement. A remedy or compensation value equivalent to a harm that a person may suffer, a tooth for a tooth or an eye for an eye law must be in placed to protect the rights of the people of PNG and the Pacific Region.

Introduction 2

The Porgera DTP Online Program Participants submits Twenty-One (21) recommendations on behalves of the following Human Rights Organisations in Porgera;

- 2.1 The Porgera United Human Rights Advocacy Forum (PUHRAF) is a group of advocates from leading civil society organisations based in Porgera ranging from a minimum of five (5) years to more than twenty (20) years of Human Rights advocacy field experiences.
- 2.1 PUHRAF unites to discuss possible avenues to create remedy mechanisms that fits the cultural norms and values.
- 2.2 PUHRAF is only a forum to discuss pressing issues and develop key ideas to drive find possible solutions for any pressing issues. PUHRAF is held at any time of the year when any issue pops out in relation to human rights advocacy.
- 2.3 PUHRAF assist the people of Porgera to participate and demand remedy for men, women and children for various human rights abuses that the people of Porgera suffered in the last thirty (30) years while hosting the second largest gold mining in the Porgera area.
<https://postcourier.com.pg/human-rights-advocates-unite/>
 1. Environmental Degradation
 2. Health
 3. Education
 4. Killings
 5. Rapes
 6. Displacement & Arson
 7. Gender lance
 8. Discrimination on women and children
 9. Community Health Care
 10. Crafts & Marketing
 11. Disable & Charity
 12. HIV & AIDS
 13. Business & Human Rights
- 2.4 Human Rights Inter-Pacific Association (HRIPA) is one of the civil society organisations established in 2014 by Karath Mal Waka specifically to combat huge multinational cooperation's and against corrupt government policies and to seek remedy and monetary compensation for mining abused victims. <https://miningwatch.ca/news/2019/5/7/new-ceo-same-human-rights-and-environmental-abuses-barrick-mine-sites>
- 2.5 HRIPA has two (2) administrative arms, the male arm of the HRIPA administration and the female arm of the HRIPA administration. The two (2) arms has two (2) different functions however both are obligated to provide advocacy related to violation of human rights abuses. The female arm of the administration provides advocacy on empowering women and young girls, married and women who are abandoned by their husbands to stand firm for their rights for fair and equal participation in any activity that may arise in their community (ies) for prosperity in their daily life. <https://www.smh.com.au/world/200-girls-and-women-raped-now-11-of-them-win-better-compensation-from-the-worlds-biggest-gold-miner-20150325-1m7ibq.htmlb>
- 2.6 HRIPA provides counselling messages to cease pain and trauma after sexual abuses or gender lance caused by man and boys in the Porgera contex.
- 2.7 HRIPA provides advocacy to cancel government and cooperate abuses in the community (ies) as well as counselling both men and women to protect the environment with a safe and clean home policy mechanism paving way for a healthy home.
- 2.8 HRIPA also taps into providing counselling messages on people with Hiv & Aids, orphanage kids and widows and the disable people that may be from the mining impacted population.
- 2.9 The female arm of HRIPA monitors negative impacts that affect the marginalised population in the mining areas. The HRIPA Female arm empowers women and young girls into advocacy training on Business & Human Rights Training at the community (ies) level, national and the international level.
- 2.10 The female arm of HRIPA provides advocacy on community gender lance violence, sexual violence, mine inflicted sexual harassments, gang rapes by mines security guards, state mobile police and PNGDF missed conduct in duty lines <https://www.thenational.com.pg/we-were->

- [forced-to-have-sex-men-claim/](#)
- 2.11 HRIPA extends into advocacy against corrupt government policies and multinational cooperation's behaviours. HRIPA also stands to protect and promote policies on business & human rights by training locals both men and women to protect human rights for the marginalized population. <https://ramumine.wordpress.com/2010/06/21/new-act-a-toxic-chemical-soup-say-landowners/>
- 2.12 HRIPA deals with people who are affected by environmental pollution, babies with deformed bodies specifically women and young girls who are giving birth to defective babies after getting into contact with mining waste. <https://miningwatch.ca/news/2019/5/7/new-ceo-same-human-rights-and-environmental-abuses-barrick-mine-sites>
- 2.13 HRIPA engages with local cso organisations and international human rights organizations to combat human rights abuses caused by the Porgera mine operations <https://barrick.q4cdn.com/788666289/files/porgera/Correspondence-between-the-Akali-Tange-Association-and-Barrick-Niugini-Limited.pdf>
- 2.14 The Akali Tange Association (ATA) Inc is a grass-root human rights organisation founded in 2004 by James Jimmy Wangia to seek monetary compensation for victims of mining related abuses. <https://sites.google.com/site/akalitange/events/who-we-are>
- 2.15 ATA has two (2) arms of administrations, the male arm of administration and the female arm of the administration. They both work in collaboration to achieve the goals of the ATA which is to seek remedy and monetary compensation.
- 2.16 The Akali Tange Association (ATA) Inc's female arm is administratively run by a female chair lady providing human rights advocacy on mine related abuses supports the male administrative arm of the ATA organisation. The female arm combats for social disorders related to sexual violence cause by the mining activities
- 2.17 Porgera Red Water Women's Association (PRWWA) Inc is a female oriented human rights organisation founded in 2012 by Cressida Kuala and Judy B Layp to combat gross violation of human rights abuses in and around the mining area. PRWWA association provides advocacy on rights of the female population who suffered sexual abuses and environmental abuses caused by mining activities as well as advocacy on environmental pollution <https://www.rnz.co.nz/international/pacific-news/388223/porgera-villagers-lack-access-to-good-water-study-finds>
- 2.18 PRWWA is in contact with government agencies and the international human rights advocating agencies to find amicable solutions that suits meeting cultural standards of compensation. PRWWA begins advocacy in 2016 soon after the Porgera Remedial Programme closed in 2015. <https://ramumine.wordpress.com/tag/porgera/page/4/>
- 2.19 119 Porgera Indigenous Women's Association (119PIWA) Inc is one of the civil society organisation established in 2016 to mitigate seek additional compensation for a total of 119 ladies who participated in a company controlled flawed remedy mechanism which devastated the livelihood of the survivors of sexual abuses. <https://www.nationalobserver.com/2017/04/25/news/mining-violence-survivors-demand-justice-toronto>

Recommendations;

1. Human Rights National Court Trek
2. Free Legal Aid Agency
3. National Human Rights Commission
4. Women Rep In Parliament
5. Disable Rep In Parliament
6. Business & Human Rights
7. Environmental Degradation
8. Health

9. Education
10. Extrajudicial Killings
11. Rapes & Sexual Abuses
12. Displacement & Arson
13. Gender lance, Discrimination on women and children
14. HIV & AIDS
15. Jobs & Employment
16. Unemployment & Free Wages
17. Cheap Labour
18. Free Healthcare
19. Cov-19
20. Business
21. Teach Human Rights Courses In Schools

Recommendation No#1

National Court Human Rights Track

- 1.1 In 2016 second circle of the National Periodic Review verified the National Court Human Rights Court Track Law that give powers to the village court officials to consider cases like domestic violence and anything that relates to civil matters in breach of human rights laws conduct.
- 1.2 The LRC MUST provide a provision that enables citizens to sue huge multinational cooperation's engaged in extractive industries, fishing, logging-farming , factories and goods trading centres in the cities, towns and in the rural areas must also face the National Human Rights Court Track seeking remedy and compensation for being abused. The National Human Rights Court Track must be entertained by the law reform commission for the government to legislate for marginalised citizens' benefits meeting the UN's Vision 2050 and the Sustainable Development Goals.
- 1.3 The National Human Rights Court Track Law must give powers to sue huge multinational cooperation's and huge foreign companies operating shops in the city centres and the huge factories in the country. It is a State Duty to Protect Respect and Remedy if Rights are violated.

- 1.4 The law reform commission must consider the importance of improving the National Court Human Rights Track. The government must develop the National Human Rights Court Track and Develop a Remedy Mechanism that fits the cultural norms and the international standard of cash compensation that is equivalent to monetary values in our culture.
- 1.5 There must be a law that enables victims to sue perpetrators specifically the multinational cooperation's. The National Human Rights Court Track was established in 2011 to enforce and provide remedies for victims only on minor cases like domestic violence and civil unrest cases within clans and tribes.
- 1.6 The human Rights Court Track does not specify the core values of how a victim would find remedy equivalent to harm they suffer. The law societies and the government must legislate by enforcing sub sections that accelerates Human Rights Court Track.
- 1.7 We have a cultural compensation mythology in Enga and the highlands region or even other parts of the coastal areas or even in many countries remedy or compensation is offered. The perpetrator and the victim always resolve to compensation when harm is occurred. The compensation value is based on the social standing of the perpetrator and the victim.
- 1.8 It is the discretion of the victim and the perpetrator to choose what type of compensation mythology and the victim is at liberty to choose one of the three (3) compensation mythologies;
 - ✓ Cultural Compensation Matrix
 - ✓ International Compensation Matrix
 - ✓ Group Compensation Matrix

- ✓ **Cultural Compensation Matrix**
Under the normal highlands culture we have a traditional method of paying compensation when someone is killed or injured. Compensation falls in two (2) stages, sympathy compensation (bell-kol) and full scale compensation. The two (2) compensation falls at two (2) different stages or different times. The sympathy compensation is offered shortly after the incidental day with a less amount compared to the initial compensation.

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.

- ✓ **The full scale compensation is offered after some months or it even takes a longer period minimum of five (5) years or maximum of ten (10) years and even more than ten (10) years but the compensation is always offered. If the compensation period laps then the victim's families and clansmen resolve to vengeance which is bad for both parties.**

- ✓ **Compensation Value**
The compensation value is based on the social standings of the victim and the perpetrator; for example, a victim may be classified as member of a poor family and the perpetrator may be a member of a wealthy family. It is the responsibility of the perpetrator to offer compensation according to his/her social standing values. It restores peace for both parties.

- ✓ **International Compensation Matrix**
The international compensation mythology may be applied subsequent of a full scale judiciary or mediation by the highest court in the country. It is the discretion of the victim to choose an out of court settlement or an order from the court in reference to the country's highest compensation order in reference to a previous order taken from somewhere in PNG or outside of PNG. The victim is also at liberty to seek redress from any highest courts in the world.

- ✓ **Group Remedy or Compensation**
In the Engan Culture group compensation is offered to the landowners if a crime is occurred and for example, if someone from somewhere murders someone in someone else land. The perpetrator offers the group compensation to the landowners of the land in which the incident occurred. Another classic example, if someone drowns or washed away by the river due to bad conditions of the bridge. The person from that land in which the bridge is built is responsible for compensating the person drowned or washed

away by the river.

✓ **Remedy or Compensation Value**

There is no certain value offered as remedy or compensation to the victim by the bridge owner. The bridge owner offers remedy as sympathy to the particular diseased families and tribesmen according to whatever amount on their discretion. There's no value or demands given by the diseased families and tribesmen but it is under the cultural norms and tradition that the sympathy is offered in respect of the diseased person.

- ✓ The government must ratify the National Human Rights Court Track within a period of four-five (4-5) years.

References

1. *See annexure Document By Porgera United Human Rights Advocacy Forum on the issue of Culturally Appropriate Compensation Matrix*
2. *See UPR Report Page 5 paragraph 29*
3. *See Basic Human Rights & Guiding Principle*
4. *See Universal Declaration Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law*

2 Recommendation # 2

Free Legal Aid Office

- 2.1** The Free Legal Aid Office (FLA) service is at the significance of establishing to defend the marginalised population of the country. In some developed countries their governments provides free legal aid services. Free FLA service is always used by those people who do not have the financial capacity to afford lawyer bills. Everywhere in the country lawyer bills are very high and the poor people needs the FLA service in the country. The government must establish a FLA office for the marginalized citizens to seek redress and remedy either compensation at a higher scale if needs be.
- 2.2** In 2011 and in 2012 National Periodic Review & Universal Periodic Review did not cover the importance of establishing a free legal aid office. The government of the day must establish a free legal aid centre for citizens to seek redress, remedy and compensation after stress and abuse in whatever way when a right is abused.
- 2.3** When huge multinational cooperation's cause adverse impacts and as part of state duty to protect against business-related human rights abuse. States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy and compensation.
- 2.4** The government must establish a free legal aid office for victims to get support to seek remedy from huge multinational business enterprises and the state government for miss conduct in office abusing rights of citizens in the country.
- 2.5** We recommend the government to establish Free Legal Aid Office all over the 22 provinces in Papua New Guinea including the Autonomous Region of Bougainville within a period of four-five (4-5) years.

References

1. *Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*
2. *See Annexure Document By Porgera United Human Rights Forum on the issue of Culturally Appropriate Compensation Matrix*
3. *UPR Report Page 5 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.

3 Recommendation No#3

National Human Rights Commission

- 3.1 The National Human Rights Commission is very important for establishing in Papua New Guinea in line with the Paris Principles. The government is already in progress of establishing a National Human Rights Commission in the country as well as establishing in the Autonomous Region of Bougainville.
- 3.2 The government of Papua New Guinea must allow the function of the National Human Rights Commission to work independently meaning the state government must not have access to appointing the office bearers of the National Human Rights Commission.
- 3.3 The National Human Rights Commission must get funding from outside apart from the National Government's budget support and work independently.
- 3.4 The National Human Rights Commission must not get funding from any companies operating in Papua New Guinea including the public offices. The funding sources must come from overseas, donors like UN, EU, Australian Aids, Bigger Banks in overseas and other foreign countries must fund the National Human Rights Commission.
- 3.5 The government must establish the National Human Rights Commission within a period of not more than one (1) year before the Universal Periodic Review in Geneva 2021-2022.

4 Recommendation No#4

Women Rep In The National Parliament

- 4.1 In line with the Un's Vision 2050 SDG No#5 End all form of discrimination against women and young girls, the government of Papua New Guinea is in progress to entertain women and girls representatives in the national parliament however we have seen the government is slow in moving a framework policy that could entertain women and young girls to have equal participation in the national parliament.
- 4.2 The government must design a framework for women and young girls' representatives in the national parliament to actively participate in the legislation of constitutions, debate on issues affecting the female population in the country and on other national issues for the benefit of this country and the population.
- 4.3 Women and young girls must be given the equal opportunity to contest on all electorates including the governor seat, a total of 112 seats must be created for women and girls to participate in the governing of this nation.
- 4.4 The government should not deny the rights of the female population to have equal opportunity. The female population must be honoured with 112 extra seats for decision makings, taking part in debates and to vote for the Prime Minister Seat as well as holding government portfolios.
- 4.5 Both men and women from the electorate must have equal participation for development of the 89 electorates.
- 4.6 The government should establish the extra 89 seats for woman and girls to be voted into the parliament in a period of four-five (4-5) years.

5

Reference

NPR & UPR 2016 verified the issue of female representatives in the national parliament in Papua New Guinea on page 18 paragraph 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.

Universal Declaration of Human Rights Article 21 States Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

5 Recommendation No#5

Disable Rep In Parliament

- 5.1 The issue of people with disability is on the agenda of UN's Vision 2050 to leave no one behind both able and the disable population will have equal participation in all business conducts wherever we live. In many occasions, people with disability are over looked. The government of Papua New Guinea must ratify the convention on the people with disabilities.
- 5.2 The government must reserve two (2) seats in the national parliament for the disable population, one seat for the male people with disability and the other for the female people with disability in PNG.
- 5.3 The two (2) disable rep will have equal participation in the national parliament legislating of constitutions, debates on issues affecting the country as well as managing the affairs of the disables population living all over the country.
- 5.4 The two (2) reserve seats for the disable population must be established within a period of four-five (4-5) years.

6 Recommendation No#6

Business & Human Rights Porgera

- 6.1 The issue of Business And Human Rights at Porgera is at the top of the world, the advocates of Porgera had taken human rights issues out of PNG in the last twenty years. Since 2004 and to date today, the Porgera Gold Mining issues are at the for front of national and international frontiers; successive governments in Papua New Guinea had turned a blind eye on the Business & Human Rights Issues in Porgera.
- 6.2 The government recently levelled all Porgera Human Rights Issues as '*Legacy Issues*' and sidelined the legacy issues.
- 6.3 Porgera is widely known in the global frontiers from gross violation of human rights abuse issues, issues ranging from environmental issues, land issues, extrajudicial killings, gang rapes conducted by local (s) and expert security guards including state mobile police and PNGDF failed in line of duty, environmental degradation cost by seismic activities in the mine, food poisoning, contaminated water and air pollution.
- 6.4 The government must respond to negative impacts by designing a remedy framework policy to compensate hundreds of people affected by the Porgera Mine operation in the last Thirty (30) years.
- 6.5 The government must respond to Business for Social Responsibility Report 2018 and compensate 940 plus other undiscovered cases that are registered through the Barrick Gold Corps' Grievance Office at Porgera in 2015,2016-2019 <https://www.bsr.org/en/our-insights/report-view/porgera-gold-mine-barrick-pathways-to-remedy>
- 6.6 The government must provide remedy for failing it's due diligence breaching Business & Human Rights & Guiding Principles *Act 2011* and the government must advise the management company, Barrick Gold Corp, Barrick Niugini Limited (BNL), Porgera Joint Venture (PJV) & Kumul Highlands Holding Company to set up a remedy framework in responds to BSR Report.
- 6.7 The government must consider the former 119 Porgera Remedial Framework Association members who are survivors of gang rapes who were unfairly treated by the previous flawed remedy framework by offering a fair remedy value equivalent to other eleven (11) ladies who received four (4) times higher than them.

https://www.bsr.org/reports/BSR_In_Search_of_Justice_Porgera_Gold_Mine.pdf

6.8 The government must ratify legacy issues in Porgera and offer remedy and compensation within this year shortly after the reopening of the Porgera Gold Mining.

7 Recommendation No#7

Environmental Degradation

7.1 The Porgera Mine is at a devastating stage. In the previous NPR & UPR Cycle in 2011 & 2016 both covered the topics on environment and the *Environment Act 2000* and in 2015 the Climate Change law was enacted. http://www.paclii.org/pg/legis/consol_act/ea2000159/

7.2 Despite the changes in the provisions of the *Environment Act 2000* and *2015* does not cover any possible avenues that an affected person could seek remedy and compensation from environmental degradation and impacts caused by any conducts of business by foreign multinational companies therefore the government must ratify a convention on the safe clean healthy environment.

7.3 End impunity on the discharging of mine waste directly into the Porgera River and other mining centres by extractive industries. <https://web.law.columbia.edu/human-rights-institute/about/press-releases/Press-Release-Red-Water>

<https://blogs.ei.columbia.edu/2019/03/15/mining-pollution-papua-new-guinea/>

7.4 The government must ratify the convention on the right to remedy for breach of provisions of the environmental act 2000, 2015 and 2020 within a period of four-five (4-5) years.

8 Recommendation No#8

Health

8.1 The health status of Porgera is at a devastating stage, the hospital in Porgera is running low with high cost in medical bills, shortage of drug supplies and medical facilities. Due to the bulk of the Porgera population is affected by the mine waste, the government must respond to the health issues of Porgera by conducting a survey on the health of the people and the environment.

8.2 The rural population in Porgera needs a community health care plan by setting up the following;

- a care centre for pregnant mothers because the people from far distance from the Porgera, Paiyala, Hewa, Yaim, Yalam, Lower Porgera, Maramuni and border areas of Enga and Sepik are dying in the villages because no midwives are present during the time of delivery and the infant mortality rate is high in the health agenda for Porgera
- the hospital service is cut off due to no road networks
- a centre for people with disabilities, elderly people and people with HIV & Aids must be built to cater for them that needs medical assistance
- a mid-wife training program must be attached to Porgera's Health Care Plan

The government must ratify a convention on the **free community health-care plan** to save lives and rescue those people in need of health care within a period of one year

9 Recommendation No#9

Education

9.1 The previous National Periodic Review in 2011 & 2016 covered the areas of right to education however the rural population's Right to education is denied. People in the rural areas outside of Porgera are in need of education. Kids are growing up to man and womanhood without proper education. This is a serious matter when it comes to meet the UN's Vision 2050 agenda of leaving no one behind.

9.2 Education is a need to every citizen's in the country and the government must provide a proper Free Education plan to serve those in need of education. Both young and the adult including the elderly population have the right to free education.

9.3 Education is the key to prefix of learning and the beginning of a life's journey for a person and right to education for the rural population is denied by the government of Papua New Guinea.

9.4 The government had placed a Tuition Free Fund (TFF) in 2012 however the program did not reach the rural population due to no road networks linking the rural population as well as no schools are built in the rural areas.

9.5 The government must ratify a convention on the right to education of a child and right education for people with disabilities.

9.6 The government must continue TFF Policy or Free Education Policy for both young and the elderly population within next year and the years to come.

10 Recommendation Ten (10)

Extrajudicial Killings

10.1 The government must ratify a convention on the Extrajudicial Killings. The government must end impunity on the extrajudicial killings in Papua New Guinea. The government must impose a tough law to penalise the murders in the country. People are mercilessly killed all over the country and even in the Pacific Island Countries including Fiji and Australia.

10.2 In 2016 the National Periodic Review and Universal Periodic Review Covered on the areas on sorcery related killings. The NPR & UPR Program did not cover anything on the issues of extrajudicial killings.

10.3 In Porgera people are mercilessly killed on the Porgera mining related cases. The government must step into put an end to the killings in Porgera as well as other part of Enga Province and in other provinces in the country. Killing is also taking place in the cities and towns centres in the country.

10.4 In Porgera, Porgera Joint Venture Company (PJV), Barrick Niugini Limited (BNL) and Barrick Gold Corp Company hired local security guards, hired mobile police and PNGDF in line of duty are conducting extrajudicial killings in Porgera when defending the mines properties. Hundreds of men and young boys are killed in the Porgera mine taking impunity, no one is penalized for extrajudicial killing, and impunity is taken.

https://www.hrw.org/sites/default/files/reports/png0211_brochure_low.pdf

<http://protestbarrick.org/canadian-firm-admits-to-killings-at-png-gold-mine/>

10.5 More than 940 cases of deaths and injured victims or survivors of Porgera Gold Mining are recorded through the company controlled grievance office at Porgera however few are compensated while others are yet to be compensated. Business for Social Responsibility (BSR) a none profit making organisation from Los Angeles California, USA conduct a survey on the expense of the company and recommended the company and the state government to implement roll out a remedy and compensation on the 940 bag log cases plus other undiscovered cases however the company failed to offer remedy.

10.6 The government must respond to the BSR Report offering remedy and compensation on the 940 plus cases through an improved remedy or compensation framework mythology soon after the reopening of the Porgera Gold Mining. <http://protestbarrick.org/canadian-firm-admits-to-killings-at-png-gold-mine/>

10.7 The government must ratify a convention on the extrajudicial killings conducted by extractive industries using state mobile police, PNGdf and local security guards within four – five (4-5) years.

11 Recommendation No#11

Rape & Sexual Abuse

11.1 In line with the fifth goals of the UN's Vision 2050 states on the Convention of Elimination of all forms of Discrimination Against Women (CEDAW).

11.2 The government of Papua New Guinea must ratify a convention on the rights of women and young girl to move freely and have equal participation in every occasion.

11.3 In the previous 2011 and 2016 National Periodic Review and Universal Periodic Review (NPR & UPR) had covered on the areas of right to freedom of movement for women and our young girls to move freely uplifting the CEDAW

11.4 In Porgera, more than a thousand women and young girls are being raped by the PJV, BNL, Barrick Security Guards had conducted criminal acts of gang rapes. The company takes impunity in the last thirty (30) years.

11.5 The government must ratify a convention on the rights of a women and young girls to receive remedy and compensation for being raped or sexually abused within a period of four – five (4-5) years.

12. Recommendation No#12

Displacement & Arson

- 12.1 The government must ratify the convention on the rights of a person to have a house rebuilt by state on account of torching house belonging to national citizens. The national security is conducting arson activities in many occasions. Everyone lives in a house and it is a right to have a house built by the state. In Porgera more than Two hundred (200) houses belonging to Porgera landowners are being burnt down in three (3) different occasions and many are homeless. <https://miningwatch.ca/news/2014/6/11/villagers-houses-burnt-down-again-barrick-gold-mine-papua-new-guinea> <https://emtv.com.pg/amnesty-international-condemns-burning-of-homes-in-porgera/>
- 12.2 The government must respond to Porgera arson issues affecting the Porgera Landowner Population. The houses were burnt down in 2009, 2013 and again in 2017. <http://www.minesandcommunities.org/article.php?a=12674> The state must respond to the arson issues in Porgera shortly after the reopening of the Porgera Gold Mining either responds within four-five (4-5) years by rebuilding the houses either compensates the houses.

**13 Recommendation No#13
Gender Lance**

- 13.1 The government must ratify the convention on gender equality for women and girls to have equal participation in any social activities. The UN's Vision 2050 and the fifth agenda states to empower women and girls to have equal participation in the communities.
- 13.2 Women with children and young girls are highly vulnerable to abuse in any social conducts, in public offices or in the private sectors. Women and young girls must be protected by our government by legislating provisions that can secure them to have equal participation in any business conducts in life.
- 13.3 Women with children are miss-treated by their husbands by marrying many wives and it needs the government's intervention to legislate tougher laws to protect women with children.
- 13.4 The government must legislate a constitution to protect the female population of the country within a period of four-five (4-5) years.

**14. Recommendation No#14
Hiv & Aids**

- 14.1 The government must ratify the convention on the rights of people living with Hiv & Aids. The UN's Vision 2050 states on the third agenda to reduce the number of people living with Hiv & Aids stands a serious challenge for everyone. The government must provide adequate amount of money to fight against the killer disease.
- 14.2 The government of Papua New Guinea must cater for an orphanage kid who's parent's had died from Hiv & Aids. In Papua New Guinea orphanage kids are always homeless, they have no-one to feed them and cloth them. They lack education and in most cases they suffer discrimination. They need more support to be healthy and educated among other kids.
- 14.3 The government must build care centres for people living with Hiv & Aids and also to look after their kids and their welfare within a time frame of four-five (4-5) years.

**15. Recommendation No#15
Jobs & Employment**

- 15.1 In response to United Nation's Vision 2050 with the motives of leaving no one behind as per the first three (3) UN & SDG agendas, the government must ratify a convention on the right to job and employment for all national citizens. The previous NPR & UPR had not covered the areas of employment for citizens.
- 15.2 The government of Papua New Guinea must provide jobs for every-one both young and old in age. The government is only looking at few people who are educated while the bulk of the population is jobless. The government must find a possible avenue for citizen's to be employed. If the government cannot offer a job in the country then the government must find the national citizen's job outside of the country rather than keeping citizens without job

roaming around the country, for example; the fruit picking jobs are available in Australia, New Zealand, Canada and other parts of the world. It's not only fruit picking jobs but there are other areas that a citizen of PNG may be deemed fit. The government must send citizens to work elsewhere in the world.

- 15.3 The government must ratify the convention on the right to jobs and employment within a period of four-five years

**16. Recommendation #16
Unemployment & Free Wages**

- 16.1 It is the state responsibility for the government to create jobs for national citizens and if the government could not provide jobs for the national citizens then an unemployment wages policy framework must be in-place.
- 16.2 The government must design a strategic plan to roll out an unemployment wages plan for all unemployed citizens in the country
- 16.3 The government must ratify the convention on the right to unemployment and wages for national citizens within a four-five (4-5) years.

**17. Recommendation No#17
Cheap Labour**

- 17.1 The government must ratify the convention on the right to fair & equal treatment to national citizens. The Asian Business enterprises operating shops and factories in Papua New Guinea are using our national citizens with low wages despite the minimum and maximum wages board under the employment act.
- 17.2 Cheap Labour has been a practise for most of the Asians and Indians doing business all over the country and the Pacific Region. After intensive interviews with shop workers and factory workers run by Asians, we found that they are underpaid. It is the responsibility of the state government to monitor the low wages earners in the country.
- 17.3 The government must ratify the convention on the right to fair and equal wages for national citizens within a period of one (1) year or within a time frame of four-five (5) years.

**18. Recommendation No#18
Free Health Care**

- 18.1 The second circle of the National Periodic Review (NPR) & Universal Periodic Review (UPR) had identified the Free Health Care Policy meeting the UN's Vision 2050 on the SDG's third (3rd) agenda. It is the state responsibility to establish the free health care policy.
- 18.2 The government must ratify the convention on the right to free health care. It is the national interest for a citizen to access to free health care service whether it could be in the village or in the towns or in the city centres. All citizens must have free health care service.
- 18.3 The government must ratify the convention on the right to free health care service in the country within this year or within four-five (4-5) years.

**19. Recommendation No# 19
Covid-19/Corona Virus 2019**

- 19.1 The Covid-19 issue is the cross-cutting issue in the country causing the country losing in economic activities. The government's move to challenge Cov-19 cause more negative impacts. The government does not look at the negative side of a month long shut down of all business activities. Cov-19 is here to stay and the government should look into measures of fight against the virus.
- 19.2 Schools are closed and kid's education is disturbed, hospitals are closed and people are dying of curable diseases, stores and shops are closed, banks and ATM Machines are also closed and even the markets are closed early. People are suffering from access to food other goods while public vehicles are limited to few passengers causing people to go late on their destinations.

- 19.3 The government's move to fight against Cov-19 using national security forces lacks wisdom,
- 19.4 The government must take corrective measures in fight against the Cov-19 and ratify the convention on the fight against Cov-19 within a period of not less than one (1) year.

**20. Recommendation No#20
Right To Business**

- 20.1 The government of Papua New Guinea must ratify the convention on the citizens' right to business activities. So far we have seen the current government had initiate an ideal idea of promoting people venture in to business activities in the country.
- 20.2 In the second circle of the NPR & UPR Review Program identified the need to empower women into business. The statistical data for governments input to promote women into business has no success stories however the current government had proposed another Two Hundred Million Kina (K2, 000, 000.00) for national citizens to venture into business.
- 20.3 The government must ratify the convention of the rights of a national citizen to venture in to business within this year and with a time frame of four-five (4-5) years.

**21. Recommendation No# 21
Teach Human Rights Courses In All School**

- 21.1 The government must ratify and enforce citizens learn and adopt Human Rights Principles as one of the core subjects in primary schools to high schools, colleges or any other institutions like policing college, defence force colleges, correctional institution service colleges and private schools must adopt to teach human rights laws and principles as one of the core subjects.
- 21.2 The human rights course must be thought so that people will have respect for each other. In Papua New Guinea crime rates are high on the agenda of human rights violence. People don't respect someone's right.
- 21.3 It is the state duty to ratify the importance of teaching and adopting human rights laws in schools through curriculums that can reshape men and women in the country.
- 21.4 The government must endorse the idea of Teaching Human Rights Courses in all schools and colleges both formal institutions that are run by government as well as the private schools in the country.

Written By Karath Mal Waka on behalf of the Porgera DTP Participants 2021

Due to low in phone data, references are not made to all recommendations, our sincere apologies.